

Ombudsman critical of Council's record-keeping during planning case

The Ombudsman has upheld a complaint about the way planning officials within Causeway Coast and Glens Borough Council dealt with changes to a planning application for a new dwelling.

The complainant, the applicant's neighbour, stated that she only became aware that the new build had been moved closer to her own house when the works commenced. She complained to the Ombudsman that she had not been notified of the changes and that the Council had not dealt with the application properly.

In the complaint she made reference to maps and photographs which showed that the final build was 16 metres closer to her house than the original plan.

During the Ombudsman's investigation the Council said that because the change was not considered substantial, the case officer had used professional judgement and decided not to re-notify neighbours or re-advertise the application. However, having looked at the case, the Council had recognised that this was a mistake. It stated that the Chief Executive had written to the complainant to apologize.

The Ombudsman concluded that there had been errors in the way the application was handled. She found that the case officer's failure to record the reasons for the decision not to re-notify or re-advertise amounted to maladministration.

To comply with the principles of good administration, public bodies need to keep good records of the reasons for their decisions. Records can act as a 'shield' for a public body to defend its actions when challenged. In this case there were no records to show why the change was not considered substantial or what other factors had made the Council decide not to re-notify or re-advertise.

As a result, the complainant was denied to opportunity to comment or object to the revised planning application.

Although the Ombudsman was unable to conclude whether the complainant's objections meant the application would have been refused, it would have at least meant that the final position of the dwelling would have been a 'live' issue.

In recognition of this injustice to the complainant, the Ombudsman recommended that the Council refund her the £510 spent on planning advice in bringing the complaint as well a £2000 consolatory payment for the frustration and anger it caused her, and for the loss of the opportunity to object to the proposal.

The full investigation report can be viewed [here](#).