

The Ombudsman's final decision

Summary: Mr X complains that the Council refused his planning application for a wall. The Ombudsman will not investigate this complaint because he had a right of appeal to a Planning Inspector.

The complaint

1. Mr X complains that the Council refused his planning application for a wall.

The Ombudsman's role and powers

2. The law says we cannot normally investigate a complaint when someone can appeal to a government minister. However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. (*Local Government Act 1974, section 26(6)(b)*)
3. The Planning Inspector acts on behalf of the responsible Government minister. The Planning Inspector considers appeals about:
 - a decision to refuse planning permission
 - conditions placed on planning permission
 - a planning enforcement notice.

How I considered this complaint

4. I have considered the complainant's comments and the Council's comments and Mr X has had an opportunity to comment on the draft decision.

What I found

5. Mr X applied for planning permission to build a wall at the front of his property for security reasons. He says that other properties have similar walls and no action has been taken against them. The planning application was refused.
6. Mr X could have appealed to a Planning Inspector against the decision of the Council. He could argue whether the planning application was appropriate and similar to other acceptable properties in his appeal. I am satisfied that such an appeal would have been a reasonable step to take and so the matter is out of jurisdiction.

Final decision

7. I will not investigate this complaint. This is because there was a right of appeal to a Planning Inspector.

Investigator's decision on behalf of the Ombudsman