

This Factsheet is about complaints about planning applications. It should be read together with our general information booklet about our service.

The Council is the local planning authority for its area (in some areas this is a function of a National Park Authority). Planning authorities are responsible for making decisions and taking action about various planning matters. They have to work within the law, government guidance and the authority's own policy. The Ombudsman may be able to help you with your complaint against a planning authority.

What the Ombudsman can do

He can look at whether there is something wrong in the way in which the Council went about deciding an application for a neighbouring development. This can include the failure to:

- notify you of an application, which may affect you, so that you were unable to object;
- notify other bodies which should have been consulted;
- consult you on amended plans;
- give reasons for its decision to approve an application;
- take your objections into account (this is not the same as not agreeing with your objections);
- take into account relevant planning considerations.

He can look at complaints about your own application, for example:

- incorrect /misleading /incomplete planning advice before making an application which can be shown to have caused significant problems for you;
- the Council did not have a system in place for ensuring that advice it gave was properly recorded;
- the Council failed to make clear that the advice was informal and did not commit the Council to make a particular decision in the future;
- the Council failed to follow the proper procedures or to take into account relevant planning considerations.

What the Ombudsman cannot do

He cannot look at:

- a planning decision which has been properly taken and there is no evidence of administrative fault;
- complaints where there is or was a right of appeal against the Council's decision to the Planning Inspectorate. This can apply where there is delay in deciding an application or where an application has been refused;
- a complaint about an application until a decision has been taken and he can consider the effect on you.

He is unlikely to look at your complaint if it relates to private matters between you and your neighbour – e.g. boundary disputes.

Issues to bear in mind

The Ombudsman cannot overturn the decision or demolish the development even if you are affected, but, if your complaint is upheld, he will consider other ways of reducing any effect on you.

Further information

Planning Aid Wales can give helpful information on planning matters. You can contact them via phone on **029 2062 5000** or via the internet at www.planningaidwales.org.uk

Planning information can also be obtained at <http://www.planningportal.gov.uk/wales/public>

The Council's own website may also contain information about some planning matters.

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do. Examples of cases that the Ombudsman has looked at can be found on our website. Please see www.ombudsman-wales.org.uk

If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:

- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales
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