

# Making a complaint about government departments and services to the Parliamentary Ombudsman

Have you complained to the organisation?

☒ Yes ☐ No

Have you completed the organisation's complaints process and received a final response?

☒ Yes ☐ No

If you have answered no to these questions, you should complain to the organisation first and give it a chance to put things right. For more information on how to do this visit our webpage [www.complainforchange.org](http://www.complainforchange.org). If you are not happy with the organisation's final decision, you can then bring the complaint to us to consider.

If you have been given a reference number by one of our Customer Service Officers, please enter it here:

## Section 1 About your complaint

When did the problem you want to complaint about happen?

Date: 6 Month: JAN Year: 2020

If you can't remember the exact date, you can give us an estimate.

When did you become aware of the problem?

Date: 24 Month: FEB Year: 2020

When did you complain to the organisation?

Date: 24 Month: FEB Year: 2020

If you haven't been able to complain to us within a year of becoming aware of the problem, please tell us why you did not complain sooner.

N/A.

The law says that you should complain to us within a year of becoming aware of the problem. Sometimes, depending on the circumstances, we will extend this time limit. Please phone us on 0345 015 4033 if you have any questions about this.

## Section 1 About your complaint (continued)

### Legal action

Generally, we cannot investigate a complaint if it is or was reasonable for you to take legal action to get an answer to it. This could include going to court or to a tribunal. We will look at whether legal action would be able to fully answer your complaint or give you what you want.

If you have already been to court or are thinking about taking legal action, please tell us about it here as it may affect whether we can investigate your complaint. Please phone us on 0345 015 4033 if you have any questions about this.

Are you taking, or planning to take, legal action about your complaint?

Yes

✓ No

If yes, please give us details of any legal action you have taken, or are planning.

Who are you complaining about?

What is the name and address of the organisation you are complaining about?

The Planning Inspectorate.  
Temple Quay House,  
2 The Square,  
BRISTOL  
BS1 6PN.

## Section 1 About your complaint (continued)

### The details of your complaint

Briefly tell us what your complaint is about. Tell us what happened, when and who was involved.

This planning application was controversial from the start in Nov 2018. When it went to Appeal in Nov 2019 I assumed that the Planning Inspectorate would provide a professional review of all the information. Instead I experienced:

1. Obvious mistakes in the Appeal documentation being ignored, in particular that the Appellant is a dissolved company that has no connection with the land owner;
2. Procedures not being followed, in particular my submission was not copied to [REDACTED] District Council and the Appellant, and this continued despite this mistake being pointed out;
3. My submission (written by my planning consultant) being either overlooked or given insufficient weight by the Inspector;
4. A complaint process stacked against me, powerless to take on the Inspectorate through a judicial review, and with the Inspectorate backtracking on their promise to give me a written assurance from the Inspector.

NB: My request for a final reply dated 17 Apr. (attached) provides details.

Did the organisation miss any of the issues you raised in your complaint?

You may not be satisfied with their answers to your complaint but we need to know if their response missed anything you raised in your complaint to them.

Yes

☒ No

If yes, please tell us what points you raised in your complaint that their response failed to answer.



## Section 1 About your complaint (continued)

How have you, or the person you represent, been affected by what has happened?

I feel as though I have suffered an injustice when I was looking for the Planning Inspectorate to bring a sense of order to the previous proceedings. I didn't do all the hard work over Christmas and New Year just to have my submission 'go missing'.

This has undermined my trust in Government, in particular the Planning Inspectorate. I have also now discovered that the Court system is stacked against those people who don't have deep pockets.

This all happened just before we entered the present crisis - what hope is there for the 'system' now?

If we are able to take on your complaint, what are you hoping we can achieve?

- Ideally I'd like to see the Appeal decision voided and for it to be re-determined without the gross procedural flaws.
- Procedures and guidance should be improved to avoid this happening again.
- Compensation for my wasted time and the professional fees that I needlessly incurred.
- Restore trust in our system of governance.

We may recommend that organisations explain and apologise, change their procedure and, if appropriate, pay some compensation. Please use this space to explain what you want to happen as a result of your complaint. Note: if we do not think that we can achieve what you want, we will let you know.

Please attach a copy of the final decision letter from the organisation.

## Section 2 About you

Please fill in your details even if you are complaining on behalf of someone else.

Title Mr, Mrs, Miss, Ms, Dr, Other: **MR.**

First name: **NICHOLAS**

Surname:

House number or name:

Street name:

Town or city:

Country:

Postcode:

Daytime telephone number:

Alternative contact number (optional):

Email:

How would you like to be contacted? (optional)

☒ Phone ☐ Mobile ☒ Email ☐ Post

Is there anything we can do to make it easier for you to access our service? (For example, you may want to receive information from us in large print.)

Are you making a complaint for someone else?

If yes, please go to page 7.

If no, please go to section 3 on page 9.

## Section 2 About you (continued)

What is your relationship to them?

I am their spouse or partner

I am their parent or guardian

I am their child

I am their carer

Other

What is your relationship to them?

The person is a child

They aren't well enough to do it

They haven't the ability to do it themselves

My partner would prefer me to do it

The person has died

Other

If you are complaining for someone who cannot complain for themselves, we must consider if you are the right person to act on their behalf. We normally need their agreement for this.

Please see section 3, page 9.

## Section 2 About you (continued)

About the person you are making the complaint for

Title Mr, Mrs, Miss, Ms, Dr, Other:

First name:

Surname:

House number or name:

Street name:

Town or city:

Country:

Postcode:

Daytime telephone number:

Alternative contact number (optional):



### Section 3 Authorisation

Please look at my complaint.

I agree that you can get all the relevant papers, so you can look into my complaint under the *Parliamentary Commissioner Act 1967*.

Your signature:

Date:

30 APR 2020

If you are complaining for someone else, they must sign below if they can.

I agree that \_\_\_\_\_ can complain for me and that the Ombudsman service can obtain the information it needs to look into my complaint under the *Parliamentary Commissioner Act 1967*.

I understand that this may mean that my representative will be able to see personal information the Ombudsman service obtains for the investigation.

The signature of the person you are representing:

Signature:

Date:

### Section 4 To the MP

The person making the complaint must fill in this section.

To \_\_\_\_\_ MP, House of Commons, London SW1A 0AA

Please consider the complaint described on this form and any information attached.

**Please ask the MP to complete section 5 and send this complaint to the Parliamentary Ombudsman.**

Nick [REDACTED]

From: [REDACTED]  
Sent: 20 April 2020 15:47  
To: Nick [REDACTED]  
Subject: RE: Acknowledgement 3240251

Dear Mr Hall

I refer to your email below and, as requested, confirm that your complaint has been escalated to myself, as a manager within the Inspectorate's complaint service for response.

I note that you are no longer seeking to resolve your concerns through legal challenge and the reasons for that. Although that is not a matter for my comment, I repeat our conversation from your visit to Temple Quay House that the Inspectorate's complaint remit is narrow (restricted to errors of fact and process) and that we cannot review the planning judgements made by the Inspector, provide you with legal advice or subject the decision to the type of legal scrutiny that may happen through a legal challenge. Whilst our complaint service also has no powers to amend the appeal decision, where we do find errors by the Inspector/Inspectorate then we will apologise and will try to correct those and prevent recurrence.

At the outset I acknowledge, as has Mr [REDACTED] that the Inspectorate made a procedural error in their processing of your appeal representation. Specifically, your representation, although duly made, was not copied to either the appellant or the local planning authority. The extent of that error is heightened by your having drawn this matter to our attention whilst the case was still live and when it could have been fully resolved. Although the Inspector clearly considered, on the information before him, that the appeal could be allowed, I acknowledge that you (and the appeal in general) has suffered from the potential prejudice of loss of further comment (if any were to be made) from the appeal parties in respect of your representation. I therefore repeat the apology for our error – and note that our operations team have also been made aware that your complaint is upheld so they can consider any individual performance and strategic actions as a result of this.

As required as part of the complaint investigation, we have shown you the audit log from the electronic case file that demonstrates the Inspector opened your representation before reaching his decision, and (acknowledging that it was not automatically filed in the correct appeal subfolder) have relayed assurance that the Inspector considered your representation as such before reaching his decision. Although I do not necessarily consider that it was expressly offered in Mr [REDACTED] emails below, I am sorry if you were expecting a direct statement/response from the Inspector. However, and as I recall mentioning to you when you visited Temple Quay House, responsibility for investigating and replying to complaints rests with the Inspectorate's Customer Quality Team - and direct engagement with the Inspector is not a service that we offer. On that basis, I am satisfied that [REDACTED] has appropriately investigated your complaint and replied to you in accordance with our complaint service remit. Separately, you also have our response to your pre-action protocol letter (which also provides further defence of the Inspector's decision letter). Therefore, and although I appreciate that you still feel that the inspector failed to properly consider your representation, other than to repeat that the only means of fully resolving this lay through pursuing a legal challenge this is not an area where I can uphold your complaint.

In a similar regard, I note that your representation provided information to the Inspector regarding the status of [REDACTED]. The Inspector therefore was aware of this information when reaching his decision - as well as the appellants assurance regarding this. Other than to note that the relevant information was before the Inspector, it is beyond the remit of the Inspectorate's complaint service to rule whether this matter should have been fully resolved in the Inspector's decision.

With regard to the other points that you make, I note your concerns about getting your voice heard at the application stage and also took, from our discussion when you visited, the wider issues behind that. Whilst I appreciate that this increases the significance of the appeal to you, and therefore can only have increased your disappointment regarding our error, the processing of the application are not matters which fall within the remit of our complaint service. I also note that it appears that you struggled to gain access to information from the Council, but that this is not a requirement placed on the Inspectorate. Nor (outside of our administrative error which would



have been unknown to the Inspector) does access to appeal and application information appear to have been an outstanding issue that required the Inspector's intervention before he could reasonably determine the appeal.

Finally, as you note, it is publicly acknowledged that the Inspectorate has a backlog of appeals and has been working to improve the timeliness of our determination of appeals to improve our customer service. Although we are in the process of developing and fully implementing a new casework system, the appeal subject to your complaint was not processed on that new system. With regard to the recruitment of new Inspectors – these remain carefully selected, trained and supported in their induction to casework. In the absence of fully resolving your concerns regarding the decision through legal challenge, there is nothing to suggest (outside of our procedural error) that the Inspector's decision and reasoning are flawed in this case.

To conclude, I do recognise that our acknowledged error (the failure to copy your representation to the local planning authority and appellant) makes it difficult for you to accept the appeal decision as fairly made, and the justification for that given this procedural error. However, to the extent that our complaint remit allows, I cannot uphold your other grounds of complaint. Should you remain dissatisfied, and consider that there has been maladministration in the handling of your complaint, then you may now wish to escalate this matter to the Parliamentary and Health Service Ombudsman. Further information is available on their website – [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

Yours sincerely

[REDACTED]  
Customer Team Manager



The Planning Inspectorate

Putting the customer at the heart of everything we do.

Email: [feedback@planninginspectorate.gov.uk](mailto:feedback@planninginspectorate.gov.uk)  
Complaints line: 0303 444 5884

twitter: @PINSgov

web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)

This communication does not constitute legal advice. Please view our Information Charter before sending information to the Planning Inspectorate.

From: Nick [REDACTED]

Sent: 17 April 2020 09:49

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Acknowledgement 3240251

Dear [REDACTED]

As you are aware on 27 March 2020 my solicitor issued a Pre-Action Protocol letter. Given the present uncertainties and with limited funds the burden of legal fees meant that I could not pursue the action through the legal system. The matter is no longer subject to a high court challenge.

Regarding my ongoing complaint I don't believe that the Planning Inspectorate has adequately responded to it. Moreover I believe that I have suffered an injustice.

In all good faith, I as a local resident, tried to have my voice heard at the Parish Council in Jan 2019 and was thwarted. This was investigated by [REDACTED] Council's monitoring officer and fully described by the Planning Officer in

her report. Subsequently I commented on the original planning application and then spoke at the [REDACTED] Planning Board.

The important drainage drawings (PL 3994/6 and PL3994/7) were only made public, by being posted on the Council website, after I contacted the Planning Officer in Oct 2019.

After the Appeal was lodged, at my own cost, I commissioned a planning consultant to address some of the discrepancies in the original Planning Officer's report, rebut the Appeal, and also provide additional detailed observations and evidence. I attach a copy of my planning consultant's submission (without appendices) should you need to refer to it.

I feel quite aggrieved that after working hard over the Christmas and New Year period, to meet the 6 Jan 2020 deadline, my submission went missing in your system. Moreover you can hide behind the assertion that the Inspector is deemed to have fully considered my submission but it doesn't feel that way to me.

When we met on 4 Mar 2020, and in emails dated 6 and 10 Mar 2020, you promised that I would be provided with a written assurance from the Inspector that he had considered our submission. Then on 27 March you backtracked on this commitment.

In your email dated 6 Mar 2020 you admit to the failure to copy my submission to [REDACTED] Council and the Appellant which breaches your guidance (sections 5.9 and 5.12). This was compounded by your case officer stating on a number of occasions that this had been completed – the latest being 10 Feb 2020.

You tried to avoid the uncomfortable question that the Appellant, [REDACTED] is a dissolved company until I raised the issue again on 31 Mar 2020. You replied to state that on 4 Nov 2019 the Appellant's planning agent had confirmed to the Planning Inspectorate that [REDACTED] was the proprietor of [REDACTED]. This is not correct. Surely your case team could have validated this fact from Companies house in a matter of minutes. [REDACTED] is owned by [REDACTED] as stated in paragraph 23 of my submission. I am reassured that the Inspector saw our "representation about the status of Worthy Farm Ltd and considered it when reaching his decision."

Your offer of "sincere apologies", for not copying my submission to the LPA and the Appellant, is derisive given the effort I have been through to follow due process since Dec 2018.

From the Planning Inspectorate's press release dated 28 Jan 2020 it appears that for the last year or so the Planning Inspectorate has been under pressure to dramatically reduce the time taken for Appeal decisions, as well as relieving a backlog of Appeals and Inquiries. Strict timetables have been introduced. The Appeal Case Portal was only trialled last summer and introduced in the Autumn. Also you have recruited or contracted many more Inspectors – moving the experienced Inspectors to the 'complicated' cases. With this in mind have my rights suffered from the case being rushed through a new portal under the supervision of a newly recruited Inspector?

In conclusion I don't believe that you have adequately responded to my complaints and in line with your guidance Q.3.10 I request that a senior manager reviews my complaint and sends me a final reply.

Regards

Nick Hall

[REDACTED]