



4 Oct 2020

Case worker
Parliamentary and Health Service Ombudsman
Citygate
Mosley Street
Manchester
M2 3HQ

Dear 

Ref: Complaint about Planning Inspectorate 

Thank you for your letter dated 24 September 2020 outlining your decision not to investigate my complaint. I left a voicemail for you on 28 Sept, followed by an email. To avoid further delay I am outlining in this letter why I don't agree with your decision and to ask you to reconsider.

There are two major reasons why I believe that you need to investigate my complaint:

- a. any judicial review would have been too expensive (for a third party such as me);
- b. remedy via a judicial review in the courts would only have addressed part of my complaint;

Moreover I don't agree with your assertion that, regarding the error it made in handling my submission, the Planning Inspectorate's "has done what it can to put this right".

Legal Remedy

After my submission had been 'mislaidd' I quickly discovered that the only way to overturn the Planning Appeal decision was by judicial review and that this needed to be started within six weeks. There is now no legal route to answer my complaint.

As you know I did seriously consider pursuing a judicial review but the estimated costs would have been too much for me personally. My legal costs were estimated at £40,000 and presumably the Planning Inspectorate's would have been similar or more – I couldn't take the risk of losing at least £80,000. Section 3 of your guidance states that you will take into account factors such as how much it might cost me – have you considered how expensive it would have been to pursue a legal challenge (of a Government Department I might add)?

Other parts of my Complaint

You state that the PHSO can look into complaints about maladministration including whether the correct process was followed. Surely you don't need a judicial review to:

- investigate why a government department failed to establish that the Appellant was a dissolved company with no connections to the proposed cattle building;
- investigate how my submission went missing in a government IT system and then even after it was pointed out to them on two occasions they failed to follow the correct procedures;
- etc.

These errors are not just frustrating - they have undermine the whole basis of the Appeal. I am amazed that you think that the Inspectorate has dealt with my concerns appropriately. Doubtless the dreadful IT system and shortage of Inspectors had an impact.

I'm not optimistic that you will change your decision and so please can you give me details of how I pursue this further within PHSO.

Yours sincerely


Mr N J Hall