

The Ombudsman's final decision

Summary: We will not investigate this complaint about pre-planning application advice given by the Council. Further investigation is unlikely to lead to a different outcome. Nor can we achieve the outcome the complainant is seeking.

The complaint

1. The complainant. I shall call Mr X, says the Council:
 - Delayed in provide pre-planning application advice to him; and
 - Has confused the information he provided and government guidance.
2. He wants the Council to:
 - reissue its guidance to him to confirm he does not need planning permission; and
 - publish details of exactly when installation of solar panels requires planning permission and when it does not on its website.

The Ombudsman's role and powers

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We do not start or may decide not to continue with an investigation if we decide:
 - further investigation would not lead to a different outcome
 - we cannot achieve the outcome someone wants.

(Local Government Act 1974, section 24A(6))

How I considered this complaint

4. I considered information provided by Mr X and the Council.
5. I considered the Ombudsman's Assessment Code.

My assessment

6. Mr X requested pre-planning application advice on installing solar panels on his home which is in a conservation area.

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7. In its response to Mr X's complaint, the Council says he did not provide enough information with his request to enable it to make an informed decision. Therefore its' Officer set out the relevant planning legislation and criteria. However, as he had provided more information, it confirmed it considers Mr X must put in a full planning application.
 8. Mr X says the Council delayed in providing the information and its advice that he needs planning permission for solar panels is wrong.
 9. The Council's website says it aims to provide advice within twenty working days. It does not change for the advice Mr X is seeking. It has apologised for not meeting this timeframe due to staff sickness.
 10. Mr X says the Council's advice that he requires planning permission to install solar panels is wrong. And then it is confusing a roof for a wall.
 11. We consider complaints about administrative fault. The Council failed to provide Mr X with pre-planning application advice with the timescale stated on its website. It apologised for this and I consider this is an appropriate remedy to this part of the complaint.
 12. It is clear Mr X disagrees with the Council's interpretation of the government guidance on installation of solar panels in a conservation area. However, it is not our role to adjudicate on disputed points of law. Nor can we require the Council to publish information on its website.
 13. Pre-application advice is not binding, it is for Mr X to decide whether to apply for planning permission to install the solar panels.

Final decision

14. We will not investigate Mr X's complaint because the Council has apologised for the delay in its response to his enquiries.

Investigator's decision on behalf of the Ombudsman