

SUMMARY OF REPORT ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN ON 16/52007 AGAINST THE LONDON BOROUGH OF HOUNSLOW

Planning

London Borough of Hounslow (05/A/14008)

Maladministration causing injustice

Hounslow Council's Heston and Cranford Area Planning Committee took irrelevant matters into account and failed to give weight to the Council's own policies and planning guidance when it decided not to take enforcement action against unauthorised development, found the Ombudsman. He found fault in the way the decision was taken, and recommended that it be reconsidered by a different committee.

He said "It appears that there is still a need for training about planning matters for the members of this committee," as information about the decisions of the Heston and Cranford Area Planning Committee suggested that this was not a solitary lapse.

'Mr Smith' and 'Mr Jones' (not their real names) lived in a conservation area. They complained about the way that the Council decided not to take enforcement action against a neighbour who had built a rear garage and added features to his house without planning permission. The development has had a detrimental effect on Mr Smith's and Mr Jones' enjoyment of their own homes, and they consider that it has reduced the value of their properties.

The Council investigated Mr Smith's complaint and agreed that that the development breached the Council's policies and guidance for building in conservation areas and was detrimental to the local street scene. They made a recommendation to the Heston and Cranford area planning committee that enforcement action should be taken to make the neighbour remove the garage and other unauthorised features.

The area committee decided not to take action. In doing so, they took into account irrelevant matters and factually inaccurate information. They gave little weight to the Council's policies and planning guidance. Some members of the committee had received no training in planning issues. One of the reasons given for their decision was factually inaccurate.

Mr Smith and Mr Jones were disappointed with the Council's failure to consider the matter properly and had to make great and prolonged efforts to have the decision reconsidered.

A review of the Council's records revealed that in recent years this area committee had refused a higher proportion of officers' recommendations to take planning enforcement action than the Council's other area planning committees, and that concerns about this committee's planning decision making had been raised in a report to the Council's Executive Committee by its Scrutiny Committee in 2003.

The Ombudsman found maladministration causing injustice and recommended the Council to:

- put this case to the Council's Sustainable Development Committee for it to consider afresh whether it would be expedient to take enforcement action;
- pay Mr Smith £500;
- pay Mr Jones £500; and
- review the report and recommendations adopted by its Executive in 2003, to see what can be done to build on this report and ensure the implementation of its decisions, and when this has been done, to write to tell the Ombudsman what further action the Council proposes to take.

16 May 2007