

West Devon BC
Decisions made in period (Apr 2015 - Mar 2016)

Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes
1 14 018 287 14 018 286 13 021 291	Planning, enforcement, engineering	Proposed drainage scheme not adequate for major development and insufficient done to ensure adequate on-going maintenance of drainage system by developers	29 April 2015 30 April 2015 2 June 2015	Council at fault.	<p>The Ombudsman's findings were that the Council was at fault because:</p> <ul style="list-style-type: none"> • The Planning approval failed to ensure developers had to implement approved drainage scheme and the Council did not consult with EA. • Development not properly authorised • Failure to consider the effect of moving complainant's house at the planning approval stage leaving insufficient space for necessary SUD in front and failure to record reason for the decision. • Misleading Members about having discharged the drainage condition. • Council failed to give timely information to potential mortgage lenders. • Complainant unable to use his garage for 6 years because of wrongful information from the Council. <p>The Council accepted that it was at fault and accepted the Ombudsman's recommendations in this matter, which were:</p> <ul style="list-style-type: none"> • Cases 14 018 287 and 14 018 286: <ul style="list-style-type: none"> o Apology to both parties 	<p>Council worked hard in last 6 months to find resolution. Both developers have now signed maintenance contracts for the improved drainage systems now in place. Review of complaints process has helped to alleviate defensive culture re complaints.</p> <p>The Council says it is confident that since these decisions were taken its practices have improved and the same mistakes are unlikely to occur now. It has nonetheless agreed to share and discuss with officers and senior management the errors identified here so procedures may be reviewed and it can continue to improve.</p>
2 14 020 303	Planning	Incorrect pre-app planning advice led to customer making a prior notification app which was not appropriate	29/09/15	Fault	<p>Council gave incorrect pre-application planning advice which led to an inappropriate prior notification application being made. Closed early because Council acknowledged fault and suggested remedy at earliest stage. Council's remedy was: to apologise; refund pre-app fee of £80; ex-gratia payment of £100 in recognition of poor service</p>	<p>Changes made to DM has resulted in less locum planners used. Also has tidied up procedures and CoP lead for DM has greater overview of specialists</p>
3 15 009 981	Planning	Delay in processing planning application	30/09/15	Not investigating	<p>Complainant has recourse to approach Planning Inspector. We have no record that this happened.</p>	<p>Improvements in set up with DM has impacted on delays, and hope to increase impact soon. Trying to maintain consistency of specialist to applications.</p>

Members of O&S have previously considered this matter

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4	15 011 192	Enforcement	Planning breach reported - tanning business opened up in central area when he hadn't thought he'd be allowed to. Council took no action	01/04/16	Not investigating	Unlikely to find Council at fault. Complainant's advice not to apply for same site in town was from his agent, therefore not fault of Council. Following complaint re tanning shop in town, Council accepted there was a planning breach however, after investigation, decided enforcement action not expedient.	n/a
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