

**Summary of a report issued under section 21 of the
Public Services Ombudsman (Wales) Act 2005
Case Number: 201400990
Denbighshire County Council**

Mrs E complained about the manner in which The Council considered a planning for a proposed dwelling on the site to the rear of Mrs E's property. Mrs E said that there was a failure to properly interpret and apply relevant legislation, policy and guidance. She also complained that the Council did not give good reason for deciding the application contrary to policy.

The investigation found that the Council had failed to complete the validation process properly, resulting in the committee not being aware of the potential scale of the property preventing proper consideration of some of its policies. It also found that members had failed to properly interpret one of the Council's policies, resulting in the classification of the application as infill development.

- a) the Council ensures that its validation process is updated to ensure that it takes into account the statutory requirements set out in article 3 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- b) The Council shares this report with the planning committee and arranges additional training for the Planning Committee which encompasses the failings identified in this report.
- c) The Council ensures that it accurately records reasons given for decisions taken which are contrary to Officer advice.
- d) based upon the findings in this report, the Council considers whether it is appropriate to revoke the permission it has granted.

- e) I recommend that, if following on from d), the Council ultimately determined not to revoke, then within one month of the completion of the development, the Council instruct the District Valuer to assess the impact of the development on Mrs E's properties and pay her an amount which equates to the difference in value before and after the development.

The Council has agreed to implement the recommendations as set out.

15 September 2015