



Ministry of Housing,
Communities &
Local Government

Rt Hon Christopher Pincher MP
Minister of State for Housing

**Ministry of Housing, Communities and Local
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22 March 2021

Sarah Jones MP
House of Commons
London
SW1A 0AA

Dear Sarah,

Thank you for your letter of 29 January to Luke Hall MP, on behalf of your constituent Derek Ritson about holding Local Planning Authorities to account. I am replying as Minister of State for Housing. I hope you can understand that due to the role of ministers in the planning system, I am unable to comment on specific cases, but I hope your constituent will find the following information useful. Please accept my sincerest apologies for the delay in responding to you.

The right of appeal recognises that, in practice, the planning system acts as a control on an individual's use of land that they may own. As a result, the Government believes it is right that they have the option of an impartial appeal against the refusal of planning permission, or failure to determine an application. While there is only a right of appeal for those applying for planning permission, the planning system is centred on community involvement. It gives statutory rights for communities to become involved in the preparation of the Local Plan and neighbourhood plans for the area, and to make representations on individual planning applications, and on planning appeals. Plan preparation is the best way for communities to have their say and guide future development in their area, as local plans and neighbourhood plans form the basis for decisions on planning applications under planning law.

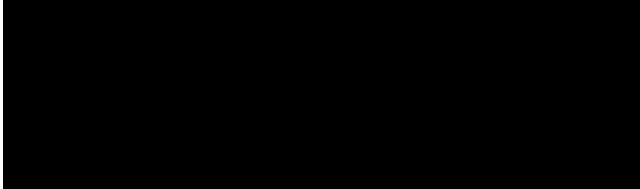
Ultimately, local authorities are accountable for their actions to their electorate and must act within their statutory powers. There are procedures for making a complaint if your constituent is unhappy with the way in which a planning application has been handled. All local authorities have a complaints procedure and I note that your constituent has followed this process.

Following this, your constituent has made a complaint to the Ombudsman. The Local Government and Social Care Ombudsman is charged by Parliament with the investigation of complaints by members of the public, or those acting on their behalf, who have suffered personal injustice arising from maladministration by local authorities. The Ombudsman has produced guidance for his staff to provide a clear and consistent interpretation of the legislation that affects their work. Page 33 sets out the conditions under which a voluntary group such as a residents' association may make a complaint on behalf of a member of the public, and page 75 details the legal bar on complaints which affect "all or most" of the residents of a local authority. This 'Guidance on Jurisdiction' has been published online to improve transparency about how the organisation operates and can be found at: <https://www.lgo.org.uk/information-centre/staff-guidance>.

If your constituent believes that a local authority has failed to follow the law, or its own stated policies, they may wish to bring their concerns to the authority's Monitoring Officer. It is the role of the Monitoring Officer to ensure the authority abides by the law, and its own stated policies at all

times. The Monitoring Officer has a statutory role in reporting on matters which are, or which they believe to be, illegal or amount to maladministration.

Thank you again for your letter. I hope your constituent finds this information helpful.



RT HON CHRISTOPHER PINCHER MP

