

EXECUTIVE SUMMARY

Authority: Caerphilly County Borough Council

Category: Planning and building control

What happened (the complaint)

1. Mr Y complained that the Council had granted planning permission for a residential development of 4 houses next to his petrol station business without taking into account the safety implications. Mr Y said that the petrol storage tanks were situated near to the boundary of the proposed development site and this created a safety risk particularly in respect of the nearest house. The Council said that its normal procedure was to consider the siting of such tanks when they were actually on the site to be developed, not on neighbouring sites. They have subsequently amended this policy. They also said that Mr Y had been notified of the development in accordance with planning legislation and he should have raised his concerns at this point. Mr Y complained to the Council when he noticed that work had started on the site in close proximity to his petrol storage tanks and he contacted the Council. Subsequently a fire-resistant wall has been erected to separate the residential development from the petrol station.

The Ombudsman's view

2. The Ombudsman's view was that the Council should have considered the safety implications of the position of the petrol storage tank. This constituted a material consideration for planning purposes. The Council should not have relied on Mr Y raising such safety issues. However, the Ombudsman felt that the subsequently action of the council, once it became aware of the problem, was adequate.

Injustice

3. Mr Y had been caused unnecessary anxiety about a safety risk to his business which could have been avoided if the location of the petrol storage tanks had been considered at the planning stage. He had also taken considerable time and trouble in making his complaint to the Council and then to the Ombudsman.

Outcome

4. The Ombudsman welcomed the change in the Council's policy on considering such planning applications. He recommended that the Council pay Mr Y a sum of £1000 in recognition of the anxiety caused to him about the future viability of his business.