

by Regulation 31. An appeal under Regulation 117(a) states that the claimed breach which led to the imposition of the surcharge did not occur. Regulation 67 explains that a Commencement Notice must be submitted no later than the day before the day on which the chargeable development is to be commenced. In this case, the appellant submitted an Assumption of Liability Notice and a Commencement Notice on 16 December 2016 stating a commencement date also of 16 December 2016. It appears the appellant completed on the purchase of the land on that date and obtained permission from the previous owners (Barton Estates Ltd) to carry out demolition works in advance of completing the purchase. The Council have consequently taken this date to be the deemed date of commencement in the Demand Notice.

3. The appellant argues that he was not aware 'demolition' formed part of the development and contends that development did not actually begin until 16 January 2017. However, that being the case it is not clear why the date of commencement is given in the Commencement Notice is 16 December 2016. Nevertheless, notwithstanding this contradiction, Section 56 (2) of the Town and Country Planning Act 1990 explains that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Section 56 (4) gives examples of what 'material operation' means and includes in section 56 (4) (aa) "*any work of demolition of a building*". Therefore, as the appellant carried out demolition works, it follows that he began work on the chargeable development before submitting a Commencement Notice or an Assumption of Liability Notice.
4. Therefore, while I have some sympathy with the appellant if he was not aware 'demolition' was a material operation that is construed to be development, the inescapable fact is that the alleged breaches of planning control occurred. In these circumstances, the appeal cannot succeed.

Formal decision

5. For the reasons given above, I hereby dismiss the appeal and uphold the CIL surcharges.

K McEntee