



Appeal Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 23 October 2017

Appeal ref: APP/G2245/L/17/1200132

- The appeal is made under Regulation 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED].
- A Liability Notice was served on [REDACTED].
- A Demand Notice was served on [REDACTED].
- The relevant planning permission to which the CIL relates is [REDACTED], granted on 2 September 2015.
- The description of the development is: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The deemed commencement date stated in the Demand Notice is 9 March 2017.

Summary of decision: The appeal is dismissed.

1. I note that much of the arguments put forward by the appellant concern the withdrawal of the CIL Self-Build Exemption. However, I should make clear that there is no ground of appeal available to restore such an exemption and I have no powers to do so. All that is before me to determine is the appeal on the ground made (Regulation 118¹). With that in mind, although the appellant has ticked the box for a Regulation 118 appeal only, most of his case focusses on the alleged breach of failing to submit a Commencement Notice before starting works on the chargeable development. This is more relevant to an appeal under Regulation 117(1)(a)². However, as no surcharge has been imposed for the alleged breach, there is nothing before me to consider, even if Regulation 117(1)(a) had been ticked on the appeal form.
2. With regards to the ground of appeal made (Regulation 118), the appellant does not actually dispute the deemed commencement date of 9 March 2017, which is the date he has stated himself in the Commencement Notice of 24 March 2017. Therefore, I have no other option but to dismiss the appeal.

¹ The collecting authority has issued a demand notice with an incorrectly deemed commencement date.

² The claimed breach which led to the surcharge did not occur.

3. The appellant is clearly not happy with the service he has received from the Council (Collecting Authority) and the information they have given him. However, any complaints concerning the Council's conduct or their adopted procedures should be addressed through their established complaints procedure in the context of local government accountability.

Formal decision

4. For the reasons given above, I hereby dismiss the appeal on the ground made.

K McEntee