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# Appeal Decision

by **Ken McEntee**

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

Decision date: 23 October 2017

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**Appeal ref: APP/X0360/L/17/1200107**

- 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 by Wokingham Borough Council on 22 March 2017.
- A Demand Notice was served on 28 March 2017.
- The relevant planning permission to which the CIL relates is enforcement appeal decision [REDACTED], allowed on 11 December 2015.
- The description of the development is: [REDACTED]
- The deemed commencement date stated in the Demand Notice is 11 December 2015.

**Summary of decision: The appeal is dismissed.**

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## Procedural matters

1. I note that the main basis of the case put forward by the appellants and their agents concern the refusal by the Council (Collecting Authority) of a CIL Self-Build Exemption application and I note extensive correspondence has been submitted in support of their case on this matter. However, I should make clear that there is no ground of appeal available to overturn the Council's decision on the application for CIL exemption and I have no powers to do so. All that is before me to determine is the appeal on the ground made (Regulation 118<sup>1</sup>).

## The appeal under Regulation 118

2. The deemed commencement date determined by the Council is 11 December 2015. CIL Regulation 7(5)(b) makes clear that "*Development for which planning permission is granted or modified under section 177(1) of the TCPA 1990 (grant or modification of planning permission on appeals against enforcement notices), is to be treated as commencing on the day planning permission for that development is granted or modified (as the case may be)*". As the enforcement appeal decision was issued on 11 December 2015, I am satisfied the Council has correctly

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

determined the deemed commencement date in the Demand Notice. The appeal is therefore dismissed accordingly.

3. The appellants refer to a letter of 2 February 2017 that was sent to the previous appellant where it stated that they would be able to challenge the decision on exemption once they had received a Liability Notice. A copy of that letter does not appear to have been submitted with the appeal and it is not something for me to consider in the context of the appeal on Regulation 118. Nevertheless, any complaints concerning the Council's conduct or their adopted procedures should be addressed through their established complaints procedures 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*