



# Appeal Decision

by **Ken McEntee**

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

Decision date: 8 November 2019

---

**Appeal ref: APP/T5150/L/19/1200293**

- The appeal is made under section 218 of the Planning Act 2008 and Regulation 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against the determined deemed commencement date stated in Brent Council's Demand Notice.
- Planning permission was granted on 25 May 2017.
- A Liability Notice served on 25 May 2017.
- A Demand Notice was served on 21 May 2019.
- The relevant planning permission to which the CIL relates is [REDACTED].
- The description of the development is: [REDACTED]
- The determined deemed commencement date given in the Demand Notice is 26 October 2018.

**Summary of decision: The appeal is allowed and the Demand Notice ceases to have effect.**

---

## Procedural matters

1. The appellants have made arguments appropriate to an appeal under Regulation 117(1)(b) but have not appealed under that ground as no surcharges have been imposed. Therefore, for the avoidance of doubt, this is not a matter for me to address and all that is before me to determine is the appeal on the ground made under Regulation 118.

## Reasons for the decision

2. An appeal under regulation 118 is that the Collecting Authority (Council) has issued a Demand Notice with an incorrectly determined deemed commencement date. In this case, the Council determined that date to be 26 October 2018, which was the completion date indicated by their Building Control records. However, the appellants contend that works actually began on or around 1 June 2018. The Council have conceded in their appeal representations that they are content to agree to that date and to issue a revised Demand Notice accordingly. Therefore, I conclude that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date.
3. In these circumstances, the appeal under Regulation 118 succeeds and, in accordance with Regulation 118(4), the Demand Notice ceases to have effect. As

required by Regulation 69(4), the Council must now serve a revised Demand Notice with a revised deemed commencement date of 1 June 2018.

**Formal decision**

4. For the reasons given above, the appeal is allowed and the Demand Notice of 21 May 2019 ceases to have effect.

*K McEntee*