



Appeal Decision

by Ken McEntee

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

Decision date: 27 March 2020

Appeal ref: APP/L5810/L/19/1200320

- 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 deemed commencement date determined by the London Borough of Richmond upon Thames.
- Planning permission was granted on 19 March 2013.
- A Liability Notice served on 8 July 2019.
- A Demand Notice was served on 25 July 2019.
- The relevant planning permission to which the Demand Notice relates is [REDACTED]
- The description of the development is: [REDACTED]
[REDACTED]
[REDACTED]
- The determined deemed commencement date given in the Demand Notice is 5 August 2014.

Summary of decision: The appeal is allowed and the Demand notice is quashed.

Procedural matters

1. The appellant has made an application for costs against the Council. This is the subject of a separate decision attached to this one.

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 deemed the commencement date to be 5 August 2014. With the lack of any other information before them, the Council took this date from the 'Building Control - Final Certificate', which was the date of completion. However, the appellant contends that works actually commenced on 28 May 2013 and has provided supporting documentary evidence from his architect, [REDACTED]. In their response to the appeal, the Council have conceded that they are content to accept this date as the correct date of commencement.
3. In these circumstances, I conclude that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date. The appeal is therefore allowed. In accordance with Regulation 118(4), the Demand Notice

ceases to have effect and the Council must now issue a revised notice with a revised determined deemed commencement date of 28 May 2013.

Formal decision

4. For the reasons given above, the appeal is allowed and the Demand Notice is quashed.

K McEntee