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# Appeal Decision

**by Ken McEntee**

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

**Decision date: 18 January 2021**

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**Appeal ref: APP/R0660/L/20/1200436**

- 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 Cheshire East Borough Council.
- The relevant planning permission to which the surcharge relates is [REDACTED]
- Planning permission was granted on 2 October 2019.
- A Liability Notice was served on 1 July 2020.
- A Demand Notice was served on 13 July 2020.
- The description of the development is: "[REDACTED]"
- The determined deemed commencement date given in the Demand Notice is 6 July 2020.

**Summary of decision: The appeal is allowed on the ground made.**

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## Procedural matters

1. It appears clear from the arguments set out by the appellant that he is aggrieved by the CIL charge and loss of CIL self-build exemption due to the failure to submit a Commencement Notice before starting works on the chargeable development. For the avoidance of doubt, [REDACTED]

[REDACTED] I have to point out that I have no powers to quash or amend a CIL charge or to reinstate a self-build exemption. I can only determine the appeal on the ground made, namely, that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date. The appellant may wish to continue to pursue the matter of the CIL charge with the Council. If he is not happy with the Council's conduct in this matter or their adopted procedures, he may wish to make a complaint through their established complaints process in accordance with local government accountability.

## The appeal under Regulation 118

2. The determined deemed commencement date given in the Demand Notice is 6 July 2020. However, I am satisfied from the evidence provided by the appellant, such as correspondence from the construction company, that works actually began on 1 April 2020. Therefore, the appeal under Regulation 118 succeeds.

3. In accordance with Regulation 118(4), the Demand Notice of 13 July 2020 ceases to have effect. However, should the Council wish to continue to pursue the CIL they must now issue a revised Demand Notice with a determined deemed commencement date of 1 April 2020.

**Formal decision**

4. For the reasons given above, the appeal on the ground made is allowed.

*K McEntee*