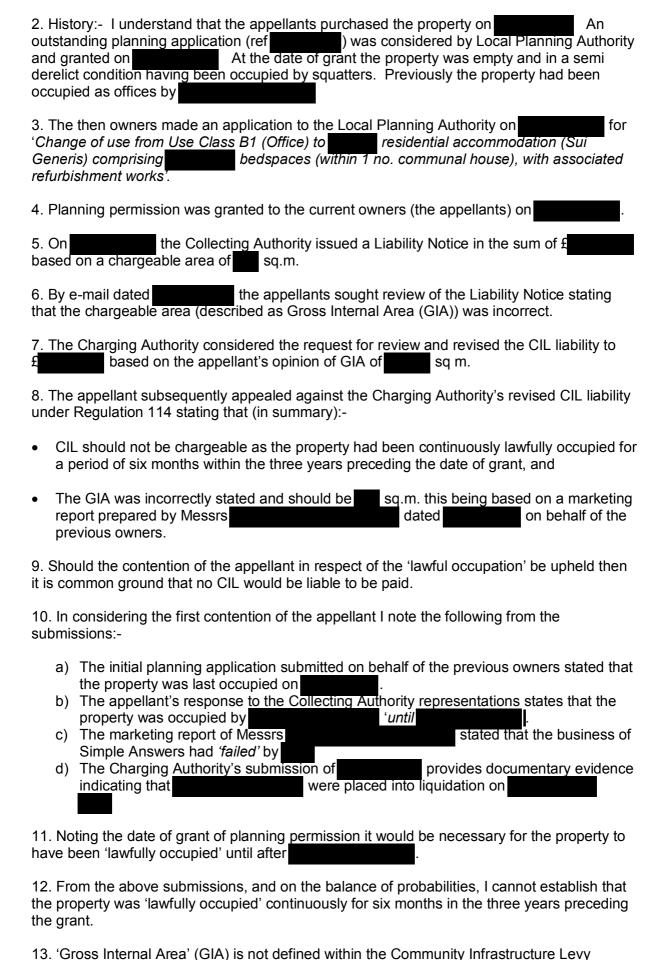
Appeal Decision

by			
an App	pointed Person under the Community Infrastructure Regulations 2010 as Amended		
Planning Permission Ref granted by on Development:- 'Change of use from Use Class B1 (Office) to residential accommodation (Sui Generis) comprising bedspaces (within 1 no. communal house), with associated refurbishment works'			
		Decis	ion
			mine that Community Infrastructure Levy payable in respect of the above development ectly assessed in the sum of £
Reas	ons		
particu	ve considered all submissions made by the appellant and the Collecting Authority. In lar I have considered the information and opinions expressed in the following ted documents:-		
2) 3) 4) 5)	Notice of planning decision re application ref. Community Infrastructure Levy (CIL) Liability Notice of assessing CIL liability in the sum of £ based on chargeable area of sq.m. Review of calculation of CIL liability, dated sq.m following e-mail request of appellant to Collecting Authority (dated sq.m following e-mail request of appellant to CIL Appeal Form dated sq.m. CIL Appeal Form dated sq.m. Representations from Collecting Authority dated Appellants' response dated Collecting Authority's further response to 6) above dated on behalf of previous owners.		



Regulations. However it is generally accepted that the GIA definition within the Royal

Institution of Chartered Surveyors Code of Measuring Practice (6th Edition) is that to be adopted. GIA is defined therein as the 'area of building measured to the internal face of the perimeter walls at each floor level.' As such it will include such features as columns, piers, chimney breasts, lift wells, stairwells.

- 14. The appellants, by e-mail dated on their opinion of the GIA at sq.m. This was agreed by the Collecting Authority and a revised CIL liability calculated.
- 15. The marketing report prepared by Messrs on behalf of previous owners and dated refers to an area of accommodation of sq.m and the appellants are now seeking to rely on this calculation.
- 16. On reading the marketing report it is however not apparent that the area calculated conforms to the required definition of GIA. Indeed Appendix 4 of that report illustrates layout plans with individual room areas annotated. Areas not otherwise included in the definition of GIA are not so illustrated and annotated and I therefore assume that the area of accommodation stated does not conform to the required GIA definition.
- 17. I therefore determine that, on the evidence of the submissions, the GIA is as previously agreed between the parties, namely sq.m.
- 18. The Collecting Authority have further requested payment of their costs of £ on the basis that actions of the appellants have resulted the use of staff time to respond to an appeal that would not have been necessary had the appellant followed the proper processes.
- 19. CIL regulation 121 states that 'the appointed person may make orders as to the costs of the parties to the appeal and as to the parties by whom such costs are to be paid'.
- 20. Appendix 8 to the VOA CIL Guidance Note provides guidance on the award of costs.
- 21. It is necessary to consider whether any party to the appeal has acted 'unreasonably'. The Collecting Authority suggest that proper process has not been followed as the appellants failed to advance arguments regarding the 'lawful occupation' of the property at the review stage of the process. In order to consider the award of costs it would be necessary to determine that introducing further grounds of contention at the appeal stage is 'unreasonable'. Clearly it would be 'preferable' had the appellants referred to the matter at the review stage. However, it is likely that, in this case, the Collecting Authority would, having no grounds to accept the contention (had it been made), have considered that the 'lawful occupation' was not proven and would have proceeded to confirm a liability to CIL. In such a circumstance an appeal would have been likely.
- 22. In this circumstance I therefore determine that no costs of the Collecting Authority are to be paid by the appellants.

RICS Registered Valuer