

Appeal Decision

by [REDACTED]

an Appointed Person under the Community Infrastructure Regulations 2010 as Amended

Valuation Office Agency

[REDACTED]

e-mail: [REDACTED]@voa.gsi.gov.uk.

Appeal Ref: [REDACTED]

Site: [REDACTED]
Development: Conversion of existing property to two self-contained flats
Planning permission details: Planning permission [REDACTED] granted by the
[REDACTED]

Decision

I determine that there should be no Community Infrastructure Levy liability payable in respect of the above development.

Reasons

On [REDACTED] the [REDACTED] granted planning permission for the conversion of the existing house at [REDACTED] into two self-contained flats.

A Community Infrastructure Levy (CIL) Liability Notice was issued by the [REDACTED] as the CIL collecting authority, on [REDACTED]. The notice informed the appellant that the collecting authority calculated the CIL liability to be £[REDACTED] on [REDACTED] per sqm gross and net floor space of the development, any relief, any existing floor space in lawful use etc”.

The appellant asked the collecting authority to review the charge on [REDACTED]. Receipt of the request was acknowledged by the collecting authority but no substantive reply was received by the appellant.

The appellant contends that the development is a change of use and that no extensions or structural building will take place to the property. As no additional floor space results from the development to the interior he contends there should be no liability to CIL.

No representations have been received from the Collecting Authority.

Regulation 6 of the Community Infrastructure Levy Regulations 2010 (as amended by regulation 4 of the Community Infrastructure Levy (Amendment) Regulations 2011) provides that:

“(1) The following works are not to be treated as development for the purposes of Section 208 of PA 2008 (liability)-

(d) the change of use of any building previously used as a single dwellinghouse to use as two or more separate dwellinghouses”

On the evidence before me there does not appear to be any dispute that the above property was previously used as a single dwelling house, and the development proposed is to use the property as two separate dwellinghouses. Under the above provisions this does not comprise development which should attract a CIL liability. I therefore agree with the appellant that there should be no CIL liability payable in respect of the above development.

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RICS Registered Valuer
District Valuer
██████████ 2012