

Appeal Decision

by [REDACTED]

an Appointed Person under the Community Infrastructure Regulations 2010 as Amended



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

Appeal Ref: [REDACTED]



Proposed Development: Erection of three x three bedroom terraced houses with associated car parking and bin/cycle storage following demolition of existing single storey industrial unit.

Planning permission details: Granted by [REDACTED] under ref [REDACTED]

Decision

I determine that the Community Infrastructure Levy (CIL) payable in this case should be £ [REDACTED]

Reasons

1. I have considered all the submissions made by the Appellant, [REDACTED] of [REDACTED], and those by the Collecting Authority.
2. The Appellant made an application to [REDACTED] for planning permission which was granted on [REDACTED] permitting the erection of three x three bedroom terraced houses with associated car parking and bin/cycle storage following demolition of an existing single storey industrial unit.
3. [REDACTED] as the Collecting Authority issued a CIL Liability Notice on [REDACTED] in the sum of £ [REDACTED] (based on [REDACTED] m2 of new floor space @ £ [REDACTED] per m2)
4. Further to a request from the Appellant for a review of the chargeable amount the Collecting Authority confirmed their original decision/calculation in a letter to the Appellant dated [REDACTED].

5. On [REDACTED] the Valuation Office Agency received a CIL appeal made by [REDACTED] under Regulation 114 (chargeable amount), contending that the CIL charge should be reduced to £ [REDACTED] on the grounds that as the existing building had been in lawful use for a continuous period of more than 6 months in the 12 month period ending [REDACTED] the floor area of this building should be deducted from the area of the new floor space. The figure of £ [REDACTED] was calculated on the basis of [REDACTED] m2 less [REDACTED] m2 = [REDACTED] m2 @ £ [REDACTED] per m2.

6. Representations were received from both the Collecting Authority and the Appellant and having given full consideration to these I would make the following observations:-

- a. The Gross Internal Area (GIA) of the proposed development does not appear to be disputed. The Collecting Authority adopted a round figure of [REDACTED] m2 in their calculation, whereas the Appellant adopted a more accurate figure of [REDACTED] m2.. For the purposes of my decision I have adopted the figure of [REDACTED] m2 used by the Appellant.
- b. The GIA of the existing building is stated by the Appellant to be [REDACTED] m2. The Collecting Authority have made no representations to dispute this calculation.
- c. The issue here relates to whether the existing building was in lawful use for the prescribed period.
- d. Based on the observations made by the Collecting Authority it would appear that the issue of unlawful use is no longer being contended in the light of the acceptance that a change from use B1 to B8 does not require planning permission in accordance with the Use Classes Order.
- e. I determine that the evidence the Appellant has submitted regarding the occupation of the existing property is adequately supported by the documentation and explanations provided.
- f. The Collecting Authority do not consider that the documentation categorically proves occupation for the required period but other than the fact that the property has been treated as vacant for the purposes of Business Rates they have not provided any firm evidence to refute the Appellant's contention.

7. On the evidence before me, I conclude that the appropriate charge in this case should be based on a net increase in GIA of [REDACTED] m2 @ £ [REDACTED] per m2 which gives a chargeable amount of £ [REDACTED]

[REDACTED]
RICS Registered Valuer
[REDACTED]