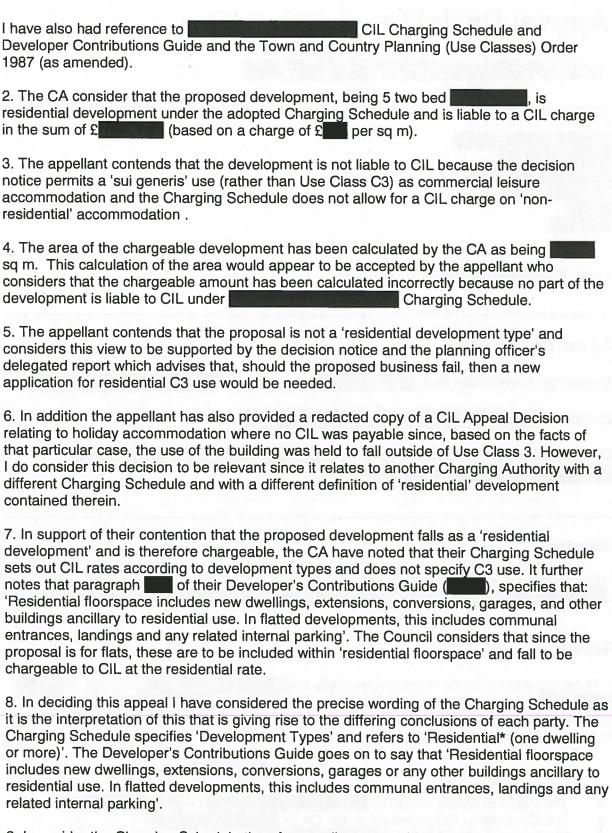
## **Appeal Decision**

| by 🏻   | <b>《</b>   |
|--|--|
| an Appointed Person under the Community Infrastructure Regulations 2010 (as Amended) |  |
|  |  |
| Email  | : @voa.gsi.gov.uk  |
| ——<br>Арре   | eal Ref:   |
| Plan   | ning Permission Ref. granted by  |
| Loca   | tion:  |
| Deve   | elopment: Erection of 5 No. 2 bed  |
| Deci   | sion   |
| l dete   | rmine that the Community Infrastructure Levy (CIL) payable in this case should be  |
| Reas   | sons   |
| respe  | ave considered all the submissions made by on behalf of the appellant) and the Collecting Authority (CA), in this matter. In particular I have considered the information and opinions presented following submitted documents:-   |
| a.   | The application for planning permission dated together with associated   |
| b.   | plans and drawings. The Decision Notice issued by  |
| C.   | The CIL Liability Notice issued by the CA on t |
| d.   | The letter from the CA dated in response to the appellant's  |
| e.   | request for a Regulation113 Review.  The CIL Appeal form dated substitution submitted on behalf of the appellant, under Regulation 114, together with documents attached thereto, including a redacted copy of a CIL appeal decision dated 14 December 2013.   |
| f.   | The CA's representations to the Regulation 114 Appeal dated.   |
| g.   | The comments on the CA's response dated submitted on behalf of the appellant   |



- 9. I consider the Charging Schedule therefore applies to any development that can reasonably be described as 'residential' or comprising 'one dwelling or more'. It does not restrict the definition of 'residential' to development falling within Use Class C3.
- 10. 'Dwelling' is not defined in the Charging Schedule but I consider it can reasonably be described as meaning a building that provides the facilities required for day-to-day private domestic existence. There is nothing in the Charging Schedule to suggest that there is any requirement that before a building can be described as a dwelling, it must be occupied as a

permanent home. The proposed development in my view clearly comprises new dwellings and there is nothing in the Charging Schedule to exclude dwellings that are to be used for holiday lets.

- 11. Therefore, notwithstanding that the proposed development does not have a C3 Use Class permission and the appellant's intention is for the property to be used in connection with providing commercial leisure accommodation, I consider that the development can be reasonably described as 'residential', comprising 'one dwelling or more' as specified within the Charging Schedule and a CIL charge based on the residential rate of  $\mathfrak{L}$  per sq m is therefore applicable.
- 12. On the basis of the evidence before me and having considered all of the information submitted in respect of this matter, I therefore confirm a CIL charge of £

RICS Registered Valuer