



Valuation Office
Agency

Appeal Decision

by [REDACTED] MRICS

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]

Address [REDACTED] (no post code allocated)

Planning permission reference: [REDACTED]: Construction of a [REDACTED] with [REDACTED] storage, valet, and display areas: a [REDACTED] showroom building, offices and workshop: together with car parking and other associated works.

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 [REDACTED] of [REDACTED], acting as appointed agents for the appellant ([REDACTED] and [REDACTED]), the Charging Authority (CA). In particular I have considered the information and opinions presented in the following documents:-
 - a. The CIL Appeal form dated [REDACTED].
 - b. Appellants grounds of appeal documents
 - Copy of planning consent [REDACTED]
 - Copy of the Liability Notices issued by the CA dated [REDACTED] & [REDACTED]

- Associated plans of the works regarding the above proposed development
- Correspondence between [REDACTED] to [REDACTED] (CA) from [REDACTED] to [REDACTED]
- Request for Review of Liability Notice dated [REDACTED]
- Review decision document to [REDACTED] from CA dated [REDACTED]
- Copy of [REDACTED] CIL Charging Schedule
- Copy of Sec 106 agreement relating to above planning consent
- Copy of planning consent (ref [REDACTED]) for [REDACTED], an adjoining development
- Representations made by the appellant accompanying the Appeal document dated [REDACTED]
- Response document (dated [REDACTED]) to CA representations

c. Collecting Authority's representations dated [REDACTED]

2. Planning permission was granted by [REDACTED] on [REDACTED] for the 'Construction of a [REDACTED] with [REDACTED] storage, valet, and display areas: [REDACTED] showroom building, offices and workshop: together with car parking and other associated works'.

The Council implemented its CIL Charging Schedule on [REDACTED]. A CIL Liability Notice was issued by CA on [REDACTED] for £ [REDACTED].

3. The appellant requested a CIL review of the CIL Liability Notice on [REDACTED].
4. A review decision was issued on [REDACTED]. This included an amended CIL Liability Notice for £ [REDACTED], correcting a number errors in the original Liability Notice.
5. The recent planning history is understood to be as follows:-
 - On [REDACTED] permission was granted ([REDACTED]) to construct a [REDACTED] with [REDACTED] storage, valet, and display areas: [REDACTED] showroom building, offices and workshop: together with car parking and other associated works.
6. The grounds of the appeal are that:-
 - The CIL charge should be £ [REDACTED] ([REDACTED]) in compliance with the Charging Schedule that states a [REDACTED] use is charged at £ [REDACTED] per square metre
 - That the proposed development is a single planning unit.
7. The CA contends that the CIL Charge be calculated based on the Gross Internal Area (GIA) of the workshop, [REDACTED] sqm at £ [REDACTED]/sqm as detailed within the Charging Schedule with an addition for indexation.
8. The following matters are agreed by the appellant and the CA:-
 - That the planning consent granted under [REDACTED] is a single planning unit consent
 - That the consented use of the site is [REDACTED]

9. The CA contends that their calculation of the chargeable amount is correct because:-
- The workshop use is not an ancillary function to the [REDACTED] use, or exempt parts, due to the extent of the gross internal area it occupies as part of the overall development.
 - The CA contends there is no dominant use relating to this development given the breakdown of relevant floor areas.
 - That [REDACTED] would normally have ancillary offices and related facilities but not a workshop, and therefore the workshop is not ancillary and CIL is liable.
10. In my considered view the contentions around the ancillary nature of the workshop to the use designated within the planning decision dated [REDACTED], are key.

The CA contend the workshop floor area is too large to be considered ancillary to the [REDACTED] use. It is my considered view that this contention is not the case, the [REDACTED] use is that designated within the Planning Decision of [REDACTED].

Further I am not of the opinion that the floor area stated at [REDACTED] sqm is too large to be considered ancillary. It is not necessarily the size of the building that determines an ancillary use, it may be the function attached to that use. No evidence was provided by the CA to support this contention other than the floor space area of the buildings within the proposed development.

11. It is my view that the site has a single [REDACTED] user, whether explicitly as designated within the planning decision of [REDACTED], or as a result of the mixed use as separately argued by the CA. Chargeable development is defined in Reg.9(1) as the development for which planning permission is granted.
12. [REDACTED], under the CA Charging Schedule is subject to a [REDACTED] charge for CIL. The Charging Schedule provides for a charge on development falling within B1b/c, B2 & B8 Use Class but the development for which planning permission has been granted here does not fall within any of these use classes.
13. On the evidence before me I conclude that the CIL charge in this case should be £ [REDACTED] ([REDACTED]).

[REDACTED] MRICS
RICS Registered Valuer
Valuation Office Agency
[REDACTED]

