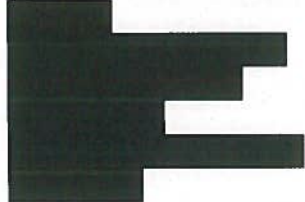


Appeal Decision

by [REDACTED] MRICS

an Appointed Person under the Community Infrastructure Levy Regulations 2010
(as Amended)

Valuation Office Agency (SVT)



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

Appeal Ref: [REDACTED]

Address: [REDACTED]

Proposed Development: Excavation and enlargement of existing [REDACTED] level to provide a [REDACTED] self-contained unit, formation of 3 [REDACTED] and provision of a glass frosted [REDACTED] to the rear elevation. Replacement of existing kitchen/living room with new [REDACTED] to the front elevation at ground floor level. Erection of a [REDACTED] high [REDACTED] wall with [REDACTED].

Planning Permission details: Granted by [REDACTED] on [REDACTED] under reference: [REDACTED].

Decision

I determine that no Community Infrastructure Levy (CIL) should be payable in this case as the proposed development constitutes minor development under the Regulation 42 exemption provisions.

Reasons

1. I have considered all the submissions made by the appellant, [REDACTED] (trading as [REDACTED]) and the submissions made by the Collecting Authority (CA), [REDACTED].
2. Planning permission was granted for the proposed development on [REDACTED].
3. The CA issued a CIL Liability Notice dated [REDACTED] in the sum of £[REDACTED]. This was based on a net chargeable area of [REDACTED] m² for:

$$[REDACTED] \text{ CIL } [REDACTED] \text{ m}^2 @ \text{£} [REDACTED] \text{ per m}^2 \text{ (index } [REDACTED]) = \text{£} [REDACTED]$$

■■■■ CIL
■■■■ m² @ £■■■ per m² (index ■■■■) = £■■■■
■■■■

4. The appellant requested a review of this charge under regulation 113 of the CIL Regulations 2010 (as amended) on ■■■■ and the CA issued their response on ■■■■ confirming the amount as set out in the original notice.
5. On ■■■■, the Valuation Office Agency received a CIL Appeal made under regulation 114 (chargeable amount) contending that the scheme is not liable for CIL as Regulation 42 exemption applies. The appellant contends that no CIL is payable as the development proposal relates to a residential extension under 100 m².
6. The CA submitted representations dated ■■■■.
7. Copies of the both parties' representations were sent to an interested party, ■■■■ (■■■■).
8. The parties have identified that the sole area of disagreement is in relation to the CIL exemption for minor development under Regulation 42 of the CIL Regulations 2010 (as amended). Regulation 42 states:

Regulation 42 – Exemption for minor development

- (1) Liability to CIL does not arise in respect of a development if, on completion of that development, the gross internal area of new build on the relevant land will be less than 100 square metres.
- (2) But paragraph (1) does not apply where the development will comprise one or more dwellings.
- (3) In paragraph (1) "new build" means that part of the development which will comprise new buildings and enlargements to existing buildings.

Plans show that the existing basement flat has a GIA floorspace of ■■■■ m² with a development enlargement proposal to ■■■■ m². Accordingly, the additional space is calculated at ■■■■ m², which is clearly well within the 100 m² limit for exemption.

There is no disagreement between the parties in respect of the proposed additional space, which is calculated at ■■■■ m².

9. As part of the CA's representations, the CA cited that 'Regulation 42 does not apply to ■■■■ because the development comprises a dwelling and therefore Regulation 42(2) applies'. Whilst it is unclear to me, I have concluded that the CA has misinterpreted Regulation 42(2). MHCLG guidance on the minor development exemption states as follows:

Minor development, with a gross internal area of less than 100 square metres, is generally exempt from the levy. However, where minor development will result in a whole new dwelling, it will be liable for the levy unless it is built by a 'self-builder'.

On the submitted evidence, the development proposal is clearly an enlargement of a single, existing basement studio flat, which is less than 100 m². The development does not create a new or an additional dwelling. The purpose of Regulation 42 is to exempt small scale development from CIL and I am satisfied that the proposed development constitutes minor development under Regulation 42.

10. On the evidence put forward, I consider that the development is not liable for CIL as it falls under the exemption for minor development, as set out in Regulation 42.

 MRICS
RICS Registered Valuer
Valuation Office Agency