

Appeal Decision

by [REDACTED] MRICS VR

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

Valuation Office Agency (DVS)



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

Appeal Ref: [REDACTED]

Address: [REDACTED]

Proposed Development: Two storey side extension, with pitched roof and single storey front and single storey rear extension with pitched roof. Hip to gable loft conversion with rear dormer and roof lights to front elevation to create a 1 x 1 bedroom and 1 x 2 bedroom self-contained flats with alterations to include additional fenestration. (revised description)

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

Decision

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

Reasons

- [REDACTED] I have considered all the submissions made by the appellant, [REDACTED] and the submission made by the Collecting Authority (CA), [REDACTED].
2. Planning permission was granted for the development on [REDACTED], under decision reference [REDACTED]. The Collecting Authority implemented its Charging Schedule on [REDACTED] and the revised [REDACTED] Charging Schedule ([REDACTED]) came into effect from [REDACTED].
3. On [REDACTED], the CA issued a Liability Notice (Reference: [REDACTED]) for a sum of £[REDACTED]. This was based on a net chargeable area of [REDACTED] m², comprising of:

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

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4. On [REDACTED], the Valuation Office Agency received a CIL appeal made under Regulation 114 (1) from the appellant. The appellant contends that the delay by the CA in issuing the CIL Liability Notice for the [REDACTED] decision resulted in the burden of an increased CIL charge amount, i.e. if the decision on the planning application had been made prior to [REDACTED] (when the [REDACTED] CIL charging schedule was first adopted), the CIL would have been significantly less - only the [REDACTED] CIL would have applied prior to [REDACTED].
5. The CA contends that the CIL charge has been correctly calculated and point to the fact that the decision on the planning application was made after the [REDACTED] [REDACTED] it contends that the [REDACTED] CIL and [REDACTED] CIL have been correctly applied and that the CIL charge should not be reduced.
6. There would appear to be no disagreement between the CA and the appellant in respect of the floorspace of the chargeable development or the indexation applied.
7. The appellant points to the correspondence received from the CA relating to the subject planning application and the application's date of receipt by the CA, which was [REDACTED]. I note the letter of the CA to the appellant dated [REDACTED], which acknowledges receipt of the subject planning application; the letter suggests a target date of [REDACTED] in making its decision on the application. In addition, I note the Revised Description letter of the CA to the appellant dated [REDACTED]. Whilst the CA's letter of [REDACTED] confirms the description, this letter is clearly not a grant of planning permission – it is a fact that the grant of planning permission was issued on [REDACTED] after [REDACTED].
8. Whilst I acknowledge that there would appear to be an apparent delay endured by the appellant in the issue of the planning permission, any such delay is outside the remit of my instructions. I am required to consider this appeal under the Community Infrastructure Levy Regulations 2010 (as amended). The CIL Regulations are very clear on the meaning of "chargeable development", which is set out in Regulation 9(1), which states:

The chargeable development is the development for which planning permission is granted.
9. It is a fact that planning permission was granted for the development on [REDACTED] [REDACTED], under reference decision [REDACTED]. Accordingly, it is a factual matter in considering the application of the relevant Charging Schedule in force as at that time, which was effective from [REDACTED].
10. Whilst I am not unsympathetic to the apparent delay endured by the appellant, in considering the facts of the case, I have concluded that the CIL charge has been correctly applied and dismiss this appeal. I confirm that the CIL payable should be as stated in the Liability Notice dated [REDACTED], at the sum of £ [REDACTED] ([REDACTED]).

[REDACTED] MRICS VR

Principal Surveyor
RICS Registered Valuer
Valuation Office Agency


