

# Appeal Decision

by [REDACTED] BSc (Hons) MRICS

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

Valuation Office Agency  
[REDACTED]

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**Appeal Ref:** [REDACTED]

**Planning Permission Ref.** [REDACTED]

**Proposal:** Proposed alterations and extension to pool house with roof lights, new steps and alterations to roof and fenestration

**Location:** [REDACTED]

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## Decision

I do not consider the Community Infrastructure Levy (CIL) charge of £[REDACTED] ([REDACTED]) to be excessive and I therefore dismiss this appeal.

## Reasons

1. I have considered all of the submissions made by [REDACTED] (the Appellant) and by the Collecting Authority, [REDACTED] (CA) in respect of this matter. In particular I have considered the information and opinions presented in the following documents:-
  - a) Planning decision ref [REDACTED] dated [REDACTED];
  - b) Approved planning consent drawings, as referenced in planning decision notice;
  - c) CIL Liability Notice [REDACTED] dated [REDACTED];
  - d) CIL Appeal form dated [REDACTED], including appendices;
  - e) Representations from CA dated [REDACTED]; and
  - f) Appellant comments on CA representations, dated [REDACTED].
2. Planning permission was granted under application no [REDACTED] on [REDACTED] for 'Proposed alterations and extensions to pool house with roof lights, new steps and alterations to roof and fenestration.'
3. The CA issued a CIL liability notice on [REDACTED] in the sum of £[REDACTED]. This was calculated on a chargeable area of [REDACTED]m<sup>2</sup> at the 'Residential Zone A' rate of £[REDACTED]/m<sup>2</sup> plus indexation.
4. The Appellant requested a review under Regulation 113 on [REDACTED]. The CA responded on [REDACTED], confirming their view that the liability notice was correct.
5. On [REDACTED], the Valuation Office Agency received a CIL appeal made under Regulation 114 (chargeable amount) contending that the CIL liability should be £[REDACTED]. This was calculated on a chargeable area of [REDACTED]m<sup>2</sup> at a base rate of £[REDACTED]/m<sup>2</sup> with no allowance for indexation.
6. The Appellant's grounds of appeal can be summarised as follows:
  - a) The works to be carried out under the planning application are minimal. Repairs to an existing roof and covering an existing swimming pool do not fall within the scope of construction work.
  - b) The work comprises a self-build project and should attract self-build relief.
7. The CA has submitted representations that can be summarised as follows:
  - a) The area of GIA that has been calculated excludes the existing building and comprises the new development of a roofed structure with glazed walls. The measurements are in accordance with RICS Code of Measuring Practice and the GIA is in line with that declared by the Appellant's in their CIL Form.
  - b) The proposed development is within the curtilage of and is ancillary and incidental to the use of the existing dwelling. It cannot be considered an enlargement to the main dwelling for the purposes of Regulation 42A and does not comprise an annexe. Therefore, self-build relief does not apply.

8. The CIL Regulations Part 5 Chargeable Amount, Schedule 1 defines how to calculate the net chargeable area. This states that the “retained parts of in-use buildings” can be deducted from “the gross internal area of the chargeable development.”
9. Regulation 9(1) defines the chargeable development as the development for which planning permission is granted. The approved plans show a new building around the existing swimming pool, adjoining the existing pool house. The chargeable development is therefore considered to be this new building.
10. Gross Internal Area (GIA) is not defined within the Regulations and therefore the RICS Code of Measuring Practice definition is used. GIA is defined as “the area of a building measured to the internal face of the perimeter walls at each floor level.” The areas to be excluded from this are perimeter wall thicknesses and external projections; external open-sided balconies, covered ways and fire escapes; canopies; voids over or under structural, raked or stepped floors; and greenhouses, garden stores, fuel stores and the like in residential property.
11. The CA have calculated the GIA of the building at [REDACTED]m<sup>2</sup>, which is in line with the GIA on the “CIL Form 1: CIL Additional Information” that was completed by the appellant on [REDACTED]. The CA have not provided calculations to demonstrate how they reached this area. The appellant has suggested a GIA of [REDACTED]m<sup>2</sup> but have also not provided calculations.
12. I have scaled the PDF plan [REDACTED] and reached a GIA of [REDACTED]m<sup>2</sup>. I therefore consider the CA’s calculations to be correct.
13. The Appellant has proposed that a rate of £[REDACTED]/m<sup>2</sup> should be adopted. They have also suggested in their comments on the appellants representations that the CA’s calculated sum of £[REDACTED] is incorrect and should be £[REDACTED] using a rate of £[REDACTED]/m<sup>2</sup>. However, these calculations disregard indexation.
14. The CIL Regulations Part 5 Chargeable Amount, Schedule 1 provides guidance on the calculation of the chargeable amount. This states:

“(4) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_P}{I_C}$$

where—

A = the deemed net area chargeable at rate R, calculated in accordance with subparagraph (6);

IP = the index figure for the calendar year in which planning permission was granted;

and

IC = the index figure for the calendar year in which the charging schedule containing rate R took effect.”

15. I have therefore calculated the CIL charge as follows:

$$\frac{R (\text{£ } \blacksquare / \text{m}^2) \times A (\blacksquare \text{ m}^2) \times IP (\blacksquare)}{IC (\blacksquare)}$$

16. The appellant has also claimed that the development should be eligible for self-build exemption. However, the VOA cannot determine whether self-build exemption should be granted and therefore I am unable to consider this matter.

17. On the basis of the evidence before me, I do not consider the Community Infrastructure Levy (CIL) charge of £ $\blacksquare$  ( $\blacksquare$ ) to be excessive and I therefore dismiss this appeal.



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Valuation Office Agency  
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