



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/K3415/L/23/3331799

- The appeal is made under section 218 of the Planning Act 2008 and Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 as amended.
 - The appeal is made by [REDACTED] against a Demand Notice (the 'DN') issued by the Collecting Authority (the CA), Lichfield District Council.
 - The relevant planning permission to which the CIL relates is [REDACTED].
 - The description of the development is described on the DN as follows: [REDACTED].
 - A revised Liability Notice (the 'LN') was served on 27 September 2023. The total amount of CIL payable is [REDACTED].
 - The DN was issued on 27 September 2023. The following surcharge was imposed: £870.31 for a failure to notify the CA of a disqualifying event within 14 days of that event. The total amount payable is [REDACTED].
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Decision

1. The appeal is allowed and the surcharge is quashed.

Reasons for the Recommendation

2. An appeal under CIL Regulation 117(1)(a) is that that the claimed breach which led to the imposition of the surcharge did not occur. Approval [REDACTED] was for a [REDACTED]. Regulation 42(1) exempts CIL Liability for development with a gross internal area less than 100 square metres. Regulation 42(2) states that (1) does not apply where the development will comprise one or more dwellings. Approval 1 [REDACTED] does not comprise a separate dwelling and is therefore exempt from liability to CIL.
3. Regulation 84(1) applies where a person who is required to notify the relevant authority of a disqualifying event fails to do so before the end of the period of 14 days beginning with the day on which the disqualifying event occurs. Regulation 84(2) allows the CA to impose a surcharge in this instance.
4. The annexe was utilised as a holiday let as of June 2021. The CA consider this a disqualifying event and issued a revised DN on 27 September 2023 imposing a surcharge, as they were not notified within 14 days of the event.
5. A disqualifying event is defined as having the meaning given in regulations 48, 53, and 57. These regulations specifically relate to relief from CIL liability.
6. Approval [REDACTED] is exempt from CIL and as such, CIL relief and any associated disqualifying events do not apply in this instance. Therefore, the claimed breach which led to the imposition of the surcharge did not occur.

Conclusion and Recommendation

7. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and the surcharge is quashed.

Signed

N Unwin

Appeals Planning Officer

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and the surcharge is quashed.

A U Ghafoor

INSPECTOR