



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing, and Communities

Decision date: 27 June 2024

Appeal ref: APP/L5810/L/24/3342016

Land at [REDACTED]

- The appeal is made under Regulation 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against the deemed commencement date given by the London Borough of Richmond Upon Thames.
- The relevant planning permission to which the development appeal relates was granted on appeal [REDACTED] on 30 June 2016.
- The description of the development is "[REDACTED]".
- A Demand Notice was served on 12 October 2018.
- A Default Liability Notice and a revised Demand Notice were served on 1 March 2024.
- The determined deemed commencement date given in the Demand Notice is 23 May 2018.

Summary of decision: The appeal is allowed.

Procedural matters

1. The appellants have made an application for costs against the Collecting Authority (Council). This is the subject of a separate decision to this one.

Reasons for the decision

2. An appeal under Regulation 118 is that the Council determined an incorrectly deemed commencement date. It appears the Council decided on the date of 23 May 2018 based on the Building Control Completion Certificate. However, the appellants have produced an e-mail of 17 April 2024 from the Head of Building Control confirming that works actually commenced on 17 June 2017. Therefore, the Council are now content to accept this date. That being the case, I shall allow the appeal and the Demand Notice ceases to have effect. The Council must now issue a revised Demand Notice in accordance with Regulation 69(4).

Formal Decision

3. For the reasons given above, the appeal is allowed.

K McEntee