



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State

Decision date: 3 October 2024

Appeal ref: APP/N5090/L/24/3348376

- The appeal is made under Regulation 117(1)(a) and (c) and Regulation 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a CIL charge imposed by the London Borough of Barnet.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the development is: "[REDACTED]".
- Planning permission was granted by appeal decision [REDACTED] on 24 March 2023.
- A Liability Notice was served on 26 June 2024.
- A Demand Notice was served 26 June 2024.
- The determined deemed commencement date given in the Demand Notice is 24 March 2023.

Summary of decision: The appeal is dismissed.

Reasons for the decision

1. Although the appeal form indicates that it has been made under Regulation 117(1)(a)¹ and (c)² and Regulation 118³, the appellant has not provided any arguments in support of these grounds. It appears clear that the purpose of his appeal is to challenge the CIL charge as he believes the development is not CIL liable. However, this is a matter that can only be considered by way of an appeal to the Valuation Office Agency in accordance with Regulation 114, after first requesting a review to the Charging Authority (Council) in accordance with Regulation 113. My powers are limited to determining appeals solely in relation to CIL surcharges and the determined deemed commencement date. As no such surcharges have been imposed in this case, I cannot determine this appeal in relation to grounds 117(1)(a) and (c). I can only do so in relation to Regulation 118.
2. With that in mind, it is clear from the appeal decision that the application was part retrospective. Regulation 7(2) explains that development is to be treated as commencing on the earliest date on which any material operation begins to be

¹ The claimed breach which led to the surcharge did not occur.

² The surcharge has been calculated incorrectly.

³ The Collecting Authority has issued a Demand Notice with an incorrectly determined deemed commencement date.

carried out on the relevant land. However, Regulation 7(3) explains that this general rule is subject to provisions, such as that stated in Regulation 7(5)(b) where development has already been carried out then granted planning permission on appeal. In such cases, development is to be treated as commencing on the day planning permission for that development is granted or modified. As planning permission in this case was granted on 24 March 2023, I am satisfied that the Council has correctly determined the deemed commencement date correctly.

Formal decision

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

K McEntee