

irregularities, the Council recommended (and the appellant agreed by e-mail of 10 July 2024) that an application be made for the variation of condition 1 of the original permission. In these circumstances, the new proposal automatically included the works already carried out on the original, and this meant that the application was part-retrospective. When added together, the two proposals now took the overall floor space calculation to over 100 sqm and consequently the development became CIL liable. As works had begun and no Assumption of Liability Notice or Commencement Notice had been submitted, it follows that the alleged breaches which led to the surcharges occurred. The appeal under this ground fails accordingly.

The appeal under Regulation 118

3. An appeal under this ground is that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date. However, it appears clear that rather than the commencement date, the appellant is appealing that the works did not commence at all. As I have already addressed this matter above, it follows that there is nothing for me to consider under this ground.

Formal decision

4. For the reasons given above, the appeal is dismissed and the surcharges of £■■■ and £■■■■ are upheld.

K McEntee