

# Appeal Decision

by ■■■ MRICS VR

an Appointed Person under the Community Infrastructure Levy Regulations 2010  
(as amended)

Valuation Office Agency (DVS)  
Wycliffe House  
Green Lane  
Durham  
DH1 3UW

E-mail: ■■■@voa.gov.uk

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**Appeal Ref: 1853810**

**Address:** ■■■

**Proposed Development:** Agricultural storage barn for machinery & straw.

**Planning Permission details:** Granted by ■■■ on ■■■, under reference ■■■.

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## Decision

I determine that the Community Infrastructure Levy (CIL) payable in this case should be £■■■  
■ (■■■).

## Reasons

### Background

1. I have considered all the submissions made by ■■■ of ■■■, acting as Agent for the Appellant, ■■■ and the submissions made by the Collecting Authority (CA), ■■■.

In particular, I have considered the information and opinions presented in the following documents:-

- a) CIL Appeal form dated ■■■.
- b) Grant of Planning Permission ■■■, dated ■■■. Planning permission was granted for this development through the Agricultural Prior Notification General Consent Procedure, as set out in Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
- c) The CIL Liability Notice (ref: ■■■) dated ■■■.
- d) The CA's Regulation 113 Review, dated ■■■.
- e) The Appellant's Appeal Statement of Case e-mail dated ■■■.
- f) Plans of the of the subject development.

- g) The CA's Statement of Case document dated [REDACTED].
- h) The Appellant's comments on the CA's Statement of Case document, which is dated [REDACTED].

## Grounds of Appeal

2. Planning permission was granted for the development on [REDACTED], under the provisions of the Agricultural Prior Notification General Consent Procedure, which is set out in Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
3. On [REDACTED], the CA issued a Liability Notice (Reference: [REDACTED]) for a sum of £[REDACTED]. This was based on a net chargeable area of [REDACTED] m<sup>2</sup> and a Charging Schedule rate of £[REDACTED] per m<sup>2</sup>, plus indexation.
4. On [REDACTED], the Valuation Office Agency received a CIL Appeal made under Regulation 114 (chargeable amount) from the Appellant, contending that the CA's calculation is incorrect and that no CIL should be payable.
5. The Appellant's appeal can be summarised to a single core point:-

The Appellant opines that the development is exempt from CIL liability as it falls under the provisions of Regulation 6(2), under a building '*into which people do not normally go*'.

The Appellant opines that the building will only be used for arable agricultural purposes, as a secondary machinery store for the farm; people will only occasionally and intermittently go into the shed, for the hitch up of machinery or pick up of baled straw on an infrequent basis. The Appellant states that the building will be open sided and will probably not even have the concrete floor installed for many years, if at all. The Appellant further states that the building will not house any fixed equipment and will not create usable floorspace; it will simply be a roof over some straw and to house arable farm machinery, including a combine and tractor. In summary, the Appellant opines that the proposed occasional and intermittent use of the building falls under the exemption provisions of Regulation 6(2).

It would appear that there is no dispute between the parties in respect of the applied [REDACTED] Chargeable Rate of £[REDACTED] per m<sup>2</sup> (All other types of development covered by the CIL regulations (including shared-user/ decked garages and B1, B2, B8 and C1 uses), or the applied indexation.

## Decision

6. The dispute between the parties relates to a proposed development, which comprises an agricultural storage barn for machinery and straw. The plans denote it is a structure of [REDACTED] m<sup>2</sup> in size with a height to ridge of [REDACTED] m and to eaves of [REDACTED] m.
7. Regulation 9(1) of the CIL Regulations 2010 states that chargeable development means "*the development for which planning permission is granted*".
8. The Appellant opines that that the proposed development is exempt from CIL liability as it falls under the provisions of Regulation 6(1):-

*The following works are not to be treated as development for the purposes of section 208 of PA 2008 (liability)—*

- a) *anything done by way of, or for the purpose of, the creation of a building of a kind mentioned in paragraph (2);*

Specifically, the Appellant cites 6(2):-

- (2) *The kinds of buildings mentioned in paragraph (1)(a) and (b) are—*  
 a) *a building into which people do not normally go;*  
 b) *a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.*

9. The CA contends that the proposed development is a building and the building is considered to be a general agricultural building, which can be used for many purposes in association with the farming enterprise. The CA contends that it is not considered to be a building, into which people do not normally go and it does not meet the exemption requirements of Para 6(2) (a) of the CIL Regulations 2010 – as amended.
10. From interrogating the submitted plans of the development, the construction of the storage barn show that the lower walls will be of concrete upstands and the upper walls and roof will comprise of profiled metal sheeting. From the submitted plans it is clear to me that the structure constitutes a building; accordingly, I agree with both parties that the structure is a building for CIL purposes.
11. The Appellant contends that people will only occasionally and intermittently go into the shed, for the hitch up of machinery or pick up of baled straw on an infrequent basis. Given the proposed use and purpose of the building – that of an agricultural barn, situated on a working agricultural farm, I am not persuaded by the Appellant's contention that occasional and intermittent use constitutes *a building into which people do not normally go*. In my view, the key criteria of *a building into which people do not normally go* can be determined from its proposed use. Given that the subject development is an agricultural outbuilding, which is situated on a working agricultural farm unit, I am of the view that there will be reasonable frequency of use. The ordinary meaning of '*normally*' should reflect the normal use of the building and not be time restricted in its use or frequency of use.

Furthermore, I have not been advanced any evidence that any fixed plant or machinery will be installed in the building; accordingly, I cannot accept that it would possibly constitute *a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery*.

12. Having fully considered the representations made by both parties and all the evidence put forward to me, I agree with the CA that the development does not meet the requirements of Para 6(2) (a) of the CIL Regulations 2010 and that CIL is payable.
13. In conclusion, having considered all the evidence put forward to me, I therefore confirm the CIL charge of £ [REDACTED] ([REDACTED]), as stated in the Liability Notice dated [REDACTED] and hereby dismiss this appeal.

[REDACTED] MRICS VR  
 Principal Surveyor  
 RICS Registered Valuer  
 Valuation Office Agency  
 16<sup>th</sup> December 2024