



## Appeal Decision

Site Visit held on 17 January 2025

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

### Appeal Ref: APP/D1590/L/24/3351538

- The appeal is made under The Planning Act 2008 Section 118 and under the Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL 2010") section 118(b).
- The appeal is made by [REDACTED] against a Demand Notice (DN) issued by the Collecting Authority, Southend-on-Sea Borough Council (CA).
- The relevant planning permission to which the Community Infrastructure Levy relates is [REDACTED].
- The description of the development is described on the DN as follows: "[REDACTED]".
- A CIL Exemption (Residential annex) Notice (EN) was served on 18 April 2024.
- A Liability Notice (LN) was served on 18 April 2024. The total amount of the Community Infrastructure Levy payable is £[REDACTED].
- A DN was issued on 9 August 2024. The following surcharge was imposed: £[REDACTED] for failing to submit a Commencement Notice before the chargeable development has commenced. The total amount payable is £[REDACTED].
- The determined deemed commencement date given in the DN is 9 April 2024.

### Preliminary Matters

1. I wrote to the appellant seeking clarification in respect of the structure's compliance with the definitions of 'caravan' set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The CA has had an opportunity to comment on the appellant's submissions. I shall have regard to these responses and the additional documentation provided.

### Background

2. A lawful development certificate (LDC) application for proposed [REDACTED] [REDACTED] dated 12 January 2024 was granted on 5 March 2024. While this application was being processed by the local planning authority a full planning application for [REDACTED] [REDACTED] (16 February 2024). Planning permission was subsequently granted on 9 April 2024.
3. The plans and particulars accompanying these two applications would result in a completed structure/building of approximately the same dimensions, internal and external appearance. However, rather than being constructed as a conventional building, the proposed mobile home would be a twin unit caravan. The LDC confirms that *'the proposed development, due to its size, method of construction, placement on the land and stated ancillary use as defined within Section 55 of the Town and Country Planning Act (as amended)'*, would be lawful, and therefore it would not require planning permission. The LDC application documentation also included details of the mobile home being placed on what is described as a *'screw pile foundation system'*. While the LDC does not specifically refer to the screw pile foundation system, it would be reasonable to conclude, based on the evidence

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submitted to it and the reference to '*placement on the land*', that the LPA did not find the screw pile foundation system to be development requiring the benefit of planning permission.

### **Reasons**

4. The appellant argues that the CA has issued a DN with an incorrectly determined deemed commencement date (regulation 118). However, the basis of the appeal is that chargeable development has not begun at all, opposed to the deemed commencement date being incorrect.
5. The CIL liability is triggered by the commencement of chargeable development. The time when development is commenced is set out in s56(2) of the Town and Country Planning Act 1990, which states '*development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.*'
6. The evidence shows that the structure has been manufactured and constructed in accordance with the details provided with the LDC. No building has therefore been erected on the land. No foundation trench(es) or part thereof have been dug, no underground main or pipe has therefore been laid to it; although I acknowledge that the property's existing utilities have been extended to serve the structure. No operation relating to the laying of a road or part of a road has been carried out. Furthermore, there has been no material change in the use of the land. No material operation as set out in s56(4) has therefore been carried out.

### **Conclusion**

7. In these circumstances, I find that chargeable development has not commenced as a matter of fact. I therefore decline to determine the appeal.

*M Madge*

INSPECTOR