



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9 January 2025

Appeal ref: APP/T5150/L/24/3352554

- The appeal is made under Regulations 117(1)(c) and 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a Demand Notice issued the London Borough of Brent.
- The relevant planning permission to which the Demand Notice relates is [REDACTED].
- The description of the development is: "[REDACTED]".
- Planning permission was granted on 2 July 2021.
- A Liability Notice was served on 5 July 2021.
- A Demand Notice was served on 8 July 2024.
- A revised Demand Notice was served on 9 September 2024.
- The determined deemed commencement date given in both Demand Notices is 26 June 2024.

Summary of decision: The appeal is dismissed.

Procedural matters

1. I note that the appellant disagrees with the imposition of the overall CIL charge, which is £[REDACTED]. For the avoidance of doubt, I have no powers to determine whether or not it was correct for the Collecting Authority (Council) to impose this charge or whether its calculation is correct. The only way this can be done is by way of submission of an appeal to the Valuation Office Agency in accordance with CIL Regulation 114. I also have no authority to direct that the Council should grant Social Housing Relief for the appeal development as suggested by the appellant. I can only determine an appeal solely in relation to any surcharges imposed and/or against the determined deemed commencement date given in the Demand Notice. As no surcharges have been imposed in this case, the appeal under Regulation 117(1)(c) – that the surcharge has been miscalculated, is not valid and cannot be determined. Therefore, the only relevant ground of appeal that is before me to consider is under Regulation 118 – that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date.
2. The appellant makes much of the fact that the original Demand Notice was addressed to him rather than the company name. However, I note this was rectified in the revised notice of 9 September 2024. Regulation 69(5) explains that where a Demand Notice is served, any earlier Demand Notice ceases to have

effect. In any event, this matter does not appear to have any relevance to either of the grounds of appeal made. It appears clear that the appellant is not happy with the way the Council has dealt with matters in general. That being the case, I can only suggest that if he has concerns about the Council's conduct or their adopted procedures, he may wish to make a complaint through their established complaints process in the context of local government accountability.

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. The date given in the Demand Notice is 26 June 2024 as this was the date stated by the appellant in his Commencement Notice dated 27 June 2024. However, although an appeal has been made on this ground, the appellant has not explained why he considers the 26 June 2024 to be incorrect and what the correct date of commencement is. Instead, his arguments appear to focus on allegations of administrative delays, such as in receiving a decision from the Council on his request for Social Housing Relief, plus procedural errors and a lack of communication. It is not clear what relevance these matters have to the appeal on this ground, and I would refer the appellant to my comments in paragraph 2 above. On the evidence before me therefore, I have no reason to believe that the Council has issued a Demand Notice with an incorrectly determined deemed commencement date. The appeal fails accordingly.

Formal decision

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

K McEntee