The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date: 19th November 2026

Appeal ref: APP/L5810/L/25/3374521

[redacted]

- The appeal is made under section 218 of the Planning Act 2008 and Regulation118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [redacted] against the determined deemed commencement date given by the London Borough of Richmond Upon Thames.
- The relevant planning permission to which the appeal relates is [redacted].
- The description of the development is: "[redacted]
- Planning permission was granted on 18 June 2025.
- A Default Liability Notice was served on 19 August 2025.
- A Demand Notice was served on 3 October 2025.
- The determined deemed commencement date given in the Demand Notice is 18 June 2025.

Summary of decision: **The appeal is dismissed.**

Procedural matters

1. A significant amount of the appellant's supporting arguments concerns the way the Collecting Authority (Council) has dealt with this matter procedurally throughout the process. However, for the avoidance of doubt, I can only determine the appeal solely in relation to the ground made, and to decide whether the Council has issued a Demand Notice (DN) with an incorrectly determined deemed commencement date. If the appellant is unhappy with the Council's conduct or their adopted procedures, he may wish to make a complaint through the Council's established complaints process in the context of local government accountability.

Reasons for the decision

2. The appeal has been made under Regulation 118, which is that the Council have issued a DN with an incorrectly determined deemed commencement date. The date given in the DN is 18 June 2025. However, although the appellant does not give a specific alternative date, he states that works began in July 2022, but that was in relation to the original planning permission [redacted]. That permission was granted on 27 May 2021 for a [redacted] However, it appears clear that the works were not carried out in accordance with what was approved. Instead of being extended, the Council found that the property had been demolished and rebuilt. That being the case, it now became a separate development to that approved, so the Council explained that in order to regularise the unauthorised development, a retrospective

application should be submitted, otherwise they would need to consider whether enforcement action would be expedient.

3. The appellant points out that this requirement was imposed by the Council's planning enforcement officer to be submitted within three weeks. However, the officer's correspondence does not state that enforcement action would necessarily follow if no application was submitted, but merely that the Council would consider whether such action would be expedient. In those circumstances, the decision to submit an application rather than await the outcome of that consideration, was ultimately one for the appellant to make. An application was subsequently submitted on 10 February 2023 and full permission granted on 18 June 2025. It is unclear why it took over two years for the Council to determine the application, but that is not a relevant consideration in my determination of the appeal, as explained in paragraph 1 above.

4. The fact remains that the relevant permission was granted under section 73A of the Town & County Planning Act 1990 as 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 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)(a) where development has already been carried out and granted planning permission under section 73A of the Town & Country Planning Act. In such cases, development is to be treated as commencing on the day planning permission for that development is granted or modified. Therefore, as retrospective permission was granted in this case, the general rule in Regulation 7(2) is displaced and the correct commencement date should be taken as the date of the grant of planning permission, which in this case was 18 June 2025.

5. On the evidence before me, I conclude that the Council have not issued a DN with an incorrectly determined deemed commencement date. The appeal fails accordingly.

Formal decision

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

K McEntee