

# Cheltenham Borough Council

Community Infrastructure Levy

## Request for Review and Appeals Policy

## **Request for Review and Appeals Policy – Regulations 113 to 119**

**In accordance with the Community Infrastructure Levy Regulations 2010 (as amended) Cheltenham Borough Council, acting in its capacity as CIL Charging and Collecting Authority, will allow applications for review and appeal.**

Regulation 113 allows a **review of the chargeable amount**.

- (1) An interested person may request a review of the calculation of a chargeable amount.*
- (2) A request for review must be made—
  - (a) in writing to the collecting authority; and*
  - (b) before the end of the period of 28 days beginning with the day on which the liability notice stating the chargeable amount subject to the request for review was issued.**
- (3) A request for review may be accompanied by written representations in connection with the review.*
- (4) If a request is made in accordance with paragraph (2), the collecting authority must review the calculation.*
- (5) The review must be carried out by a person senior to the person making the original calculation and who had no involvement in the original calculation.*
- (6) The collecting authority must consider any representations accompanying the request for review.*
- (7) Within 14 days of the review start date the collecting authority must notify the person requesting the review in writing of—
  - (a) the decision of the review; and*
  - (b) the reasons for the decision.**
- (8) In making a decision the collecting authority may either confirm the original chargeable amount or calculate a revised chargeable amount.*
- (9) A person may not request a review:
  - (a) of the decision reached on an earlier review; or*
  - (b) subject to paragraph (9A), once the relevant development has been commenced.**
- (9A) A review may be requested after the relevant development has been commenced if planning permission was granted in relation to that development after it was commenced.*
- (10) A review under this regulation will lapse if it was requested before the relevant development was commenced and the relevant development is commenced before the collecting authority has notified the interested person of the decision of the review.*
- (11) A person may not request a review under this regulation if a claim for relief has been submitted to the charging authority and the claim has not been withdrawn.*

**For the purposes of Regulation 113 the ‘Senior Person’ reviewing role will be undertaken by the Director of Planning.**

Regulation 114 allows an **appeal of the chargeable amount**.

- (1) A person who has requested a review under regulation 113 and—
  - (a) is aggrieved at the decision on the review; or*
  - (b) is not notified of the decision on the review within 14 days of the review start date, may appeal to the appointed person on the ground that the revised chargeable amount or the original chargeable amount (as the case may be) has been calculated incorrectly.**
- (2) An appeal under this regulation must be made before the end of the period of 60 days beginning with day on which the liability notice stating the original chargeable amount was issued.*
- (3) A person Subject to paragraph (3A), a person may not appeal under this regulation if the relevant development has been commenced.*
- (3A) A person may appeal under this regulation after the relevant development has been commenced if planning permission was granted in relation to that development after it was commenced.*

*(4) An appeal under this regulation will lapse if it was made before the relevant development was commenced and the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.*

*(5) Only one appeal may be made under this regulation in respect of a given chargeable development.*

*(6) Where an appeal under this regulation is allowed the appointed person must calculate a revised chargeable amount.*

For the purposes of Regulation 114 the ‘Appointed Person’ will be a **valuation officer** appointed under section 61 of the Local Government Finance Act 1988 or a **district valuer** within the meaning of section 622 of the Housing Act 1985

Regulation 115 allows an **appeal against the apportionment of liability.**

*1) An owner of a material interest in land (O) who is aggrieved at a decision of a collecting authority on the apportionment of liability with respect to that interest may appeal to the appointed person.*

*(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the demand notice stating the amount payable by O is issued.*

*(3) Paragraphs (4) to (6) apply where an appeal under this regulation is allowed.*

*(4) All demand notices issued by the collecting authority in respect of the relevant development before the appeal was allowed cease to have effect.*

*(5) The appointed person may quash a surcharge imposed by the collecting authority on the appellant.*

*(6) The appointed person must reapportion liability between each material interest in the relevant land.*

For the purposes of Regulation 115 the ‘Appointed Person’ will be a **valuation officer** appointed under section 61 of the Local Government Finance Act 1988 or a **district valuer** within the meaning of section 622 of the Housing Act 1985.

Regulation 116 allows an **appeal against a decision on charitable relief, a decision on the exemption for residential annexes and a decision on the exemption for self-build housing.**

116.

*(1) An interested person who is aggrieved at **the decision of a collecting authority to grant charitable relief** may appeal to the appointed person on the ground that the collecting authority has incorrectly determined the value of the interest in land in respect of which the claim was allowed.*

*(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the date of the decision of the collecting authority on the claim for charitable relief.*

*(3) An appeal under this regulation will lapse if the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.*

*(4) Where an appeal under this regulation is allowed the appointed person may amend the amount of charitable relief granted to the appellant.*

116A.

*(1) An interested person who is aggrieved at **the decision of a collecting authority to grant an exemption for residential annexes** may appeal to the appointed person on the ground that the collecting authority has incorrectly determined that the development is not wholly within the curtilage of the main dwelling.*

*(2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the date of the decision of the collecting authority on the claim for exemption for residential annexes.*

*(3) An appeal under this regulation will lapse if the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.*

*(4) Where an appeal under this regulation is allowed the appointed person may amend the amount of exemption for residential annexes granted to the appellant.*

*(5) In this regulation “main dwelling” has the same meaning as in regulation 42A.*

116B.

- (1) An interested person who is aggrieved at **the decision of a collecting authority to grant an exemption for self-build housing** may appeal to the appointed person on the ground that the collecting authority has incorrectly determined the value of the exemption allowed.
- (2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the date of the decision of the collecting authority on the claim for exemption for self-build housing.
- (3) An appeal under this regulation will lapse if the relevant development is commenced before the appointed person has notified the appellant of the decision on the appeal.
- (4) Where an appeal under this regulation is allowed the appointed person may amend the amount of exemption for self-build housing granted to the appellant.

For the purposes of Regulation 116 the ‘Appointed Person’ will be a **valuation officer** appointed under section 61 of the Local Government Finance Act 1988 or a **district valuer** within the meaning of section 622 of the Housing Act 1985.

Regulation 117 allows an **appeal against a surcharge.**

- (1) A person who is aggrieved at a decision of a collecting authority to impose a surcharge may appeal to the appointed person on any of the following grounds—
- (a) that the claimed breach which led to the imposition of the surcharge did not occur;
  - (b) that the collecting authority did not serve a liability notice in respect of the chargeable development to which the surcharge relates; or
  - (c) that the surcharge has been calculated incorrectly.
- (2) Where the imposition of a surcharge is subject to an appeal under this regulation, no amount is payable in respect of that surcharge while the appeal is outstanding.
- (3) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the surcharge is imposed.
- (4) Where an appeal under this regulation is allowed the appointed person may quash or recalculate the surcharge which is the subject of the appeal.

For the purposes of Regulation 117 the ‘Appointed Person’ will be the **Secretary of State** or a **person appointed by the Secretary of State** following an [appeal to the Planning Inspectorate](#).

Regulation 118 allows an **appeal against the deemed commencement date given in the Demand Notice.**

- (1) A person on whom a demand notice is served which states a deemed commencement date may appeal to the appointed person on the ground that the collecting authority has incorrectly determined that date.
- (2) An appeal under this regulation must be made before the end of the period of 28 days beginning with the day on which the demand notice is issued.
- (3) Paragraphs (4) to (6) apply where an appeal under this regulation is allowed.
- (4) All demand notices issued by the collecting authority in respect of the relevant development before the appeal was allowed cease to have effect.
- (5) The appointed person must determine a revised deemed commencement date for the relevant development.
- (6) The appointed person may quash a surcharge imposed by the collecting authority on the appellant.

For the purposes of Regulation 118 the ‘Appointed Person’ will be the **Secretary of State** or a **person appointed by the Secretary of State** following an [appeal to the Planning Inspectorate](#).

Regulation 119 allows an **appeal against the issue of a CIL stop notice.**

- (1) A person who is aggrieved at a decision of a collecting authority to impose a CIL stop notice may appeal to the appointed person on either (or both) of the following grounds—
  - (a) that the collecting authority did not serve a warning notice before imposing the CIL stop notice; or
  - (b) that the chargeable development in respect of which the CIL stop notice was imposed has not commenced.
- (2) A CIL stop notice which is subject to an appeal under this regulation continues to have effect while the appeal is outstanding.
- (3) An appeal under this regulation must be made before the end of the period of 60 days beginning with the day on which the CIL stop notice takes effect.
- (4) On an appeal under this regulation the appointed person may—
  - (a) correct any defect, error or misdescription in the CIL stop notice; or
  - (b) vary the terms of the CIL stop notice, if the appointed person is satisfied that the correction or variation will not cause injustice to the appellant or any of the interested parties.
- (5) Where an appeal under this regulation is allowed the appointed person may quash the CIL stop notice.

**For the purposes of Regulation 119 the ‘Appointed Person’ will be appointed by the Secretary of State following an [appeal to the Planning Inspectorate](#).**

**Regulation 120 defines the Appeal procedure.**

- (1) An appeal under this Part must—
  - (a) be made in writing on a form obtained from the Secretary of State (or a form to substantially the same effect); and
  - (b) include the particulars specified or referred to in the form.
- (2) An appellant may withdraw an appeal at any time by giving notice in writing to the appointed person.
- (3) The appointed person must, as soon as practicable after receipt of an appeal, send—
  - (a) an acknowledgment of receipt to the appellant in writing, which must include—
    - (i) the reference number allocated to the appeal, and
    - (ii) the address to which written communications to the appointed person about the appeal are to be sent;
  - (b) a copy of the acknowledgement mentioned in sub-paragraph (a) to each interested party together with—
    - (i) a copy of the completed appeal form, and
    - (ii) notice that written representations in relation to the appeal may be sent to the appointed person before the end of the representations period.
- (4) The completed appeal form comprises the appellant’s representations in relation to the appeal.
- (5) Any written representations from the interested parties in relation to the appeal must be received by the appointed person before the end of the representations period.
- (6) On receipt of an interested party’s representations, the appointed person must, as soon as practicable, send a copy of those representations to the appellant and each of the other interested parties.
- (7) The appointed person must have received any comments the appellant and the interested parties have on each other’s representations in writing within 14 days of the end of the representations period (or such longer period as the appointed person may in any particular case determine) and the appointed person must, as soon as practicable after receipt, send a copy of those comments to each of the other parties to the appeal.
- (8) The appointed person must consider any representations and comments made by the appellant and interested parties.
- (9) The appointed person must notify the appellant and the interested parties in writing of—
  - (a) the decision on the appeal; and
  - (b) the reasons for the decision.

For the purposes of Regulation 120 the ‘Appointed Person’ will be either the **Valuation Office Agency**, the **Secretary of State** or a **person appointed by the Secretary of State**.

Regulation 121 provides direction on **Costs**

*The appointed person may make orders as to the costs of the parties to the appeal and as to the parties by whom such costs are to be paid.*

For the purposes of Regulation 121 the ‘Appointed Person’ will be either the **Valuation Office Agency**, the **Secretary of State** or a **person appointed by the Secretary of State**.

### Applying for a review under Regulation 113

Director of Planning  
CIL Review  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

### Appealing under Regulations 114, 115 and 116

Valuation Office Agency  
Statutory Valuations Team (CIL)  
SVT Hub  
BP5202  
Dunstanburgh House  
Benton Park View  
Longbenton  
Newcastle upon Tyne  
NE98 1ZZ

Appeal Forms and Guidance are available from <https://www.gov.uk/guidance/community-infrastructure-levy-how-to-make-an-appeal>

Hard copies are available for collection, on request, from:

Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA

### Appealing under Regulation 117, 118 and 119

The Planning Inspectorate  
Enforcement Team  
Room 3/26  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Appeal Forms and Guidance are available from <https://www.gov.uk/guidance/appeal-a-community-infrastructure-levy-enforcement-notice>

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