



## **COMMUNITY INFRASTRUCTURE LEVY (CIL)** **APPEALS GUIDANCE**

### What parts of CIL can I appeal against?

1. Review of chargeable amount (Reg 113): You can ask us to review the amount of CIL you have to pay.
2. Appeal against chargeable amount (Reg 114): You can appeal our decision on the amount of CIL you have to pay.
3. Appeal against apportionment of liability decision (Reg 115): You can appeal our decision to apportion liability to pay CIL in respect of your interest in land.
4. Appeal against relief or exemption decision (Reg 116, 116A and 116B): You can appeal our decision on your claim for relief or exemption from the amount of CIL you have to pay.
5. Appeal against surcharge (Reg 117): You can appeal our decision to impose a surcharge on the amount of CIL you have to pay.
6. Appeal against deemed commencement date decision (Reg 118): You can appeal our decision on the date your development was commenced.
7. Appeal against CIL stop notice (Reg 119): You can appeal against a CIL stop notice

### What do I have to do?

#### **1. Review of chargeable amount**

If you are not satisfied with the amount of CIL we ask you to pay, as set out in your liability notice you can ask us to review the amount. You must make a request for a review in writing within 28 days of the date on which the notice was issued, and you should submit whatever evidence you feel is appropriate to support your request. You will be told the decision of the review within 14 days of receipt of your request. If you have already started the development before you receive the Council's decision the review will lapse and the original amount will become due for payment.

## **2. Appeal against chargeable amount**

If you are not satisfied with the Council's response to the review, or if you have not received a response within 14 days, you can appeal to the Valuation Office (VOA). See below for further information.

The appeal must be lodged no later than 60 days beginning with the day on which the liability notice was issued. However, if development has already started you cannot lodge an appeal with the VOA. This appeal will lapse if development starts before you have been told of the outcome of the appeal.

## **3. Appeal against apportionment of liability decision**

If you are not satisfied with the Council's decision to apportion liability to you in respect of your material interest in land you can appeal to the VOA. Your appeal must be made within 28 days of receiving notice of the apportionment decision (this will be on your demand notice).

## **4. Appeal against relief or exemption decision**

If you are not satisfied with the Council's decision on your relief or exemption claim in respect of the value of the charitable interest in the land, or that we have determined your annex development is not wholly within the curtilage of the main dwelling or the value of the self-build exemption we have granted you can appeal to the VOA. Your appeal must be made within 28 days of the date of our decision on your relief / exemption claim. This appeal will lapse if development starts before you have been told of the outcome of the appeal.

## **5. Appeal against surcharge**

If you are not satisfied with the Council's decision to impose a surcharge you can appeal to The Planning Inspectorate. Your appeal must be made within 28 days of the date the surcharge is imposed. The surcharge will not be payable whilst your appeal is being determined.

## **6. Appeal against deemed commencement date**

If you are not satisfied with the Council's decision on the date on which your development is deemed to have started you can appeal to The Planning Inspectorate. Your appeal must be made within 28 days of the date the demand notice containing the start date, known as the deemed commencement date, is issued.

## **7. Appeal against CIL stop notice**

If you are not satisfied with the Council's decision to impose a CIL stop notice you can appeal to The Planning Inspectorate. Your appeal must be made within 60 days

of the date the CIL stop notice takes effect. The CIL stop notice continues to have effect whilst your appeal is being determined.

#### How do I apply?

**Appeals to the VOA:** The appeal form, guidance notes and other useful information are available on the GOV website here: <https://www.gov.uk/community-infrastructure-levy-how-to-make-an-appeal>

**Appeals to The Planning Inspectorate:** The appeal form, guidance notes and other useful information are available on the GOV website here: <https://www.gov.uk/guidance/appeal-a-community-infrastructure-levy-enforcement-notice>

#### What happens next?

You may withdraw an appeal at any time by notifying the VOA / Planning Inspectorate in writing.

The VOA / Planning Inspectorate will acknowledge receipt of your appeal with a reference number.

The VOA / Planning Inspectorate will invite written comments from interested third parties as appropriate. You will be sent a copy of any comments received.

The VOA / Planning Inspectorate will consider your appeal, the Council's comments and any comments from third parties and will then notify you of the decision on your appeal and reasons for the decision.

You may submit a claim for, and the VOA / Planning Inspectorate may award, costs for the appeal to be paid.

#### Who do I contact for more info?

Please contact the Infrastructure team if you need info before you submit an appeal or after your appeal has been decided.

[infrastructure@babergmidsuffolk.gov.uk](mailto:infrastructure@babergmidsuffolk.gov.uk)

Please contact the VOA / Planning Inspectorate if you need info about your appeal once it has been submitted.