
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Community Infrastructure Levy
(Amendment) Regulations 2014**

Amendment to Part 10 – appeals

11.—(1) In regulation 112 (interpretation of Part 10)—

(a) in sub-paragraph (a) of the definition of “appointed person” in paragraph (1) for “115 or 116” substitute “115, 116, 116A or 116B”;

(b) after paragraph (2)(b) insert—

“(c) in the case of an appeal under regulation 116A, the person is the person who was granted the exemption for residential annexes;

(d) in the case of an appeal under regulation 116B, the person is the person who was granted the exemption for self-build housing.”; and

(c) in paragraph (3)—

(i) in sub-paragraph (a), for “or 116” substitute “, 116 or 116A”; and

(ii) after sub-paragraph (a) insert—

“(aa) in the case of an appeal under regulation 116B, the person is—

(i) the charging authority,

(ii) the collecting authority (if it is not the charging authority), or

(iii) any person that is jointly liable to pay CIL with the appellant in respect of the chargeable development to which the appeal relates.”.

(2) In regulation 113 (review of chargeable amount)—

(a) at the beginning of paragraph (9)(b) insert “subject to paragraph (9A),”;

(b) after paragraph (9) insert—

“(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”; and

(c) in paragraph (10) after “will lapse if” insert “it was requested before the relevant development was commenced and”.

(3) In regulation 114 (chargeable amount: appeal)—

(a) in paragraph (3) for “A person” substitute “Subject to paragraph (3A), a person”;

(b) after paragraph (3) insert—

“(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.”; and

(c) in paragraph (4) after “will lapse if” insert “it was made before the relevant development was commenced and”.

(4) After regulation 116 (charitable relief: appeal) insert—

“Exemption for residential annexes: appeal

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.

Exemption for self-build housing: appeal

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.”

(5) In regulation 120(7) (appeal procedure) for the words from “The appellant and” to “end of the representations period;” substitute “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)”.