



## **Making your appeal**

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# **How to complete your Community Infrastructure Levy appeal form - England**

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Annexe 1 - Process diagram

**If you need this guidance in large print, in audio format or in Braille, please contact our Customer Support Team on 0303 444 5000.**

## **Introduction**

You can appeal to the Planning Inspectorate under the Community Infrastructure Levy Regulations 2010 on the following matters only:

**Regulation 117** - A surcharge has been imposed and:

- a) the claimed breach which led to the surcharge did not occur; or
- b) the collecting authority failed to serve a liability notice in respect of the chargeable development to which the surcharge relates; or
- c) the surcharge has been calculated incorrectly.

**Regulation 118** - The collecting authority has issued a demand notice with an incorrectly determined deemed commencement date.

**Regulation 119** - A Community Infrastructure Levy (CIL) stop notice has been imposed and:

- a) the collecting authority did not serve a warning notice before imposing the CIL stop notice; or
- b) the development for which the CIL stop notice was imposed has not commenced.

## **The Planning Inspectorate cannot accept other appeals relating to the CIL charge.**

Before you make your appeal, you should discuss the matter with the collecting/charging authority. The appeals process should be seen as a last resort, for use only where all attempts to reach a mutually acceptable outcome have failed. We encourage you to continue these discussions, even during the appeal itself.

Your appeal and essential supporting documents must be received by us:

- Regulation 117 appeals - **within 28 days** of the date the surcharge was imposed.
- Regulation 118 appeals - **within 28 days** of the date the demand notice was issued.
- Regulation 119 appeals - **within 60 days** of the date on which the CIL stop notice takes effect.

If we do not receive your appeal and documents within this time limit, we will not accept your appeal.

## **Application for appeal costs**

You and the LPA normally have to meet your own appeal expenses. If a party does not behave reasonably they risk having costs awarded against them if their behaviour has directly caused another party to incur expenses that would not otherwise have been necessary.

Costs may be awarded in response to an application for costs by one of the parties. Also, the Inspector may make an award of costs even if neither of the parties has made an application.

If you are making a cost application with your appeal you should say so on the appeal form. Guidance about costs awards is in the Department for Communities and Local Government's planning practice guidance at: <https://www.gov.uk/guidance/appeals#the-award-of-costs--general>

It is important that you read this guidance because it explains how, when and on what basis you can make an application or have an application made against you.

The onus is on you to ensure that a properly substantiated claim for costs is made at the appropriate time. Merely giving notice of intent does not justify a late application for costs.

There is a model costs application form on GOV.UK: <https://www.gov.uk/claim-planning-appeal-costs/how-to-claim>

## Documents

Please note that we are unable to return any documents or photographs.

Please

- use a font such as Arial or Verdana in a size of 11 point or larger;
- use A4 paper wherever possible;
- number the pages of the documents;
- make sure photocopied and scanned documents are clear and legible;
- use black and white for documents unless colour is essential;
- put photographs (both originals and photocopies should be in colour), maps, plans etc, in a **separate appendix** and cross-reference them within the main body of the document;
- print documents on both sides of a page. You should use paper of good enough quality that something printed on one side of the page does not show through on the other side;
- ensure that the scale and orientation of any maps and plans are shown clearly. If you are sending maps or plans by email you **MUST** tell us the paper size;
- do not send original documents unless we specifically ask for them.

## Completing the appeal form

You can either:

- print out a blank form, complete it manually and post it to us;

<https://www.gov.uk/guidance/appeal-a-community-infrastructure-levy-enforcement-notice>

- complete the form electronically, print it out and post it to us; or

- complete the form electronically and email it to us at

[CILAppeals@planninginspectorate.gov.uk](mailto:CILAppeals@planninginspectorate.gov.uk).

Alternatively, you can contact us and we will send you a paper copy of the appeal form.

For handwritten appeal forms please complete the form in **CAPITAL LETTERS** using **black ink**.

## **SECTION A**

### **Appellant details**

#### Name

If the appeal is against a demand notice with an alleged incorrectly determined deemed commencement date (Regulation 118), only a person who was served with the demand notice has the right to appeal. For other types of appeal, anyone can appeal.

#### Email

If you tick the box to say that you prefer to be contacted by email, where possible we will send you our letters and appeals correspondence by email and we will not send paper copies.

## **SECTION B**

### **Agent details (if any) for the appeal**

You do not have to employ an agent to handle your appeal. If you decide to employ an agent he or she may complete the appeal form for you.

If you have an agent we will send all of our communications to the agent. We will not send a copy to you. You should ensure that you keep in touch with your agent about the appeal arrangements.

## **SECTION C**

### **Authority & application details**

You should provide the name of the collecting authority (and the charging authority if this is different). You should also provide the details of the relevant planning application to which the CIL charge relates.

## **SECTION D**

### **Appeal site address**

If the appeal site does not have a postcode please provide the postcode of the nearest building. Please provide information to help us identify the site, e.g. a map or plan showing the site and at least 2 named or numbered local roads

## **SECTION E**

### **Site visit details**

Sometimes an Inspector will need to visit the site. Your responses to these questions will help us decide how any site visit should be conducted.

#### Health and safety at the site

We take seriously the health and safety of our employees and those affected by our work. The site is likely to be inspected during the course of the appeal and the Inspector needs to be made aware of any potential problems. Inspectors may abort the site visit if the conditions on site are unsatisfactory. Failure to provide the following information may therefore delay your appeal:-

1. Will the Inspector be expected to wear Personal Protection Equipment?  
Please give details.
2. Are any building works or other operations taking place on the site? If it is a workplace, is there a risk assessment in place for visitors?
3. Are there any animals (e.g. pets or livestock) within the site? If so, you must ensure that all animals (both livestock or pets) will be kept away from the area to be visited.
4. Is the site remote or in an area likely to have a poor mobile phone signal?
5. Are there any areas that require specialist equipment or training for access, e.g. confined spaces or use of ladders/scaffolding? If a ladder will be used, you must explain why and give details of the heights involved and arrangements for securing the ladder.
6. Does the Inspector need to be aware of specific dangers within the site? This may include uneven surfaces, equipment or substances kept at the site, risk of exposure to chemicals, asbestos or radiation.
7. Will it be necessary to view the site from a height, e.g. roof, balcony?  
Are any railings or guards in place?
8. Are there any site specific safety arrangements in place?

9. Is the site accessible for persons with limited mobility?

10. Is there any overgrown vegetation that could restrict access to the site?  
If so, you should ensure that the site is made accessible to the Inspector and any other people accompanying him or her.

You must also inform us of any relevant changes to the site which occur in the period leading up to the site visit date.

## **SECTION F**

### **Reason for the appeal**

You should select which of the reasons for appealing apply to you. If more than one reason applies, you may select more than one option. Please note that your grounds in section G must cover each of the reasons you select in this section.

## **SECTION G**

**It is important that you submit your full grounds of appeal when submitting the appeal as this is your only opportunity to do so.**

You should set out all your grounds of appeal clearly and concisely and concentrate upon the merits of your argument. You should avoid repetition and information that does not relate to the issues involved. The grounds of appeal should ~~and~~ normally not exceed 3,000 words. Any supporting documentation other than that listed in Section H should be kept to a minimum and be essential and directly relevant to the appeal. Such documentation should be clearly cross-referenced in the grounds of appeal.

You may wish to submit appendices to your grounds of appeal. These may include reports and information that relate directly to the issue that is in dispute. Appendices should be used sparingly.

If you consider it essential to submit email trails to support your grounds of appeal and the final email in the trail contains the key points you should only provide that. If this is not possible you should cross through any repetition in related emails so that the key points can be clearly picked up.

You may use photographs (preferably in colour) to illustrate your grounds of appeal. If you submit photographs you must show on a map where they were taken, and say what they show and when they were taken. If you take photographs in public places please take care to respect the privacy of individuals whose images you may inadvertently capture.

## **SECTION H**

### **Essential supporting documents**

We list the documents you should provide on the appeal form. You must send us all the documents needed for the type of appeal(s) you are making plus the items listed under "ALL APPEALS".

If we do not receive all your essential appeal documents by the end of the appeal period we will not be able to proceed with it and you will lose your right to appeal. We do not 'chase' missing documents so please make sure that you have sent us everything; if you do not your appeal will be delayed or possibly turned away.

Please ensure that you have listed all the plans/drawings that you are sending to us and that they include reference to the scale, orientation, and paper size.

## **SECTION I**

### **Other appeals**

If you have made any other related appeals which are awaiting a decision for this site or for nearby sites please supply the reference numbers.

## **SECTION J**

### **Check, sign and date**

This section summarises the things you need to have done. Please check your completed form carefully, then sign and date it.

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## **SECTION K**

### **Now send**

We **must receive** your appeal form and **all** supporting documents within the 28 or 60 day time limit. So please make sure that you send your appeal in good time.

### **Contacting us**

The Planning Inspectorate  
CIL Appeals Team  
Room 3A  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Telephone: 0303 444 5000

Email: [CILAppeals@planninginspectorate.gov.uk](mailto:CILAppeals@planninginspectorate.gov.uk)

### **How we use your personal information**

We receive personal information from the appellant, LPA /charging authority/collecting authority and other interested persons who provide representations. The personal information normally includes name and contact details and any other personal information included within their representations.



We copy the representations we receive to the appellant, the relevant authority and any other statutory appeal parties. Representations will also be open for inspection at the authority's office where anyone can ask to view them. The Inspector's decision may also be published on GOV.UK.

For more information regarding your personal information, please have a look at our privacy statement here: <https://www.gov.uk/guidance/appeal-a-community-infrastructure-levy-enforcement-notice#privacy-statement>.

**Process diagram**

