

## Sheffield City Council Planning Service

# THE APPEAL PROCESS – CIL GUIDANCE NOTE 4

### Introduction

This note sets out the procedures for making appeals: how to make an appeal, when to make an appeal by, and who to make the appeal to.

The Planning Service acts for the Council as the collecting authority.

Appeals are possible to the [Valuation Office Agency](#) (VOA) in respect of CIL charging decisions or to the [Planning Inspectorate](#) (PINS) in respect of CIL enforcement decisions.

However, the CIL Regulations require you to seek a review of the collecting authority's charging decisions, before you can appeal to the VOA.

There are two CIL decisions where the Regulations do not allow an appeal: social housing relief and exceptional circumstances relief.

### Seeking a review of the CIL charge

If you feel that the amount of CIL charge set out in your Liability Notice has been calculated incorrectly or you disagree with any other aspect of the Planning Service's CIL decisions, you can seek a review of that decision. Such a request must be made in writing and within 28 days of the date on which the Liability Notice (or Draft Liability Notice) was issued, or of any other CIL decision made by the Planning Service.

You may submit whatever evidence in writing you may feel is appropriate to support your review request.

### How the Planning Service will conduct the review and notify you of the outcome

When the Planning Service receives your request to review the amount, we will ensure that the person conducting the review is senior to the one who carried out the original calculation. We will notify you of the decision of the review within 14 days of receiving your request, including the reasons for the decision.

However, where development is commenced before you receive notification of this decision, the review will lapse and the original amount will become due for payment in the manner set out in the demand notice.

To facilitate a timely response, you are asked to seek a review by e-mail if at all possible, addressed to [CIL@sheffield.gov.uk](mailto:CIL@sheffield.gov.uk).

### Rights of appeal against decisions made by the Planning Service following a review

If you are dissatisfied with the decision of the Planning Service's review or have not been notified within 14 days, you may appeal to the Valuation Office Agency (VOA) in respect of the following decisions:

- Chargeable Amount (Regulation 114)
- Apportionment of Liability (Regulation 115)
- Charitable Relief (Regulation 116)
- Exemption for Residential Annexes (Regulation 116A)
- Exemption for Self Build Housing (Regulation 116B)

Appeals against the chargeable amount must be made no later than 60 days beginning with the day on which the Liability Notice was issued. Appeals against apportionment and the specified relief or exemption decisions must be made within 28 days from the Demand Notice or other decision on a claim for exemption or relief.

You may not appeal to the VOA on how the CIL charge was calculated if development has commenced. Appeals will also lapse if development commences before you have been told of the outcome of the appeal.

Where an appeal is allowed, any Demand Notices (including surcharges) relating to the development in question will be suspended pending the outcome of the appeal.

The [Valuation Office Agency CIL Appeals Guidance Note](#) provides more information and a link to their appeal forms.

### **Rights of appeal against CIL enforcement decisions**

You can appeal to the Planning Inspectorate (PINS) if you feel that a CIL enforcement action or surcharge is unwarranted or has been taken in error, but you are encouraged to contact the Planning Service to see if we can resolve the matter first. The following types of enforcement appeal are possible:

- Surcharge (Regulation 117)
- Deemed Date of Commencement (Regulation 118)
- Stop Notice (Regulation 119)

However, you should be aware that a formal appeal can be lodged no later than 28 days after the date of your notification by the Planning Service (or within 60 days of a CIL Stop Notice taking effect).

[Enforcement appeal guidance and forms](#) are provided on the Planning Portal web site.

Where a valid appeal is submitted, any enforcement decisions relating to the deemed date of commencement, including the imposition of any surcharges, will be suspended pending the outcome of the appeal.