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**Appeal routes: VOA, PINS and JR
Which Route For Which Decisions?**

The Three Potential Routes

- Valuation Office Agency
- Planning Inspectorate
- Judicial Review of Collecting Authority
- Judicial Review of VO or Planning Inspectorate

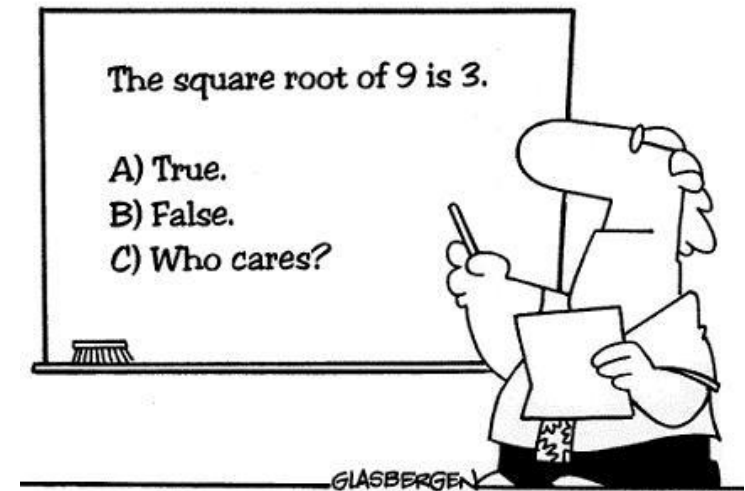


Valuation Office Agency

- Reg 114 – Appeal on Chargeable Amount
- Reg 115 – Apportionment of Liability
- Reg 116 – Charitable Relief
- Reg 116A – Exemption for Residential Annexes
- Reg 116B – Exemption for Self-Building

VOA - Reg 114 – Appeal on Chargeable Amount

- First stage is to request Reg 113 review by the collecting authority
 - In writing
 - Within 28 days of issue of liability notice
 - Before development has commenced
- Second stage is to appeal to VOA:
 - Where aggrieved by the review; or
 - Not notified of review decision within 14 days; and
 - Within 60 days of issue of liability notice
 - Before the development has commenced unless permission granted for that development after it has commenced (i.e. retrospective permission)



Many students actually look forward to Mr. Atwadder's math tests.

VOA - Reg 114 – Appeal on Chargeable Amount

- Reg 114 Appeal lapses if development commenced before VOA notify of its decision
- One one appeal may be made in respect of a given chargeable development
- Raise all of the arguments you have

VOA - Reg 114 – Appeal on Chargeable Amount

- Examples

VOA – Reg 115 – Appeal on Apportionment

- Reg 115 – seeks to challenge the apportionment of liability between each material interest
- No need to ask for review
- Appeal within 28 days of issue of demand notice
- Not affected by commencement of development



VOA – Reg 115 – Appeal on Apportionment

- Example

VOA – Reg 116 – Appeal on Charitable Relief

- Appellant must be “aggrieved at the decision of a collecting authority to grant charitable relief;
- Appeal on ground that “the collecting authority incorrectly determined the value of the interest in land in respect of which the claim for charitable relief was allowed
- Appeal must be made within 28 days of date of collecting authority's decision on the claim for charitable relief
- No appeal if development has commenced and appeal lapses if commenced prior to notification of the decision on the appeal



VOA – Reg 116 – Appeal on Charitable Relief

- Example

VOA – Reg 116A – Residential Annexes

- Appellant must be “aggrieved at the decision of a collecting authority to grant an exemption for residential annexes”
- Appeal on ground that “the collecting authority incorrectly determined that the development is not wholly within the curtilage of the main dwelling”
- Appeal must be made within 28 days of date of collecting authority's decision on the claim for exemption for residential annexes
- No appeal if development has commenced and appeal lapses if commenced prior to notification of the decision on the appeal



VOA – Reg 116A – Residential Annexes

- Example

VOA – Reg 116B – Self-Build Housing

- Appellant must be “aggrieved at the decision of a collecting authority to grant an exemption for self build housing”
- Appeal on ground that “the collecting authority incorrectly determined the value of the exemption allowed”
- Appeal must be made within 28 days of date of collecting authority's decision on the claim for exemption for self-build housing
- No appeal if development has commenced and appeal lapses if commenced prior to notification of the decision on the appeal



VOA – Reg 116B – Self Build Housing

- Example

PINS – Reg 117 – Surcharge Appeal

- Appellant must be “aggrieved at the decision of a collecting authority to impose a surcharge”
- Appeal on any of 3 grounds:
 - The breach that led to the surcharge did not occur;
 - The collecting authority did not serve liability notice in respect of the chargeable development to which the surcharge relates; or
 - The Surcharge has been calculated incorrectly
- Appeal must be made within 28 days of day on which the surcharge was imposed
- Development can have started.



PINS – Reg 117 – Surcharge Appeal

- **Hillingdon LBC v Secretary of State for Communities and Local Government**

PINS – Reg 118 – Deemed Commencement

- Appellant must be person on whom a demand notice has been served which states a deemed commencement date.
- Appeal must be made within 28 days of day on which demand notice issued.
- PINS have power to determine a revised deemed commencement date.



PINS – Reg 118 – Deemed Commencement

- **The Queen on the Application of Shropshire Council v The Secretary of State for Communities and Local Government v Lee Jones**

PINS – Reg 119 – CIL Stop Notices

- Appellant must be person aggrieved at a decision to impose a CIL stop notice
- Appeal is available on two grounds:
 - No warning notice had been served
 - The chargeable development has not commenced
- Appeal must be made within 60 days of day on which CIL stop notice takes effect
- The CIL stop notice continues to have effect while the appeal is outstanding.
- PINS have power to quash the notice or vary it to correct defect/error.



PINS – Reg 119 – CIL Stop Notices

- Example

Judicial Review Instead of Appeal

- JR process only available if issue not within scope of sections 113 to 119, for example:
 - Minor development exemption
 - Social Housing relief
 - Exceptional Circumstances relief
- JR seems a disproportionately cumbersome route for dealing with these issues when they could have been dealt with by the VOA or PINS
- But the ability to claim a relief or exemption is lost if development begins – few developers will have the luxury of being able to wait for the outcome of a JR before commencing construction.



Judicial Review Instead of Appeal

- R. (on the application of Giordano Ltd) v Camden LBC
 - Dispute over the calculation of CIL and whether there were retained parts which should have been deducted from that calculation
 - Unclear whether there was a VOA appeal
 - If not, then why did the Court entertain the Claim?
- The Queen (on the application of Orbital Shopping Park Swindon Limited) v Swindon Borough Council
 - The mezzanine case
- R (oao Hourhope Ltd) v Shropshire Council
 - Refusal to amend the notice

Thank you for listening

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