



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt Hon Angela Rayner MP
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

5th February 2025

Dear Secretary of State,

Re: Residential CIL payments under Waverley Borough Council

As the MPs representing the area covering Waverley Borough Council, we write to ask for your assistance to urgently investigate an issue residents are experiencing in respect of The Community Infrastructure Levy Regulations 2010 (CIL).

As you are aware Community Infrastructure Levy is a charge which requires developers to contribute towards essential infrastructure. Self-builders, residential annexes, and smaller home extensions should be exempt from CIL payments, but they must fill in the right paperwork to secure this exemption.

CIL is a crucial part of the planning process, but it has become clear our residents are suffering from unintended consequences of this legislation.

Working with our local Conservative Borough Councillors we have, in recent months, identified a series of cases where residents are faced with huge, unexpected CIL liability (in some cases levies of hundreds of thousands of pounds) for residential householder extensions which should be exempt under the provisions of CIL legislation. As CIL becomes payable the moment spades go in the ground, those unaware or who have filled in paperwork incorrectly have been forced to find life changing amounts of money to avoid enforcement action, the threat of removal of assets and in worst cases the threat of imprisonment. In these cases, there is no right of appeal.

Seven cases to date have come forward to us. In each instance they were served Demand Notices for CIL requiring them to pay Waverley BC substantial sums. Mr and Mrs Dally of Godalming say they are happy to discuss their experience publicly having unexpectedly faced a £70,000 CIL charge in 2020, with no right of appeal. Mr. Dally, a 65-year-old man, has been forced to increase the mortgage on his home by £400 per month, pending full repayment when he turns 70. He may have no choice but to sell the home he has worked his entire life for just to settle this debt.

Conservative Councillors last week led a successful motion, enabling a discretionary review for those impacted. The following cases have come forward to us to date within the Waverley area (names have been removed to protect identities):

- £70,000 CIL paid, Godalming - demolish and rebuild extension (Mr & Mrs Dally);
- £45,000 CIL paid, Busbridge - change of classification of building;



- £73,000 CIL paid, Womersley for dormer windows application following permitted development;
- £97,000 CIL paid, Farnham - retrospective application for an outbuilding;
- £235,000 - CIL paid - WBC contacted resident this week to state this will be reviewed;
- £90,000 CIL demanded in 2021, Haslemere - WBC contacted resident last week to state this will be reviewed;
- £200,000 CIL demanded, Witley - for a self-build. Subsequently withdrawn following applicant pushback.

Potential CIL liability demanded erroneously in WBC - £810,000

A number of these cases have additionally been charged substantial late payment interest when they have been unable to find the funds to cover these sums.

In all these applications there appears to be a common theme as nearly all of them were amendments or retrospective changes to existing planning permissions. Thus, critically, work had been deemed to have commenced so that the applicant had no right of appeal.

For your information we attach a report undertaken by West Berkshire Council last year by the Planning Officers Society (POS) which includes a series of useful recommendations. We will be writing to Waverley Borough Council to suggest they undertake a similar review.

As above, we are aware this is not just an issue within Waverley Borough Council. West Berkshire Council identified an issue with CIL and in 2024 voted to implement a discretionary review for those impacted within a year. To date 18 cases have come forward at West Berkshire, with a total to be repaid of approximately £200,000. We understand cases have already been identified in Horsham Borough Council and Bracknell Forest.

Concerned about the far reaching and unintended consequences of this aspect of CIL legislation, we now request an urgent investigation and review. In collecting CIL, Councils should not find themselves in the situation where they are charging residential homeowners in error.

We look forward to hearing from you.

Yours sincerely,

Rt Hon Jeremy Hunt MP
Member of Parliament for Godalming and Ash

Gregory Stafford MP
Member of Parliament for Farnham and Bordon