

Mr. Keith Holland BA (Hons) DipTP MRTPI ARICS

Independent Examiner

London Borough of Ealing Draft Community Infrastructure Levy Charging Schedule Examination

C/o Mr. Lee Armitage

Director

Intelligent Plans and Examinations (IPE) Ltd

E: lee.armitage@intelligentplans.co.uk

28th July 2025

Dear Sir

LB Ealing's Draft Community Infrastructure Levy Charging Schedule Examination

(1). My name is Shelly Chahal and I am the voluntary convenor of the *Planning Reform Action Group* (PRAG).

(2). Over the past 5/6 years I have engaged with central Government, the MHC&LG (previously known as the *Department for Levelling Up, Housing & Communities*), PINS, LGA, GLA, LPA's and victims of what by many measures is regarded to be a dysfunctional planning system, such that has been causing harm to ordinary homeowners and householders who have no other motivation but to be enabled to build the additional covered space at their homes that they need for safe living accommodation for themselves and those with whom they share their homes.

(3). Sadly, many mechanisms have been deployed to prevent people from adapting their homes according to their needs, needs that have often arisen due to changes in their personal circumstances. In many instances, victims of this punishing strategy include those the State recognises as being in the '*vulnerable*' category (by virtue of disabilities, medical conditions, ageing, accident, affordability of new homes e.g. for younger family members such as grandchildren, etc.), all of which has had the consequence of depriving occupants of the existing housing stock of the essential provision of a '*safe*' home. In some instances, younger relatives provide resource and support to their older relatives when living together, but being of a different generation they need additional covered space at their homes to fulfil their own needs and not least also e.g. grandchildren are not able to afford to purchase their own homes due to the exponential rise in house prices, so have to share to avoid being homeless. Hence in Ealing there is a significant proportion of multi-generational homes, whereby for the safe living of all occupants, additional covered space at those homes is needed which provokes the need to build extensions etc., which, if a proper and fair CIL scheme is not formed, potentially unmerited CIL levies will ensue, as is happening in other boroughs.

(4). Purpose of Approach

(4.1). It has come to my attention that the legal opinion dated 19th May 2025 presented by Berkeley Homes (Southall) Limited suggests “**Prematurity**” on the grounds that: -

“The Charging authority is not acting rationally in seeking to examine (and, presumably adopt) its Charging Schedule before its emerging Local Plan is finalised. ...”

(4.2). As an authorised participant in the ‘Regulation 22 ‘ process (such that seeks to examine the LPA’s emerging Local Plan (LP) 2024 to 2039) I would like to present to Inspector Holland the representation that PRAG has submitted (to Inspector McCreery and Inspector Dillon) to which apparently regard is being given.

(4.3). As you will see, by virtue of a number of serious matters, it is submitted that Ealing Council’s emerging LP is not positively prepared, not justified, not consistent with national policy and fails to be legally sound.

(4.4). Hence, I support the position of Berkeley Homes (Southall) in that until the LP is established, ‘*Wednesbury*’ reasonably a local CIL charging schedule cannot rationally be formed, as in all reasonableness and fairness there should be exemptions from the scheme to ensure that inadvertently existing residents should not end up having to pay twice for community infrastructures and where additional covered space is needed at existing homes for safe living purposes (e.g. by virtue of disability and / or medical condition particularly), then such ‘*vulnerable*’ people should not be disbarred from adapting their homes according to their needs due to not be able to afford to pay any CIL levy that the LPA arbitrary decides is due.

(5). Potential Consequential Issues with Ealing’s CIL Charging Schedule

(5.1). As generally Councils are reportedly increasingly cash poor, it is envisaged that a strategically and procedurally ill-defined or ambiguous CIL could be the basis for applying unfair CI levies against existing homeowners who just want to have at their homes safe living accommodation that meets the needs of themselves and those with whom they share their accommodation.

(5.2). Safe living accommodation, such that is needed by individual homeowners should not attract a CIL Levy as when someone is living in a borough they pay Council Tax, which already charges for community infrastructures. If existing homeowners are required to pay CIL, then they will be paying twice and this is unfair.

(5.3). Below are some reports where homeowners (in other boroughs) have unfairly / wrongly been asked to pay CIL bills, matters that create community tension unnecessarily, which had the subject LPA’s had a properly specified, fair, transparent and appropriate CIL charging schedule in place, then such community disharmony would not have been created:-

<https://www.change.org/p/stop-the-community-infrastructure-levy-injustice-protect-self-builders-and-homeowners>

<https://www.waverley.gov.uk/council-updates/read-our-latest-news/council-to-refund-resident-following-review-of-community-infrastructure-levy-case>

<https://westberks.gov.uk/article/42783/Council-announces-changes-to-Community-Infrastructure-Levy-CIL-processing-for-householders>

<https://localgovernmentlawyer.co.uk/transport-and-highways/443-transport-and-highways-news/58172-council-to-pay-back-homeowners-following-incorrect-community-infrastructure-levy-charges>

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/community-infrastructure-levy>

(5.4). It is thus submitted that such dissensions should be avoided in the best public justice interests avoiding unnecessary bureaucratic costs to the public purse arising out of appeals, compensation claims and not least to mention the associated harm

(6). Final Comments: Suggested Modifications

(6.1). Exemptions Please

(6.1.1). Where residential development is needed for safe living purposes (by the occupants of existing homes), a CIL levy should not be payable, especially if the occupants share any of the "*protected*" characteristics, as identified in s. 149 of the Equality Act 2010 otherwise known as the *Public Sector Equality Duty* (PSED).

(6.1.2). In relation to any development at private homes for e.g. residential extensions / outbuildings, where Occupational Therapists / other medical practitioner letters / reports verify that the occupant/s at the subject property have '*special needs*' which would be best served by the development being applied for.

(6.1.3). Where any occupant of existing premises has disabilities, then those premises should be exempt from any CIL levy in relation to any development, just as planning application fees are exempt where the development being applied for is needed on grounds of disability / accessibility purposes (see regulation below): -

***“Development providing for people with disabilities
[Regulation 4 of the 2012 Fees Regulations](#), as amended, sets out that
planning application fees are waived for a disabled person who is living or
intending to live in a dwelling who wishes to:***

- i. alter or extend an existing dwelling; or***
- ii. undertake works in the curtilage of an existing dwelling in order, in either case, to:***
 - a. create an access; and/or***
 - b. provide for their improved safety, health or comfort”***

(6.2). To my mind it does not make any sense that planning application fees are exempt for people with disabilities (if the subject application development is needed by them for their general health / well-being / mobility / improved health / independence etc.), whilst on the other hand they would be required to pay onerous CIL fees.

(6.3). My interest in the CIL Charging schedule concerns delivering the best public justice as reportedly there have been many victims of wrongful application of CIL (by other LPA's) where persons who have been granted planning permission have wrongly / unfairly been charged thousands of pounds (CIL) with double injustice as despite acknowledging that the subject bills are wrongful, the subject LPA's (not Ealing) have refused to issue credit notes, matters that can escalate to such degrees when money is at stake!.

(7). I would be thus most grateful if the independent examiner the honourable Inspector Holland would kindly consider and apply any flexibility to the procedural protocol, amending Ealing Council's CIL scheme to take account of the above provisions please.

(8). With many thanks.

Yours faithfully

Shelly Chahal (Ms.)
Convenor
Planning Reform Action Group

(1). April 2025 Representation (Full), with five appendices requesting corresponding amendments to Ealing Council's Local Plan (2024-2039).