

# Waverley not waiving planning fees spark protests

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Angry homeowners hit with hefty planning bills and court threats gathered outside Waverley Borough Council to protest against levies that have left some at risk of losing their homes, or going to jail.

About 20 people have so far come forward with what they say are huge and unexpected infrastructure levies for work done to their homes.

They have been shocked by the short notice to come up with, in some cases, £70,000 for work they would have been expected to be exempt from – and would have been if they'd filled out a form.

Instead they have been pursued and threatened with court action if they do not pay.

On Tuesday April 1, those affected protested outside the council's executive meeting and challenged the authority on whether it had any "genuine intent" to review its Community Infrastructure Levy process.

Community Infrastructure Levies are payable on developments of more than 100 square metres, unless homeowners actively apply for an exemption. Large developers expect there to be an infrastructure charge, which can often take the form of community buildings such as a doctor's surgery or hall. Where these are not suitable money can be paid.

The levy is used to offset the impact development has on an area and can be bid for by public bodies or community groups for projects.

The problem has been some people feel they are being wrongly hit with the fees – and the heavy handed approach the council has taken in chasing the money.

In most cases the council says it has been correct in issuing the bills -despite anger from those who feel wronged.

The exception, it said, was the highest profile case so far, of Steve and Caroline Dally who were stung with a £70,000 bill for a home extension and given no opportunity to argue their case.

The rest, the council argues are not as straightforward – with any long-term solutions not expected until at least May,

Councillor Liz Townsend, portfolio holder for planning said: "I can assure members here and residents that the council is committed to carrying out a discretionary review where householders previously subject to CIL liability can request a discretionary review."

She added: "There have been a number of extremely speculative and scaremongering comments about the nature of this review by some councillors which is very concerning.

"However I would like to assure residents again that we are committed to investigating and assessing each individual case that is submitted to the council and the process for undertaking this will be fully disclosed in the report coming to the executive at the beginning of May."

However, asked if the council had powers to withdraw liability notices for "whatever reasons it sees appropriate" the leader, Cllr Paul Follows, responded: "I think we are comfortable to acknowledge that's what the regulation says. Yes. I don't think there is anything else I can add to that but I am sure what the regulation says."

Asked "For whatever reason you deem fit?"

Cllr Follows replied: "Yes – but at the same time I do think you have to recognise we can't in ourselves act unlawfully in the withdrawal of the CIL liability – there are things we have to do here.

"This is not a straightforward process. If anybody has been advising you that it is a straightforward process I would consider widening your advice.

"One of the problems here – we've effectively got three categories of individuals in this process.

"Individuals who may have had some fault of the council, and although we're still checking the details, for example would be Mr Dally who we've looked at – and most of us have concluded he was told something in error and I think there will probably be some remediation that takes place there.

"There are individuals who have been advised poorly...as part of their building project. Yes I can understand their frustration with the council but actually their issue is with the private advice which has been inaccurate and their first course of resolution would be through the liability insurance of the private advisor.

“And thirdly there are individuals that disagree with the concept of homeowner CIL but have been charged legally for it at this point of time and that’s subject to a different discussion of whether we should charge homeowners or not.

“It broadly falls into those three camps.”

The council said it would be taking this final group into consideration in May when it is due to discuss potential changes to CIL.

A longer term solution is not likely to be finalised until the council’s local plan - effectively the planning rules it must abide by - is signed off in 2027.

Image: Waverley CIL protests (image Waverley Conservative Council Group)