

Valuation Office Agency – DVS (CIL)  
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Durham  
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Your reference: 1873237  
Our reference: LN00001534 (DC/22/2297)  
Please ask for: Suzanne Shaw  
Direct Line: 01403 215075  
Email: cil@horsham.gov.uk  
Date: 19 August 2025

Dear Sir/Madam,

**The Community Infrastructure Levy Regulations 2010 As Amended – Regulation 114**  
**Appellant: Mr Jonathan Corby**

**Chargeable Development: Demolition of existing Squash Club and construction of a residential building containing 8no flats, including the provision of 14no parking spaces, private outdoor amenity space and landscaping (Amended Plans) at Storrington Squash Club, Greyfriars Lane, Storrington, West Sussex, RH20 4HE**

Thank you for your correspondence dated 5 August 2025 in which you advise that an appeal has been made under Regulation 114 of the Community Infrastructure Levy Regulations (CIL) 2010 as amended in respect of the above development. As an interested party as set out in Regulation 112(3) I would be grateful if you would consider the representations set out below.

Chargeable Amount before any applicable deductions:

The Appellant's opinion is that the chargeable amount before any applicable deductions should be £158,330.38 as opposed to £158,345.77. The figure for the Index (I) shown on the Liability Notice is a rounded number. The unrounded figure for (I) is 1.367132867132867.

Chargeable Amount = Chargeable Area (A) x Rate (R) x Index (I)

$$\begin{aligned}(A) &= 857.95\text{m}^2 \\(B) &= £135.00 \\(C) &= 391 / 286 = 1.367132867132867\end{aligned}$$

Therefore:  $857.95\text{m}^2 \times £135.00 \times 1.367132867132867$

Chargeable Amount = £158,345.77

In-use Status of the Existing Building to be Demolished:

Planning application reference DC/22/2297 was validated in February 2023. The CIL Additional Information Form submitted with the planning application and dated 5 December 2022 advised that the existing building had last been occupied for its lawful purpose on 16 December 2019.

In May 2024, while planning application reference DC/22/2297 was still under consideration, the Appellant contacted the Collecting Authority to ascertain if the floorspace of the existing Squash Club could be deducted from the chargeable area. The Collecting Authority explained that as the building had not been 'in-use', it would not be possible to discount the existing floorspace. The Appellant did not offer an alternative position regarding the in-use status of the

building and advised that a number of factors meant that they had “been pushed out of this 3 years window”, (Appendix 1).

Planning permission was subsequently granted on 30 May 2025. As such, to be an in-use building for CIL purposes, the existing building to be demolished would have to have been used for its lawful purpose for a continuous period of six months between 30 May 2022 and 30 May 2025. Our records indicate that the lawful use of the existing building is Use Class E.

The judgment handed down in the case of *R (Hourhope Ltd) v Shropshire Council (2015)* sets out that, for the purposes of establishing whether a building meets the definition of “in-use” in the CIL regulations, it is not sufficient to show that there is a lawful use to which the building could have been put during the relevant period. For a building to qualify for a reduction in the levy it needs to be demonstrated that it is in actual lawful use for that period.

The CIL Additional Information Form indicated the existing building had been last in use in December 2019, the case officer’s report confirmed that the Squash Club had closed, and no information had been submitted to the Collecting Authority seeking to demonstrate that the building was or had been in-use, therefore the Collecting Authority deemed the existing building not to be an in-use building for CIL purposes.

Although the Appellant had indicated to the Collecting Authority in May 2024 that, at that time, the building had not been in a lawful use for a continuous period of six months within the previous three years (May 2021 to May 2024) the Appellant advised the Collecting Authority on 3 June 2025 that the existing building had been in continuous lawful use since 10 July 2023 under a commercial lease, a copy of which was provided.

The Appellant was advised by the Collecting Authority that a lease alone is insufficient to demonstrate that the building was actually being used for its lawful purpose and was invited to submit additional information, including details of what business, commercial or service uses were being conducted at the building for the period in question and to provide accompanying documentary evidence to demonstrate that use (Appendix 2).

The Appellant requested a review of the chargeable amount under regulation 113 of the CIL regulations on 27 June 2025 and provided additional information seeking to demonstrate that the building was an in-use building for CIL purposes.

The Collecting Authority was provided with a copy of a lease between (1) Storrington Squash Club Limited and (2) Amanda Munday. The lease, dated 27 February 2025, sets out that the Property (Storrington Squash Club, Greyfriars Lane, Storrington) is let to the Tenant for a term from and including 10 July 2023 to and including 10 June 2026 and will only be used as a gym with ancillary use as an office under Use Class E.

Two statutory declarations, dated 27 June 2025, were also provided:

- (1) from a Director of Storrington Squash Club Limited declaring that the Tenant has been in occupation of the Property and using it in accordance with the Class E use as referred to in the lease since the start of the term (10 July 2023)
- (2) from a Tenant declaring that they have been in continuous occupation of the Property and using it in accordance with the Class E gym and ancillary office use as referred to in the lease since the start of the term (10 July 2023).

(Please note that the Collecting Authority believes there may be an error in the first paragraph of the Statutory Declaration made by the Director of Storrington Squash Club as this refers to

the lease being between (1) Storrington Squash Club Limited and (2) Dany Guiriaboye, instead of between (1) Storrington Squash Club Limited and (2) Amanda Munday).

The Statutory Declarations state that the above-mentioned lease has been backdated in recognition of the Tenant's first occupation of the Property.

Additional information has been provided in the form of copies of water bills for the period from 3 July 2024 to 23 March 2025 and copies of electricity bills for the period 12 April 2024 to 31 May 2025. While this information shows the consumption of both water and electricity for a continuous period of six months within the three years ending on the day planning permission first permitted the chargeable development, it does not demonstrate the actual use to which the building has been put in that period.

The evidence provided to date indicates a lease enabling the building to be used for a purpose within use class E, but not that the building was actually put to such a use. Utility bills show water and electricity consumption but not for what purpose, and although they carry some weight, the statutory declarations on their own do not demonstrate an actual use of the building for a purpose within use class E.

The Collecting Authority invited the appellant to submit additional information to demonstrate the actual use of the building as a gym and ancillary office for the required period, suggesting records of bookings, date stamped photographs of the gym and ancillary office in use, evidence of contracts with suppliers, membership contracts, evidence of transactions between the gym facility and its users, details of the number of members / usage figures and evidence of the use of marketing materials / social media to promote the facility), however this has not been provided.

The onus is on the Appellant to provide sufficient information to demonstrate the building is an in-use building for CIL purposes. The Collecting Authority remains of the view that the information submitted does not sufficiently demonstrate that the building has actually been used as a gym and ancillary office for a continuous period of six months between 30 May 2022 and 30 May 2025.

I hope the above sets out how the community infrastructure levy has been calculated in this case.

Thank you for the opportunity to provide representations in relation to this appeal.

Yours faithfully,

Suzanne Shaw  
Planning Obligations Officer