



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision 12 December 2017

Appeal ref: APP/Y1945/L/17/1200126

- The appeal is made under section 218 of the Planning Act 2008 and Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED]
- A Liability Notice was served on the original applicant for planning permission by Watford Borough Council on 24 September 2015.
- A Demand Notice was served on the applicant 11 April 2017.
- A Liability Notice was served on the appellant on 6 July 2017.
- A Demand Notice was served on the appellant on 6 July 2017.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED]
- The description of the development is: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Planning permission was granted on 2 July 2015.
- The alleged breach is the failure to submit a Commencement Notice.
- The outstanding surcharge for failure to submit a Commencement Notice is [REDACTED]

Summary of decision: The appeal is dismissed and the surcharge of [REDACTED] is upheld.

Reasons for the decision

1. An appeal under Regulation 117(1)(b) states that the Collecting Authority failed to serve a Liability Notice in respect of the development to which the surcharge relates. It is clear from the evidence that the original Liability Notice (LN) was served by the Council on 24 September 2015 on the previous owner ([REDACTED]). A LN was eventually served on the appellant on 6 July 2017, along with a Demand Notice, including a surcharge for failure to submit a Commencement Notice, after a Transfer of Liability form had been completed by the original owner. However, the appellant contends that this is unfair as a LN was served on him on the same day as the Demand Notice. However, the original LN of 24 September 2015 to [REDACTED] was registered as a local land charge at the time it was served, which the Council are obliged to do under the Local Land Charges Act 1975. Such a charge binds the land. Any purchaser and owner of the property are deemed to have full knowledge of any burden attached to the land by virtue of

the registration. The wording of Regulation 117(1) (b) is not personalised for this reason.

2. In these circumstances, I am satisfied a Liability Notice was correctly served by the Council (Collecting Authority) and consequently the appellant should have been aware of the CIL procedures as explained in the notice. The appeal on the ground made fails accordingly.

Formal decision

3. For the reasons given above, I hereby dismiss the appeal and uphold the CIL surcharge.

K McEntee