



Appeal Decision

by **Ken McEntee**

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

Decision date: 7 November 2018

Appeal ref: APP/J4423/L/18/1200193

- The appeal is made under Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED]
- [REDACTED]
- Planning permission was granted on 3 June 2016.
- A Liability Notice was issued on 28 July 2016.
- A Demand Notice was issued on 28 July 2016.
- A revised Liability Notice was issued on 25 June 2018.
- A revised Demand Notice was issued on 27 June 2018.
- The relevant planning permission for which the CIL surcharge relates is [REDACTED]
- The description of the development is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The alleged breach is the disqualifying event of selling the self-build dwellinghouse.
- The outstanding surcharge for the disqualifying event is [REDACTED]

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

Reasons for the decision

1. It appears clear that the appellant is asserting that he only applied for a self-build exemption in relation to the alterations to the existing dwelling and did not do so in relation to the new dwelling [REDACTED]. However, this is not something before me to consider in my determination of the appeal. I can only suggest that the appellant may wish to pursue this matter further with the Council (Collecting Authority). I can only determine the appeal on the ground made, which is Regulation 117(1)(b) – *The Collecting Authority failed to serve a Liability Notice in respect of the development to which the surcharge relates.*
2. Although the appellant states that he never received a Liability Notice (LN), he also states that he did receive one on 25 June 2018. The appellant seems to be arguing that he should have received a LN before this, showing the payable amount. However, the LN showing the payable amount was served at the correct time once the Council became aware that a disqualifying event had occurred in their view. The LN clearly stated the CIL chargeable amount that was now payable. Until that time, there was no CIL to pay as the Council had granted a

self-build exemption. On the evidence before me, I am satisfied that a LN was served by the Council as a matter of fact.

3. In these circumstances, the appeal fails accordingly.

Formal decision

4. For the reasons given above, the appeal is dismissed and the surcharge of [REDACTED] is upheld.

K McEntee