



Appeal Decision

by **Ken McEntee**

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

Decision date: 3 April 2019

Appeal ref: APP/U5360/L/18/1200224

- 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] against a surcharge imposed by the London Borough of Hackney.
- Planning permission was granted on appeal on 28 February 2018.
- A Liability Notice was served on 24 April 2018.
- A Demand Notice was served on 17 October 2018.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED]
- The description of the development is: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The alleged breach is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failure to submit a Commencement Notice is [REDACTED]

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

The appeal under Regulation 117(1)(b)

1. An appeal under this Regulation is that the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates. The appellant contends he did not receive the Liability Notice that was submitted on 24 April 2018 as it was sent to the wrong address; namely, [REDACTED]. However, it appears clear from the evidence that the Council actually sent the Liability Notice by e-mail in accordance with Regulation 126(1)(e) to the e-mail address given by the appellant in the Assumption of Liability Notice, which was submitted by e-mail on 23 April 2018. This notice also stated the appellant's address as [REDACTED]. Therefore, on the evidence before me, I am satisfied the Council correctly served a Liability Notice. The appeal fails accordingly.

Formal decision

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

K McEntee