
Appeal Decision

by **Ken McEntee**

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

Decision date: 23 May 2019

Appeal ref: APP/U5360/L/18/1200228

- The appeal is made under Regulations 117(1)(c) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by the London Borough of Hackney.
- Planning permission was granted on 14 March 2016.
- A Liability Notice was served on 17 October 2016.
- A Demand Notice was served on 6 March 2018.
- A revised Demand Notice was served on 25 October 2018.
- The relevant planning permission for which the CIL surcharge relates is [REDACTED]
- The description of the permission is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The alleged breach is the failure to pay the CIL within the required time period.
- The outstanding surcharge for failure to pay the CIL in full within 30 days after the due date [REDACTED].
- The outstanding surcharge for failure to pay the CIL in full within 6 months after the due date is [REDACTED].

Summary of decision: The appeal is allowed in part to the extent that the surcharge of [REDACTED] is corrected.

Reasons for the decision

1. An appeal under Regulation 117(1)(c) is that the surcharge has been calculated incorrectly. Regulation 85(1) explains that if the CIL amount is not paid after 30 days of payment being due the Collecting Authority (Council) may impose a surcharge of 5% of the amount due or £200, whichever is the greater. Regulation 117(2) explains that a surcharge of 5% or £200 may be imposed on any unpaid amount at the end of 6 months. Although an appeal on this ground relates to the calculation of the surcharge, it appears clear that the appellant's appeal is more concerned with the surcharges in principal.
2. The Liability Notice that was served on 17 October 2016 makes clear that the CIL is payable within 60 days of commencement of development. There does not appear to be any dispute that development commenced on 10 October 2016. Therefore, payment was due by 8 December 2016. However, payment was not made until sometime between 7 February and 6 March 2018 after the Council chased payment by e-mail of 7 February 2018. The appellant argues that the

