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# Appeal Decision

by **Ken McEntee**

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

Decision date: 6 August 2019

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**Appeal ref: APP/L5240/L/19/1200256**

- 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 Croydon Council.
- Planning permission was granted on 2 June 2016.
- A Liability Notice were served on [REDACTED] Ltd on 2 June 2016.
- A Demand Notice was issued on 22 January 2019.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED].
- The description of the development is: [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.**

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## Reasons for the decision

1. An appeal under Regulation 117(1)(b) is that the Council failed to serve a Liability Notice in respect of the development to which the surcharge relates. In this case, the appellant contends that he did not receive a Liability Notice as it was sent to the previous owners of the land. However, when the Charging Authority (Council) issued the Liability Notice it would have been registered it as a local land charge, which the Council are required 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 charge goes with the land and not the owner. The wording of Regulation 117(1)(b) is not personalised for this reason. Therefore, I am satisfied a Liability Notice was correctly served by the Council and consequently the appellant should have been aware of the CIL procedures as explained the notice.
2. In these circumstances, the appeal under the ground made cannot succeed.

**Formal decision**

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

*K McEntee*