



Appeal Decision

by **Ken McEntee**

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

Decision date: 13 February 2020

Appeal ref: APP/C3620/L/19/1200287

- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Mole Valley District Council.
- Planning permission was granted on 23 April 2019.
- A Liability Notice was served on 30 April 2019.
- A Demand Notice was served on 30 April 2019.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED].
- The description of the development is [REDACTED].
- The alleged breaches to which the surcharges relate are the failure to assume liability and the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failure to assume liability is [REDACTED].
- The outstanding surcharge for failure to submit a Commencement Notice is [REDACTED].

Summary of decision: The appeal is allowed and the surcharges are quashed.

Reasons for the decision

1. Since this appeal was submitted, the Valuation Office Agency issued a decision on 29 August 2019 on an appeal made under Regulation 114. The decision was that the appeal development was not CIL chargeable. Therefore, it follows that the development is also not liable for CIL surcharges. In these circumstances, the appeal succeeds.

Formal decision

2. For the reasons given above, the appeal is allowed and the surcharges [REDACTED] are quashed.

K McEntee