



Appeal Decision

by **Ken McEntee**

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

Decision date: 17 April 2020

Appeal ref: APP/J1860/L/19/1200341

- The appeal is made under Regulation 117(1)(a),(b) and (c) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Malvern Hills District Council.
- Planning permission was granted on 8 August 2017.
- A Demand Notice was served on 19 September 2019.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the development is [REDACTED].
- The alleged breach to which the surcharge relates 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 allowed and the surcharge is quashed.

Reasons for the decision

1. Since this appeal was submitted, the Collecting Authority (Council) have conceded that they have no record of having issued a Liability Notice as soon as practicable after the day on which planning permission was granted as required by Regulation 65(1). They have therefore decided not to contest the appeal. In these circumstances, the appeal succeeds on the grounds made.

Formal decision

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

K McEntee