



Appeal Decision

by **Ken McEntee**

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

Decision date: 4 November 2020

Appeal ref: APP/X3405/L/20/1200419

- 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 Cannock Chase District Council.
- Planning permission was granted on 20 July 2018.
- A Liability Notice was served on 20 July 2018 on the landowners at the time.
- A Demand Notice was served on the appellants on 18 November 2019.
- A revised Demand Notice was served on 17 June 2020.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED]
- The alleged breach is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The description of the development is: [REDACTED]
- The outstanding surcharge for failing to submit a Commencement Notice is [REDACTED]

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

Reasons for the decision

1. An appeal under Regulation 117(1)(b) is that the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates. In this case, a Liability Notice was served on the previous owners of the land on 20 July 2018. The notice will have been registered as a local land charge as the Council are required to do under the local land charges Act 1975. Such a charge binds the land and any purchaser or owner of the property are deemed to have knowledge of any burden attached to the land by virtue of the registration. Therefore, the appellants should have been aware of the need to submit a Commencement Notice before starting works on the chargeable development as it is explained in the Liability Notice. In these circumstances, I am satisfied the Council did not fail to serve a Liability Notice in respect of the development to which the surcharge relates. The appeal fails accordingly.
2. I note that the appellants question why the Council did not take the opportunity in communications to inform/remind the appellants of the need to submit a Commencement Notice. If the appellants are not happy with the Council's

conduct in this matter or their adopted procedures, they may wish to make a complaint through the Council's established complaints process in accordance with local government accountability.

Formal decision

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

K McEntee