



Appeal Decision

by Ken McEntee

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

Decision date: 11 May 2023

Appeal ref: APP/X3405/L/23/3317290

Land at [REDACTED]

- The appeal is made under Regulations 117(1)(a) and (b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a CIL surcharge imposed by Cannock Chase District Council.
- Planning permission was granted on 9 July 2019.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- The description of the development is: "[REDACTED]".
- A Liability Notice was served on the applicants for planning permission ([REDACTED]) on 10 July 2019.
- A revised Liability Notice was served on the appellant on 22 February 2023.
- A Demand Notice was served on 22 February 2023.
- The alleged breach is the failure to submit a Commencement Notice before starting works on the chargeable development.
- 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. It appears clear that the main basis of the appellant's case is that as he was not made aware of any CIL charge at the time of purchasing the land and did not receive a Liability Notice. However, a Liability Notice was correctly served on [REDACTED] as the applicants for planning permission. This notice was registered as a local land charge at the time it was served, which the Council are obliged 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 full knowledge of any burden attached to the land by virtue of the registration. The wording of Regulation 117(1)(b) is not personalised for this reason. Therefore, I am satisfied that a Liability Notice was correctly served by the Council and consequently the appellant should have been aware of the CIL responsibilities and procedures as explained in the notice, such as the need to submit a Commencement Notice before starting works on the development. I note that the appellant does not refute that a Commencement Notice was not submitted. Therefore, the appeal under both grounds fails accordingly.

2. While I have sympathy with the appellant if he was given incorrect information by the sellers of the land, the fact remains that he should have been aware of the CIL situation through the usual formal searches.

Formal decision

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

K McEntee