



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 18 October 2023

Appeal ref: APP/E5900/L/23/3328589

Land at [REDACTED]

- The appeal is made under Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against CIL surcharges imposed by the London Borough of Tower Hamlets.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- Planning permission was granted on 24 April 2020.
- The description of the development is: "[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]".
- A Liability Notice was served on the applicants for planning permission [REDACTED] on 17 June 2020.
- A Demand Notice was served on 15 May 2023.
- A revised Liability Notice was served on the appellant on 7 July 2023.
- A Demand Notice was served on 19 July 2023.
- A revised Demand Notice was served on 22 August 2023.
- The alleged breaches are the failure to assume liability, the failure to submit a Commencement Notice before starting works on the chargeable development, and late payment of the CIL charge after 30 days of the due date.
- The outstanding surcharge for failing to assume liability is [REDACTED].
- The outstanding surcharge for failing to submit a submit a Commencement Notice is [REDACTED].
- The outstanding surcharge for failing to pay the CIL after 30 days is [REDACTED].

Summary of decision: The appeal is dismissed and the surcharges are 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 surcharges relate. In this case, a Liability Notice was correctly served on [REDACTED] as the applicants for planning permission on 17 June 2020. This notice will have been 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. Regulation 117 is not personalised for this reason. Therefore, the appellant should have been aware of the CIL responsibilities and procedures as

explained in the notice, such as the need to submit Assumption of Liability and Commencement Notices before starting works on the chargeable development. Once works commenced, the appellant became liable for CIL and CIL surcharges with immediate effect.

2. On the evidence before me, I am satisfied that a Liability Notice was correctly served. The appeal fails accordingly.

Formal decision

3. For the reasons given above, the appeal on the ground made is dismissed and the surcharges of [REDACTED] for failing to assume liability, [REDACTED] for failing to submit a Commencement Notice, and [REDACTED] for late payment of the CIL are upheld.
4. For the avoidance of doubt, there is no ground available to appeal late payment interest and therefore it is not something within my remit to consider.

K McEntee