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# Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State

Decision date: 6 August 2024

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**Appeal ref: APP/G3300/L/24/3345541**

- 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 a CIL surcharge imposed by Somerset Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the proposal is: "[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]."
- Approval was granted on 25 February 2022.
- A Liability Notice was served on 7 March 2022.
- A Demand Notice was issued on 20 September 2023.
- A revised Demand Notice on was served on 14 May 2024.
- The alleged breach to which the surcharge relates is the failure to pay the CIL within 30 days of the due date.
- The outstanding surcharge amount is £[REDACTED].

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

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## Procedural matters

1. Although the appeal has been made under Regulation 117(1)(b) – (*the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates*), it appears from the supporting arguments that the appellant's purpose for the appeal is to contend that he did not receive a Demand Notice, not a Liability Notice. For the avoidance of doubt, there is no ground of appeal available under the CIL Regulations against the failure of the Council to serve a Demand Notice. Therefore, I have no powers to consider this argument and can only determine the appeal on the ground made.
2. For the avoidance of doubt, although the appellant has made reference to application [REDACTED], this decision is solely concerned with application [REDACTED], to which the Demand Notice of 14 May 2024 relates.

## Reasons for the decision

3. The Council sent a Liability Notice to the appellant's agents, PCL Planning Ltd, by e-mail on 7 March 2022 in accordance with CIL Regulation 126(1)(e), which

explains that documents may be sent by way of electronic communications to an address given by the relevant person. I note that the Council have provided a copy of that e-mail. Also, in the application form, e-mail addresses are given for PLC Planning Ltd under both the applicant's and the agents' details sections. Therefore, on the evidence before me, I am satisfied that a Liability Notice was served. The appeal fails accordingly.

### **Formal decision**

4. For the reasons given above, the appeal on the ground made is dismissed and the surcharge of £[REDACTED] is upheld.

*K McEntee*