



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State

Decision date: 4 September 2024

Appeal ref: APP/L3815/L/24/3346730

Land at [REDACTED]

- The appeal is made under Regulations 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a surcharge imposed by Chichester District Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the development is: "[REDACTED]".
- Planning permission was granted on 24 June 2022.
- A Liability Notice was served on 19 July 2022.
- A revised Liability Notice was served on 15 September 2022.
- A Surcharge Notice was served on 19 June 2024.
- A Demand Notice was served 19 June 2024.
- The alleged breach that led to the surcharge 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 appellant accepts that he failed to submit a Commencement Notice before starting works on the chargeable development. He explains that it was simply an honest mistake as he believed the building surveyor that he employed would have notified the Collecting Authority (Council) on his behalf. While I have sympathy with the appellant if he made a genuine error, I am afraid I have no powers to consider mitigation and can only determine the appeal on the facts before me. As the Council point out, CIL is a very rigid and formulaic process and although it may have been as a result of an unfortunate oversight, it is a matter of fact that a Commencement Notice was not submitted in this case as required by Regulation 67(1). The appeal fails accordingly.

Formal decision

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

K McEntee