
Appeal Decision

by Ken McEntee

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

Decision date: 15 May 2025

Appeal ref: APP/D0840/L/24/3354891

- The appeal is made under Regulations 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a surcharge imposed by Cornwall Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- Planning permission was granted on 10 September 2021.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 14 September 2021.
- A revised Liability Notice was served on 9 October 2024.
- A Demand Notice was served on 9 October 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. The appeal has been made under Regulation 117(1)(b) - that the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates. However, the appellant accepts that he did receive a Liability Notice and makes clear that his reason for appealing is to plea for the surcharge to be waived. He explains that the failure to submit a Commencement Notice was simply a genuine mistake due to a change of staff on the project, and there was no intention to try to avoid paying CIL.
2. While I have sympathy with the appellant if this was the case, and in no way wish to appear dismissive of the problems caused by the change in staff, I'm afraid I have no authority to consider mitigation. I can only determine the appeal on its facts in relation to the CIL process. CIL is a very rigid and formulaic process, and a Commencement Notice needed to be submitted in accordance with the Regulations. As this clearly did not happen, the Council were entitled to impose the relevant surcharge. Therefore, on the evidence before me, I conclude that a Liability Notice was served and the alleged breach to which the surcharge relates occurred as a matter of fact. The appeal fails accordingly.

Formal Decision

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

K McEntee