The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date: 17 June 2025

Appeal ref: APP/J4423/L/24/3356244

[redacted]

- The appeal is made under section 218 of the Planning Act 2008 and Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [redacted] against a surcharge imposed by Sheffield City Council.
- Planning permission was granted on 17 May 2023.
- The relevant planning permission to which the CIL surcharges relate is [redacted] (formerly [redacted]).
- The description of the development is: "[redacted].
- A Liability Notice was issued on 1 June 2023.
- A Demand Notice was issued on 31 October 2024.
- The alleged breach to which the surcharge relates is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failure 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 (LN) in respect of the development to which the surcharge relates. From the evidence before me, it is clear that the Council sent a LN by recorded delivery to [redacted], which was the address given on the Assumption of Liability (Form 2) of 27 March 2023. The Council state that they sent it to the postal address as no e-mail address was given in Form 2. However, as the appellant points out, this is incorrect as an e-mail address ([redacted]) was in fact given in Form 2 for his agents, [redacted]. In fact, the appellant has provided supporting evidence to show that the Council sent an acknowledgement of receipt of Form 2, as well as other correspondence to that e-mail address. Therefore, the appellant cannot understand why the Council did not also send the LN to the same e-mail address instead of by post.

2. Regulation 126(1) states the different ways that documents may be served, such as sending it by registered letter or recorded delivery to the person's usual or last known place of abode or address for service given by that person as per

Regulation 126(1)(d), or by sending it by using electronic communications where an e-mail address has been given as per (Regulation 126(1)(e). Given that the subsequent correspondence after receipt of Form 2 was sent by e-mail, it is not unreasonable for the appellant to have expected the LN to have also been sent by e-mail, but the Council chose to send the LN by recorded delivery post instead, which was particularly unfortunate as it appears there was no building in place at that time for it to be delivered to. However, while I have a great deal of sympathy with the appellant and find the Council's actions to be somewhat surprising and inconsistent, they were nevertheless entitled to choose to send the LN by recorded delivery post to the address given in Form 2 in accordance with Regulation 126(1)(d). As the LN was not returned by the Post Office, the Council had no reason to believe it had not been delivered. On the evidence before me therefore, I have no option but to conclude that the Council correctly served a LN. The appeal fails accordingly.

3. While I am dismissing the appeal, should the appellant have concerns about the Council's conduct in this matter or their adopted procedures, he may wish to make a complaint through the Council's established complaints process in the context of local government accountability.

Formal decision

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

K McEntee