



Appeal Decision

by Ken McEntee

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

Decision date: 11 June 2025

Appeal ref: APP/D0840/L/24/3356888

- 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 Cornwall Council.
- Planning permission was granted on 19 November 2021.
- The relevant planning permission to which the CIL surcharges relate is [REDACTED].
- The description of the development is: "[REDACTED]".
- A Liability was issued on 22 November 2021.
- A revised Liability Notice was issued on 26 November 2021.
- A revised liability Notice was issued on 20 November 2024.
- A Demand Notice was issued on 20 November 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. The appellant is clearly aggrieved by the imposition of the surcharge and contends that it was not clear to him or his agent that a Commencement Notice should have been submitted to the Council before starting works on the chargeable development. However, the Council contend that the original LN was sent to both the appellant and his agent on 22 November 2021. The Council argue that they know the notice was received by the agent as they subsequently had discussions with him around its calculations and have provided a copy of the relevant e-mail exchanges in support of this argument. I note that the appellant does not refute the Council's submission. On the evidence before me therefore, I am satisfied that a LN was correctly served. The LN makes clear under 'Next Steps' that a Commencement Notice must be submitted to the Council no later than the day before the day on which the chargeable development is to be commenced. It also warns of the possibility of surcharges being applied if this procedure is not followed.
2. In these circumstances, I conclude that the Council did not fail to serve a LN. The appeal fails accordingly.

Formal decision

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

K McEntee