



# Appeal Decision

by Ken McEntee

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

Decision date: 8 August 2025

**Appeal ref: APP/Q3630/L/24/3355748**

- The appeal is made under Regulation 117(1)(a), (b) and (c) and Regulation 118 of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Runnymede Borough Council.
- The relevant planning permission (prior approval) to which the CIL relates is [REDACTED].
- Planning permission was granted on 14 June 2022.
- The description of the development is "[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]".
- A Liability Notice was served on the appellants on 23 June 2022.
- A Demand Notice was served on 21 October 2024.
- The alleged breaches to which the surcharges relate are the failure to assume liability, to submit a Notice of Chargeable Development and a Commencement Notice before starting works on the chargeable development, and the failure to pay the CIL within 30 days and 6 months of the due date.
- The outstanding surcharge for failing to assume liability is £[REDACTED] and the apportionment of liability is £[REDACTED].
- The outstanding surcharge for the Collecting Authority's requirement to apportion liability is £[REDACTED].
- The outstanding surcharge for failing to submit a Notice of Chargeable Development is £[REDACTED].
- The outstanding surcharge for failing to submit a Commencement Notice is £[REDACTED].
- The outstanding late payment surcharges total £[REDACTED] ([REDACTED]).
- The determined deemed commencement date given in the Demand Notice is 17 April 2024.

**Summary of decision: The appeal is allowed in part and the surcharges are quashed.**

## The appeal under Regulation 117(1)(a)<sup>1</sup>

1. The Collecting Authority (Council) have explained that that although the original applicants for planning permission were the appellants, [REDACTED], as stated in the application form of 1 September 2021 (but submitted on 21 October 2021), the application was re-submitted in the name of [REDACTED] (the appellants' agents) on 23 February 2022, although still dated 1 September 2021. I also note the appellants have stated that they have never owned the land. Therefore, I conclude that the appellants are not liable for CIL

<sup>1</sup> That the claimed breaches which led to the surcharges did not occur.

and CIL surcharges. As [REDACTED] were the applicants for planning permission, they were the liable party for CIL. I note that neither a Liability Notice (LN) nor a Demand Notice (DN) was served on them (before this appeal) and the Council accept that this was an error due to the Council's planning register not being updated. As the appellants are not liable for the CIL, it follows they are also not responsible for the alleged breaches and consequently not liable to pay any of the surcharges. The appeal under Regulation 117(1)(a) succeeds accordingly and the surcharges will be quashed.

2. For the avoidance of doubt, I have no authority to quash the overall CIL charge. However, in view of my findings above, I consider it reasonable to expect the Council to review this charge in relation to its imposition on the appellants.
3. As [REDACTED] point out in their capacity as the appellants' agents, since the LN was issued, the land was purchased by [REDACTED] in March 2024. Therefore, they became the liable party for CIL. As the Council point out, the LN was registered as a local land charge, so any purchaser or owner of the property are deemed to have full knowledge of any burden attached to the land by virtue of the registration.
4. In view of my findings on the appeal under Regulation 17(1)(a), the appeal under grounds 117(1)(b) and (c) do not fall to be considered.

### **The appeal under Regulation 118<sup>2</sup>**

5. The determined deemed commencement date given in the Demand Notice is 17 April 2024, which was taken from the Council's Building Control records, and it is stated in the appellants final comments that works began on the ground floor in April 2024, but no specific date is given. Therefore, it is unclear why an appeal has been made on this ground. Consequently, on the evidence before me, I have no reason to believe that the Council has issued a Demand Notice with an incorrectly determined the deemed commencement date. The appeal under Regulation 118 fails accordingly.

### **Formal decision**

6. For the reasons given above, the appeal is allowed under Regulation 117(1)(a) and the surcharges totalling £[REDACTED] are quashed, but the appeal is dismissed under Regulation 118.

*K McEntee*

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<sup>2</sup> That the Council has issued a demand Notice with an incorrectly determined deemed commencement date.