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# Appeal Decision

by Ken McEntee

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

Decision date: 13 August 2025

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**Appeal ref: APP/F1610/L/25/3358720**

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- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by ██████████ against a surcharge imposed by Cotswold District Council.
- The relevant planning permission to which the surcharge relates is ██████████.
- Planning permission was granted on 13 October 2023.
- The description of the development is "██" at the above address.
- A Liability Notice was served on 16 October 2023.
- A Demand Notice was served on 12 December 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 £██████.

**Summary of decision: The appeal is dismissed and the surcharge is upheld.**

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## Reasons for the decision

1. The appeal has been made under Regulation 117(1)(a), which is that the alleged breach which led to the surcharge did not occur. However, the appellant does not refute that he failed to submit a Commencement Notice (CN) before starting works on the chargeable development but explains that this was due to an oversight as mistakenly believed that the development had been granted CIL exemption, so submission of a CN was not required. He explains that this was his first time dealing with the CIL process and was unfamiliar with its requirements.
2. While I have sympathy with the appellant's case and in no way wish to appear dismissive of his reasons for failing to submit a CN before starting works on the chargeable development, I'm afraid I have no authority to consider mitigation. I can only determine the appeal on its facts in relation to the CIL Regulations. CIL is a very rigid and formulaic process, and the necessary CN needed to be submitted in accordance with CIL Regulation 67(1). As this clearly did not happen here, the Collecting Authority (Council) were entitled to impose the relevant surcharge. Therefore, on the evidence before me, I can only conclude that the alleged breach which led the surcharge 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*