



Appeal Decision

by Ken McEntee

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

Decision date: 31 July 2025

Appeal ref: APP/Q3820/L/25/3358526

- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Crawley Borough Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- The description of the development is as described in the annexe to this decision.
- Planning permission was granted on 27 November 2024.
- A Liability Notice was served on 11 December 2024.
- A Demand Notice was served on 11 December 2024.
- The alleged breaches that led to the surcharges are the failure to assume liability and the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failing to assume liability is £[REDACTED].
- The outstanding surcharge for failing to submit a Commencement Notice is £[REDACTED].

Summary of decision: The appeal is dismissed and the surcharges are upheld.

Procedural matters

1. I note that the appellant's main argument is that the CIL charge of £[REDACTED] is incorrect as the development is not CIL liable. This is an issue that can only be determined by way of an appeal to the Valuation Office Agency in accordance with Regulation 114. As there is no evidence before me of any such appeal having been made, I can only accept the CIL charge at face value. For the avoidance of doubt, my authority is restricted to determining the appeal solely in relation to the CIL surcharges.

Reasons for the decision

2. An appeal under Regulation 117(1)(a) is that the alleged breaches that led to the surcharges did not occur. The reason why the surcharges were imposed was due to the retrospective element of the approved proposal concerning the rear garden works. The appellant contends that this element was added by a particular Council Planning Officer, who did not inform him that this addition would mean the development would be liable for CIL.
3. While I have sympathy with the appellant if this was the case, I can only consider the appeal on the factual documentary evidence before me and in accordance with the CIL Regulations. With that in mind, it is a fact that the

approval given is for a part-retrospective proposal. That being the case, it means that the commencement of the development is automatically taken to be the date planning permission was granted, in accordance with Regulation 7(5). Therefore, it was simply not possible for the appellant to assume liability or submit a Commencement Notice before the commencement date, and consequently it was not possible to prevent the resultant surcharges being imposed. In view of this, I have no option but to conclude that the alleged breaches which led to the surcharges occurred as a matter of fact. The appeal fails accordingly.

4. It is clear that the appellant is not happy with the Council's conduct in this matter, particularly with regard to a Planning Officer's actions in the application process. That being the case, I can only suggest that he may wish to submit a complaint through the Council's established complaints process in the context of local government accountability. I note that the appellant has previously done so in respect of other areas of concern in relation to the Council's handling of the planning application.

Formal decision

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

K McEntee

Annexe to the decision

[REDACTED]