



Appeal Decision

by Ken McEntee

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

Decision date: 13 August 2025

Appeal ref: APP/D0840/L/25/3360055

- The appeal is made under Regulations 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Cornwall Council.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- Planning permission was granted on 24 December 2021.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 30 December 2021.
- A Demand Notice was served on 22 January 2025.
- The alleged breach that led to the surcharges are the failure to assume liability and 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.

Reasons for the decision

1. The appeal has been made under Regulation 117(1)(b), which is that the Collecting Authority (Council) failed to serve a Liability Notice (LN) in respect of the development to which the surcharges relate. The Council contend that they sent the LN by e-mail of 30 December 2021 (and have provided a copy) to the appellant at the address given on the planning application form ([REDACTED]), but the appellant contends that he has no record of having received it. However, the Council point out that the e-mail was also copied to the appellant's architect/agent to their address that was also given in the application form ([REDACTED]). The appellant does not claim that his architect/agent also did not receive the e-mail. Therefore, on the evidence before me, I am satisfied that a LN was correctly served.
2. While I appreciate that the appellant feels the surcharge for failing to submit a Commencement Notice is harsh for what he says was an honest mistake, it is a surcharge the Council were entitled to impose in accordance with CIL Regulation 83(1). The appellant also feels that the wording of this Regulation gives the Council scope to review their position on the surcharge. However, this is not a matter for me to consider on an appeal under Regulation 117(1)(b). I can only suggest that the appellant may wish to take this up with the Council.

Formal Decision

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

K McEntee