

Appeal Decision

by Ken McEntee

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

Decision date: 5 September 2025

Appeal ref: APP/D0840/L/25/3361633

- The appeal is made under Regulation 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 3 December 2021.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 6 December 2021.
- A Demand Notice was served on 23 January 2025.
- The alleged breaches to which the surcharges relate is the failure to assume liability and submit a Commencement Notice before starting works on the chargeable development.
- The surcharge for failing to assume liability is £[REDACTED].
- The outstanding surcharge for failure to submit a Commencement Notice is £[REDACTED].

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

Procedural matters

1. An appeal under Regulation 117(1)(b) is that the Collecting Authority (Council) failed to serve a Liability Notice (LN) in respect of the development to which the surcharges relate. However, although an appeal has been made on this ground, I note in his supporting arguments that while he states he did not receive a CIL information form, deemed commencement letter, Surcharge Notice or Demand Notice, he does not state that he didn't receive a Liability Notice. Nevertheless, I shall determine the appeal on that basis as the relevant box has been marked

Reasons for the decision

2. Regulation 65(3)(a) explains that a LN must be served on the relevant person. The 'relevant person' normally being the person who applied for planning permission. However, Regulation 126 lists the different ways that are acceptable for documents to be served. Regulation 126(1)(e) explains that "*in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address...*". Such a person would normally be the applicant's agent and consequently service solely to

the agent would suffice to meet the requirement of Regulation 65(3)(a). In this case, the agent's () e-mail address given in the application form of 18 November 2020 is . No email address is given for the applicant. Therefore, the Council sent the LN on 6 December 2021 to the e-mail address given and have provided a copy of that e-mail. The e-mail also states "PLEASE ENSURE THESE DOCUMENTS ARE SENT TO YOUR CLIENT".

3. The Council contend that they know the appellant received the LN as they had telephone conversations and an e-mail exchange with him in March 2022 about the CIL calculation. I note that appellant has not taken the opportunity to respond to the Council's representations.
4. Therefore, on the evidence before me, I conclude that the Council did not fail to serve a Liability Notice in respect of the development to which the surcharges relate. The appeal fails accordingly.

Formal decision

5. For the reasons given above, the appeal is dismissed and the surcharges of £ and £ are upheld.

K McEntee