



Appeal Decision

by Ken McEntee

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

Decision date: 14th October 2025

Appeal ref: APP/L5810/L/25/3363678

- 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 the London Borough of Richmond Upon Thames.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- Planning permission was granted on 7 February 2023.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on the applicant for planning permission, [REDACTED], on 14 April 2023.
- A Default Liability Notice was served on the appellant on 28 February 2025.
- A demand Notice was served on 28 February 2025.
- The alleged breaches to which the surcharges relate are the failure to assume liability and to submit a Commencement Notice before starting works on the chargeable development, and the failure to pay the CIL within 30 days, 6 months and 12 months of the due date.
- The outstanding surcharge for failing to assume liability is [REDACTED].
- The outstanding surcharge for failing to submit a Commencement Notice is [REDACTED].
- The outstanding surcharges for late payment of the CIL totals [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 appellant contends that he did not receive a LN so had no knowledge of what was required before starting works on the chargeable development. However, an LN was served by post on the previous landowner, [REDACTED], and by e-mail to her agents, [REDACTED] on 14 April 2023. The Council have provided a copy of that e-mail. The notice was registered as a local land charge, which the Council are obliged to do under the local land charges Act 1975. Such a charge binds the land, and 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. Therefore, the appellant should have been aware of the CIL procedures as explained in that LN. As those procedures were not followed, the appellant became liable to pay the subsequent CIL surcharges.

2. Therefore, on the evidence before me, I am satisfied that the Council did not fail to serve a LN. The appeal fails accordingly.
3. While I appreciate that the appellant feels the surcharges to be harsh, they are surcharges the Council were entitled to impose in accordance with the CIL Regulations.

Formal Decision

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

K McEntee