



Appeal Decision

by Ken McEntee

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

Decision date: 27th November 2025

Appeal ref: APP/B1605/L/25/3363680

- 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 a surcharge imposed by Cheltenham Borough Council.
- The relevant planning approval to which the surcharge relates is [REDACTED].
- Approval of reserved matters was granted on 28 February 2023.
- The description of the approval is [REDACTED].
- A Liability Notice was served on 29 March 2023.
- A Demand Notice was served on 27 April 2023.
- A revised Demand Notice was served on 27 March 2025.
- The alleged breach that led to the surcharge is the failure to pay the CIL within 30 days of the due date.
- The outstanding late payment surcharge is [REDACTED].

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

Reasons for the decision

1. I note that the appeal was initially made under Regulation 119(a) in error. After correspondence with the Inspectorate's CIL case officer, the appeal has proceeded under Regulation 117(1)(b) instead, which is that the Collecting Authority (Council) failed to serve a Liability Notice (LN) in respect of the development to which the surcharge relates. However, the appellant has not offered any arguments or evidence to support this ground. Instead, he refers to mitigating circumstances as to why he failed to pay the CIL charge on time, such as the serious health problems he has been experiencing. While I have sympathy with the appellant and in no way wish to appear dismissive of his health issues, I have no authority to consider mitigation and can only determine the appeal on its facts in relation to the CIL Regulations.
2. With that in mind, the Council point out that a LN was sent to the e-mail address given in Form 2 and was also sent by post to the appellant's home address with signed-for delivery, and they have provided a tracking number. I note the appellant does not refute this but expresses surprise that the Council did not send out reminders to chase the CIL payment. However, the onus is on the recipient of a LN or Demand Notice (DN) to ensure the payment procedures are followed. The Council are under no obligation to send out reminders. The appellant also claims

that there was no payment date given on the DN. However, the original DN of 27 April 2023 clearly states 26 October 2024 as the due date for payment.

3. On the evidence before me, I conclude that the Council did not fail to serve a LN in respect of the development to which the surcharge relates. The appeal fails accordingly.

Formal Decision

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

K McEntee