



Appeal Decision

by Ken McEntee

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

Decision date: 3rd December 2025

Appeal ref: APP/W4705/L/25/3364271

- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought [REDACTED] against a surcharge imposed by Bradford Metropolitan District Council.
- The relevant planning approval to which the surcharge relates is [REDACTED].
- Planning permission was granted on 18 December 2020.
- The description of the permission is "[REDACTED]".
- A Liability Notice was served on 4 January 2021.
- A revised Liability Notice was served on 18 April 2024.
- A further revised Liability Notice was served on 11 April 2025.
- A Demand Notice was served on 11 April 2025.
- A revised Demand Notice was served on 1 July 2025.
- The alleged breach that led to the surcharge is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding 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 117(1) (c), which is that the surcharge has been calculated incorrectly. However, after correspondence with the Inspectorate's CIL case officer, the appellant decided to proceed with the appeal under Regulation 117(1)(a) instead, which is that the alleged breach that led to the surcharge did not occur.
2. I note that the appellant does not dispute that he failed to submit a Commencement Notice before starting works on the chargeable development but refers to mitigating circumstances as to why that was the case, such as it being a genuine oversight due to being confused and overwhelmed by the process while also having to deal with solicitors and barristers involved in the dispute. While I have sympathy with the appellant if he made a genuine mistake and I in no way wish to appear dismissive of how stressful he has found the whole process, I have no authority to consider mitigation and can only determine the appeal on its facts in relation to the CIL Regulations. CIL is a very rigid and formulaic process, and the onus was on the appellant to ensure the correct procedures were followed as explained in the initial Liability Notice.

3. Therefore, on the evidence before me, I can only conclude that the alleged breach that led to the surcharge occurred as a matter of fact. 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