



Appeal Decision

by Ken McEntee

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

Decision date: 7th January 2026

Appeal ref: APP/A3010/L/25/3365786

- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Bassetlaw District Council.
- The relevant planning approval to which the surcharges relate is [REDACTED].
- Planning permission was granted on 24 May 2022.
- The description of the permission is "[REDACTED]".
- A Liability Notice was served on 17 August 2022.
- A revised Liability Notice was served on 9 April 2025.
- A Demand Notice was served on 17 April 2025.
- The alleged breaches that led to the surcharges is the failure to assume liability and the failure 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 before starting works on the chargeable development is [REDACTED].

Summary of decision: The appeal is dismissed.

Procedural matters

1. Regulation 69(2)(d) requires a Demand Notice (DN) to state the intended or deemed commencement date. I note that although the first page of the DN in this case states "**4. Date of intended or deemed commencement of development**", it does not actually state what that date is. That being the case, I consider the DN to be defective. Therefore, while I will address the appellant's ground of appeal, I cannot uphold or quash the surcharges to which it relates.

Reasons for the decision

2. I note that the appellant does not dispute that he failed to assume liability, so the appeal is made solely against the surcharge for the alleged failure to submit a Commencement Notice (CN) before starting works on the chargeable development. With that in mind, I note that the appellant submitted a CN dated 1 April 2025 and stating a commencement date of 2 April 2025. However, the Charging Authority (Council) point out the CN was not actually submitted until 4 April 2025. Therefore, this would not be in accordance with Regulation 67(1),

which requires a CN to be submitted no later than the day before the day on which development is to be commenced. This renders the CN invalid. I note that the appellant has not taken the opportunity to dispute this, but he contends that works did not actually commence on 2 April 2025 as he did not receive the drawings from the structural engineer for the footings to begin until 9 August 2025. However, the appellant does not appear to have withdrawn the CN and submitted a revised one with a revised commencement date. Therefore, the Council had no reason not to accept the stated date of 2 April 2025 to be the date of commencement.

3. As no valid CN has been submitted, I conclude that the alleged breach of failing to submit a CN before starting works on the chargeable development occurred as a matter of fact. The appeal fails accordingly.
4. In view of my findings in paragraph 1 above, should the Council decide to continue to pursue the CIL surcharges, they must now serve a revised DN in accordance with Regulation 69(4).

Formal Decision

5. For the reasons given above, the appeal on the ground made is dismissed.

K McEntee