



Appeal Decision

by Ken McEntee

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

Decision date: 1st April 2026

Appeal refs: APP/R3650/L/25/3366927, 3366930 & 3366956

- The appeals are made under Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeals are brought by [REDACTED] against surcharges imposed by Waverley Borough Council.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- Planning permission was granted on 22 January 2021.
- The description of the development is [REDACTED].
- A Liability Notice was served on the applicant for planning permission, [REDACTED], on 1 February 2021.
- Liability Notices were served on the appellants on 1 May 2025.
- Demand Notices were served on the appellants on 1 May 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 the due date.
- The outstanding surcharges total [REDACTED].

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

Procedural matters

1. For the avoidance of doubt, there is no ground of appeal available against any interest imposed. Therefore, my consideration of these appeals is solely limited to matters related to the surcharges.
2. I note that the appellants are not happy with the way the Council have dealt with this matter and have stated their intention to submit a formal complaint through the Council's established complaints procedures.

Reasons for the decision

3. The appeals have 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 appellants contend that they did not receive a LN so had no knowledge they were liable for CIL and that a CIL charge was due. However, the Council point out that an LN was served on the applicant for planning permission, [REDACTED], by e-mail to the address given on the application form. The appellants do not argue that [REDACTED] did not

receive this LN. 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. In support of their contention, the Council have provided a copy of the Land Register, showing the appellants as landowners from 23 June 2022. In view of this, the appellants should have been aware of the CIL procedures as explained in the LN. As those procedures were not followed, the appellants became liable to pay the subsequent CIL surcharges.

4. Therefore, on the evidence before me, I am satisfied that the Council did not fail to serve a LN. The appeals fail accordingly.

Formal Decision

5. For the reasons given above, the appeals on the ground made are dismissed and the surcharges totalling [REDACTED] are upheld.

K McEntee