



Appeal Decision

by Ken McEntee

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

Decision date: 6th October 2026

Appeal ref: APP/L5240/L/25/3375752

- 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 the London Borough of Croydon.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- Planning permission was granted on appeal [REDACTED] on 6 April 2021.
- The description of the permission is "[REDACTED]".
- A Liability Notice was served on the applicants for planning permission on 16 March 2022.
- A Demand Notice was issued on 5 November 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 surcharge for failing to submit a Commencement Notice is [REDACTED].

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

Procedural matters

1. For the avoidance of doubt, I have no authority to consider whether the development should be CIL liable or whether the overall CIL charge is correct. This can only be done by way of an appeal to the Valuation Office Agency in accordance with Regulation 114. I can only determine this appeal solely in relation to the surcharge.

Reasons for the decision

2. The appeal is made under Regulation 117(1)(b), which is that the Council failed to serve a Liability Notice (LN) in respect of the development to which the surcharge relates. However, the Council have produced a copy of the LN that was served on the applicants for planning permission, [REDACTED], on 16 March 2022. The appellant contends that she was not informed by the previous landowners of any payable CIL liability. However, the LN will have been 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 liability and procedures, such as the need for a valid Commencement Notice (CN) before

starting works on the chargeable development, as explained in the LN, when she purchased the property.

3. Although a CN was eventually submitted on 27 October 2025, this was not valid as it was submitted long after the commencement date of 16 March 2022 given in the CN. Regulation 67(1) requires a CN to be submitted no later than the day on which the chargeable development is to be commenced.
4. As the commencement date given in the CN is prior to the purchase of the land, it appears to indicate that the appellant is contending that the previous landowners were responsible for the commencement. If she believes that to be the case, I can only suggest that she may wish to take the matter up with them.
5. On the evidence before me, I cannot conclude that the Council failed to serve a LN in respect of the development to which the surcharge relates. The appeal fails accordingly.

Formal decision

6. For the reasons given above, the appeal is dismissed and the surcharge of [REDACTED] for failing to submit a CN is upheld.

K McEntee