The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date: 15th October 2026

Appeal ref: APP/G1630/L/25/3373921

[redacted]

- 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 surcharges imposed by Tewkesbury Borough Council.
- The relevant planning permission to which the surcharges relate is [redacted]
- Planning permission was granted on 18 June 2020.
- The description of the permission is "[redacted]".
- A Liability Notice was issued on 19 June 2021.
- A Demand Notice was issued on 2 September 2025.
- The alleged breaches that led to the surcharges are 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 is [redacted]

Summary of decision: **The appeal is allowed and the surcharges are quashed.**

Procedural matters

1. For the avoidance of doubt, I cannot determine whether the approved development qualifies for CIL liability or for self-build exemption. My authority is restricted to considering the appeal solely in relation to the CIL surcharges.

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 surcharges relate. The Council have produced documentary evidence in the form of a tracking signature of receipt of 23 June 2021, to demonstrate that a LN was successfully served by registered post on the appellants' agent, [redacted] of [redacted]. It is noted the appellants assert that their agent had failed to forward documentation on to them. While this is unfortunate, it does not have a bearing on my consideration of whether a LN was correctly served. However, the Council also contend that a copy of the LN was sent to the agent by e-mail, but they have not produced a copy of that e-mail. They have produced a copy of an e-mail of 13 August 2024 attaching the LN and asking the agent to remind the

appellants of the requirement to submit a Commencement Notice (Form 6) before starting works on the development.

3. Regulation 126(1)(e) confirms that CIL documents can be served by e-mail when an address for service of electronic communications has been given by that person. However, I note there is no e-mail address given in the planning application form for either the appellants or the agent, and the Council have not produced any evidence to show that they had been given permission to serve documents by electronic communication.

4. Regulation 65(3) explains that a LN must be served on the 'Relevant Person', the person who assumed liability to pay CIL and each person known to the Council to be an owner of the land. Regulation 65(12) gives examples of what 'relevant person' means; they are: (a) In the case of a general consent, the person who has submitted a notice of chargeable development, (b) in the case of planning permission granted subject to a condition requiring that further approval is obtained before commencing development, the person who has applied for that approval, and (c) in all other cases, the person who applied for planning permission. The person or persons who applied for planning permission in this case were the appellants, who are also the owners of the land. Therefore, while I note that a LN was served on the appellants' agent by post, this was insufficient to satisfy correct service, as a LN also needed to be served directly on the appellants in order to comply with the requirements of Regulation 65(3)(a) and (c), unless permission and an e-mail address had been given for electronic service to the agent.

5. On the evidence before me therefore, I can only conclude that a LN was not correctly served. The appeal succeeds accordingly.

Formal decision

6. For the reasons given above, the appeal on the ground made is allowed and the surcharges of [redacted] and [redacted] are quashed.

K McEntee