



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/K5600/L/24/3342422

- The appeal is made under section 218 of the Planning Act 2008 and Section 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended)(CIL 2010).
- The appeal is made by [REDACTED] against a Demand Notice (the 'DN') issued by the Collecting Authority, the Royal Borough of Kensington and Chelsea (the "CA").
- The relevant planning permission to which the CIL relates is [REDACTED].
- The description of the development is described on the DN as follows: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- A Liability Notice (the 'LN') was served on 11 July 2023. The total amount of CIL payable is £[REDACTED]. That notice was superseded by a Liability Notice served on 4 April 2024. The total amount of CIL payable is £[REDACTED].
- The DN was issued on 4 April 2024. The following surcharges were imposed: £[REDACTED] for a failure to submit a commencement notice (hereinafter 'CN'). The total amount payable is £[REDACTED].

Decision

1. The appeal is dismissed, and the surcharge upheld.

Reasons for the Recommendation

2. The appellant appeals on the ground that the CA failed to serve a LN in respect of the development to which the surcharge relates.
3. The LN was served on the applicant for the chargeable development, Wedgemore St Charles Ltd, on 11 July 2023 by post to the address given in the planning application in accordance with the CIL 2010 Section 126(1)(b)(c).
4. Section 66(1) CIL 2010 sets out that the amount payable becomes a local land charge. 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. The wording of Section 117(1)(b) is not personalised for this reason. Therefore, I am satisfied that a LN was correctly served by the CA and consequently the appellant should have been aware of the CIL responsibilities and procedures as explained in the notice, such as the need to submit a CN before starting works on the development.
5. On 4 April 2024 a CIL 6 commencement form was submitted stating that the commencement date of the chargeable development was 18 March 2024. Where chargeable development (D) is commenced before the CA has received a valid CN in respect of D, the CA may impose a surcharge equal to 20 per cent of the chargeable amount payable in respect of D or £[REDACTED], whichever is the lower amount.

Conclusion and Recommendation

6. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S. Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A U Ghafoor