



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/Z3635/L/22/3305186

- The appeal is made under the Planning Act 2008 Section 218 and the Community Infrastructure Levy Regulations 2010 (as amended)(CIL 2010) Section 117(1)(b).
- The appeal is made by [REDACTED] on behalf of [REDACTED] against a Demand Notice (the 'DN') issued by the Collecting Authority, Spelthorne Borough Council (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 13 May 2022. The total amount of CIL payable is £[REDACTED].
- The DN was issued on 20 July 2022. The following surcharges were imposed: £[REDACTED] for a failure to submit a commencement notice (hereinafter 'CN'). The total amount payable is £[REDACTED].
- A revised DN was served on 8 August 2022. 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. The LN was served on the applicant for the chargeable development, [REDACTED], on 13 May 2022, sent to the applicant's agents by email and addressed to [REDACTED] in accordance with CIL 2010 Section 126(1)(e).
3. Additionally, the LN was registered as a local land charge at the time it was served so as to comply with the local land charges Act 1975. 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. Regulation 117(1)(b) is not personalised for this reason. Therefore, 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. I note that the appellant does not refute that a valid CN was not submitted until after the commencement date.

Conclusion and Recommendation

4. 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

5. 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

Inspector