



Appeal Decision

by Ken McEntee

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

Decision date: 13 December 2024

Appeal ref: APP/F1610/L/24/3351607

- The appeal is made under Regulation 117(1)(a) and 117(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Cotswold District Council.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- The description of the development is: [REDACTED]
- Planning permission was granted on 8 August 2023.
- A Liability Notice was served on 9 August 2023.
- A Demand Notice was served on 5 October 2023.
- A revised Demand Notice was served on 7 August 2024.
- A Surcharge Notice was served on 7 August 2024.
- The alleged breaches that led to the surcharges are: the failure to submit a Commencement Notice before starting works on the chargeable development and the failure to pay the CIL within 30 days after the due date.
- The outstanding surcharge for failing to submit a Commencement Notice is £[REDACTED].
- The outstanding surcharge for late payment of the CIL is £[REDACTED].

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

Reasons for the decision

1. An appeal under Regulation 117(1)(a) is that the alleged breach which led to the surcharges did not occur. An appeal under Regulation 117(1)(b) is that the Collecting Authority (Council) failed to serve a Liability Notice in respect of the development to which the surcharge relates. However, it appears clear from the appellant's final comments, that since submitting the appeal he now accepts the alleged breaches occurred and that a Liability Notice was served, but he points out that his main reason for appealing is that he believes the Council should have sent out a reminder for payment of the CIL. While I can appreciate the appellant's view, the fact is that it is not common practice for Councils to send out reminders and they are under no obligation to do so. The onus was on the appellant to ensure the correct procedures were followed, and he could of course have taken steps to set his own reminders, particularly in view of the warning given in the Liability Notice of the possible consequences of failing to submit a Commencement Notice or to follow the payment procedures.

2. In these circumstances, the appeal on both grounds fails accordingly.

Formal decision

3. For the reasons given above, the appeal is dismissed and the surcharges of £[REDACTED] and £[REDACTED] are upheld.

K McEntee