



Appeal Decision

by Ken McEntee

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

Decision date: 20 January 2025

Appeal ref: APP/H5390/L/24/3351021

- The appeal is made under section 218 of the Planning Act 2008 and Regulations 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by the London Borough of Hammersmith & Fulham.
- Planning permission was granted on 27 April 2017.
- A Liability Notice was served on the applicants for planning permission ([REDACTED]) on 31 July 2018.
- A revised Liability Notice was served on the appellants on 21 August 2024.
- A Demand Notice was served on 21 August 2024.
- The relevant planning permission to which the CIL surcharge relates is [REDACTED].
- The description of the development is: "[REDACTED]".
- The alleged breaches to which the surcharges relate are the failure to assume liability and the failure pay the CIL within 30 days, 6 months and 12 months of the due date.
- The outstanding surcharge for failing to assume liability is £[REDACTED].
- The outstanding surcharges for failing to pay the CIL on time are £[REDACTED], £[REDACTED] and £[REDACTED] respectively.

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

Procedural matters

1. Although the appellant has ticked the box for an appeal under Regulation 117(1)(b) - that the Council failed to serve a Liability Notice (LN) in respect of the development to which the surcharges relate, it appears clear from his supporting arguments that the appellant's appeal is mainly focussed on the way the Collecting Authority (Council) has dealt with the matter of CIL, particularly during the COVID period. However, for the avoidance of doubt, I can only determine the appeal on the ground made. If the appellant has concerns about the Council's conduct or their adopted procedures, I can only suggest that he may wish to make a complaint through the Council's established complaints process in the context of local government accountability.

Reasons for the decision

2. Regulation 65(3)(a) explains that a LN must be served on the "relevant person". The relevant person is the person who applied for planning permission. The LN

was therefore served on the [REDACTED] as the applicants for planning permission. The notice 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 procedures as explained in that LN. As the procedures were not followed, the appellant became liable to pay the relevant surcharges imposed.

3. In these circumstances, I am satisfied on the evidence before me that a LN was correctly served by the Council in accordance with the CIL Regulations. Therefore, the appeal fails accordingly.

Formal decision

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

K McEntee