



Appeal Decision

by Ken McEntee

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

Decision date: 14 May 2025

Appeal ref: APP/Z0116/L/24/3353899

- The appeal is made under Regulations 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against surcharges imposed by Bristol City Council.
- The relevant planning permission to which the surcharges relate is [REDACTED].
- Planning permission was granted on 19 May 2021.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 19 May 2021.
- A Demand Notice was served on 26 September 2024.
- The alleged breaches that led to the surcharges are the failure to assume liability and 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 dismissed and the surcharges are upheld.

Reasons for the decision

1. The appeal has been made under Regulation 117(1)(a), which is that the alleged breaches which led to the surcharges did not occur. However, the appellant does not refute that he did not assume liability or submit a Commencement Notice before starting works on the chargeable development occurred but explains that the breaches were simply due to an oversight as a result of problems caused by the prime contractor, and there was no intention to avoid following the CIL procedures. While I have sympathy with the appellant if this was the case, and in no way wish to appear dismissive of the problems he has faced, I'm afraid I have no authority to consider mitigation. I can only determine the appeal on its facts in relation to the CIL process. CIL is a very rigid and formulaic process, and the necessary forms needed to be submitted in accordance with the Regulations. As this clearly did not happen here, the Collecting Authority (Council) were entitled to impose the relevant surcharges. Therefore, on the evidence before me, I conclude that the alleged breaches to which the surcharges relate occurred as a matter of fact. The appeal fails accordingly.

Formal Decision

2. For the reasons given above, the appeal on the ground made is dismissed and the surcharges of £[REDACTED] and £[REDACTED] are upheld.

K McEntee