



Appeal Decision

by Ken McEntee

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

Decision date - 16th October 2025

Appeal ref: APP/W0340/L/25/3361636

Land at [REDACTED]

- The appeal is made under Regulation 117(1)(b) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a surcharge imposed by West Berkshire District Council.
- The relevant planning permission to which the surcharges relate is [REDACTED]
- Planning permission was granted on 30 October 2024.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 19 November 2024.
- A revised Liability Notice was served on 23 December 2024.
- A further revised Liability Notice was served on 5 February 2025.
- A Demand Notice was served on 10 February 2025.
- The alleged breach to which the surcharge relates is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge for failure to submit a Commencement Notice is [REDACTED].

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

Procedural matters

1. There is much argument concerning the calculation of the CIL chargeable amount and whether the development is CIL liable. The parties were also invited to comment further on this issue. With apologies to both parties, this was an error as the only way such an issue can be considered is by way of an appeal to the Valuation Office Agency (VOA) under Regulation 114 after first requesting a review of the calculation to the Collecting Authority (Council) under Regulation 113. I note that although the appellant made such a request, there is no evidence before me of any subsequent appeal to the VOA having been made. Therefore, for the avoidance of doubt, my authority is limited to considering the appeal on the ground made solely in relation to the CIL surcharge.

Reasons for the decision

2. The appeal is made under Regulation 117(1)(b) – that the Collecting Authority (Council) failed to serve a Liability Notice (LN) in respect of the development to which the surcharge relates. However, it appears clear from the appellant's supporting arguments that his case is not that the Council failed to serve a LN, but

more that they failed to serve a "correct" one within a reasonable time frame. The Council issued three LNs, the latter two with revised CIL charge calculations, which they were entitled to do in accordance with Regulation 65(4). The first LN was served some three weeks after planning permission was issued. Regulation 65(1) explains that the Council must issue a LN as soon as practicable after the day on which a planning permission first permits development. While I appreciate that "as soon as practicable" is open to interpretation, I do not consider three weeks to be excessive, particularly as it is clear from the evidence that there was ongoing communications between the parties in relation to clarification of plan scaling. I note the appellant specifically refers to serving a "correct" LN, but I have explained in paragraph 1 above that this is not a matter for me to consider.

3. The LN also gave clear notification of the need for a Commencement Notice to be submitted before works are begun on the chargeable development.
4. Therefore, on the evidence before me, I conclude that the Council did not fail to serve a Liability Notice in respect of the development to which the surcharge relates. The appeal fails accordingly.

Formal decision

5. For the reasons given above, the appeal is dismissed and the surcharge of [REDACTED] is upheld.

K McEntee