



Appeal Decision

by Ken McEntee

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

Decision date: 23rd October 2025

Appeal ref: APP/G1630/L/25/3363720

- 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 surcharges imposed by Tewkesbury Borough Council.
- The relevant planning permission to which the surcharges relate is [REDACTED]
- Planning permission was granted on 22 June 2021.
- The description of the development is "[REDACTED]".
- A Liability Notice was served on 23 June 2021.
- A Demand Notice was served on 14 February 2025.
- The alleged breaches to which the surcharges relate is the failure to assume liability and submit a Commencement Notice before starting works on the chargeable development.
- The surcharge for failing to assume liability is [REDACTED]
- The outstanding surcharge for failure to submit a Commencement Notice is [REDACTED]

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

Reasons for the decision

1. Regulation 65(3)(a) explains that a LN must be served on the relevant person. The 'relevant person' normally being the person who applied for planning permission. However, Regulation 126 lists the different ways that are acceptable for documents to be served. Regulation 126(1)(e) explains that "*in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address...*". Such a person would normally be the applicant's agent and consequently service solely to the agent would suffice to meet the requirement of Regulation 65(3)(a). In this case, the Collecting Authority (Council) state that the agent's e-mail address in the application form of 15 January 2021 is [REDACTED]. Therefore, the Council sent the LN to the e-mail address given and have provided a copy of that e-mail.
2. Unfortunately, the Council have been unable to provide an unredacted copy of the application form, and therefore there is no evidence before me to demonstrate that the e-mail address the Council used for service was actually given in the application form. However, as the appellant does not dispute the Council's claim,

I have no reason before me to doubt it. The Council have also provided evidence that a LN was sent by Recorded Delivery to the appellant's postal address, although there is no evidence provided that it was actually signed for. Nevertheless, the Council satisfied the Regulations by way of electronic service. I note the appellant contends that the intended recipient was on maternity at the time. However, I agree with the Council's point that it would be expected for a professional consultancy to have a system in place to monitor e-mails sent to absent staff. The Council contend that they did not receive an out of office response to the e-mail.

3. Therefore, on the evidence before me and on the balance of probabilities, I conclude that the Council did not fail to serve a Liability Notice in respect of the development to which the surcharges relate. The appeal fails accordingly.

Formal decision

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

K McEntee