



Appeal Decision

by Ken McEntee

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

Decision date: 2nd April 2026

Appeal ref: APP/R3650/L/25/3367193

- 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 Waverley Borough Council.
- The relevant planning permission to which the surcharge relates is [REDACTED].
- Planning permission was granted on 19 March 2025.
- The description of the permission is "[REDACTED]".
- A Liability Notice was served on 28 March 2025.
- A revised Liability Notice was served on 9 May 2025.
- A Demand Notice was served on 9 May 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.

Reasons for the decision

1. The appeal is made under Regulation 117(1)(b), which is that the Council failed to serve a Liability Notice (LN) in respect of the development to which the surcharge relates. However, the Council has produced documentary evidence to demonstrate that the original LN was e-mailed to the appellant's agent, [REDACTED] on 28 March 2025, as well as being delivered by way of Recorded Delivery to the appellant and signed for on 7 April 2025. I note that the appellant has not taken the opportunity to refute this evidence.
2. Therefore, on the evidence before me, I can only 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.
3. I acknowledge the appellant's comments that he feels he is being punished for not understanding the correct process as this situation was new to him. However, while I have sympathy with the appellant, I have no powers to consider mitigation and can only determine the appeal on the factual documentary evidence and in accordance with the CIL Regulations.

Formal decision

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

K McEntee