



Appeal Decision

by Ken McEntee

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

Decision date: 7th October 2026

Appeal ref: APP/X0360/L/25/3373175

- The appeal is made under Regulation 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [REDACTED] against a surcharge imposed by Wokingham Borough Council.
- The relevant planning approval to which the surcharge relates is [REDACTED].
- Planning permission was granted on 25 November 2022.
- The description of the permission is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- A Liability Notice was served on 30 November 2022.
- A Surcharge Notice was served on 4 September 2025.
- A Demand Notice was served on 9 September 2025.
- The alleged breach that led to the surcharge is the failure to submit a Commencement Notice before starting works on the chargeable development.
- The outstanding surcharge is [REDACTED].

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

Reasons for the decision

1. An appeal under this ground is that the alleged breach which led to the surcharge did not occur. I note that the appellant does not dispute that he failed to submit a Commencement Notice (CN) before starting works on the chargeable development. However, he explains that he informed a Council Planning Officer, [REDACTED], by phone message of 30 July 2025, that he was intending to start works on the development on 18 August 2025. Unfortunately, it transpired that [REDACTED] was no longer employed at the Council. However, I should point out that the planning department is not part of the CIL Collecting Authority and CIL is a very rigid and formulaic process. The necessary form (Form 6) needed to be submitted to the Collecting Authority for the requirements of Regulation 67(1) to be met. Verbally notifying them of commencement would not have met this requirement.
2. I have sympathy with the appellant and accept his point that had Mr [REDACTED] still been employed at the Council, he would no doubt have responded to the appellant's phone message and informed him that a valid CN needed to be submitted. However, the appellant should already have been aware of this requirement as it was made clear in the Liability Notice of 30 November 2022.

The onus was therefore very much on the appellant to ensure the correct procedures were followed.

3. On the evidence before me, I can only conclude that the alleged breach which led to the surcharge occurred as a matter of fact. The appeal fails accordingly.

Formal Decision

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

K McEntee