The Planning Inspectorate

Appeal Decision

by Ken McEntee

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

Decision date: 28th October 2026

Appeal ref: APP/D1590/L/25/3373963

[redacted]

- The appeal is made under section 218 of the Planning Act 2008 and Regulations 117(1)(a) of the Community Infrastructure Levy Regulations 2010 (as amended).
- The appeal is brought by [redacted] against a surcharge imposed by Southend-on-Sea City Council.
- The relevant planning permission to which the CIL surcharge relates is [redacted].
- The description of the development is: [redacted]
- Planning permission was granted on 14 September 2023.
- A Liability Notice was served on 21 September 2023.
- A self-build exemption was granted on 21 September 2023.
- A Demand Notice was issued on 3 September 2025.
- The alleged breach that led to the surcharge is the failure to notify the Council of a 'disqualifying event' for self-build relief.
- The outstanding surcharge for failure to notify the Council of a 'disqualifying event' is [redacted]

Summary of decision: **The appeal is allowed and the surcharge is quashed.**

Reasons for the decision

1. The appeal is made under Regulation 117(1)(a) – that the alleged breach that led to the surcharge did not occur. The alleged breach is the failure to notify the Collecting Authority (Council) of a 'disqualifying event' for self-build relief. CIL Regulation 54D(4) specifies that "*the relevant person must notify the collecting authority in writing of the disqualifying event before the end of 14 days beginning with the day on which the disqualifying event occurs".* The alleged disqualifying event in this case is the "*failure to comply with Regulation 54C and submit the self-Build Exemption Claim Form 7; Part 2 within 6 months of the Building Control Compliance Certificate*". However, it appears the relevant form was in fact submitted but the Council considered it to be incomplete as it failed to include the title deeds of the property to which the exemption relates [redacted] as required by 1(b) of Section B of the form, although it did include title deeds for [redacted]. The appellant explains the reason for this is that the deeds cover the entire plot so includes both [redacted], and there are no separate deeds for [redacted]

2. It appears clear that the self-build dwelling (no.56) was constructed as an infill development within the plot of the original dwelling (no.54), but the appellant had

not yet arranged for separation of the title deeds so submitted the official copy of register of the title that currently existed at the time. The official copy of the land register constitutes "title deeds". As the relevant plot of land is included in the land shown on the title plan that covers the house now constructed, it is acceptable for the official copy of the register to also serve as title deeds for that area of the land. There is no requirement in the Regulations for a title deed to relate solely to the self-build dwelling or for a separate registered title to be provided. Therefore, I conclude that the appellant has satisfactorily demonstrated the necessary ownership interest in the land by submission of the relevant title document at the time. Consequently, I do not consider that a disqualifying event of the self-build exemption has taken place. The appeal succeeds accordingly and the surcharge is quashed.

Formal decision

3. For the reasons given above, the appeal is allowed and the surcharge of [redacted] is quashed.

K McEntee