

clearly formed part of the relevant planning permission. Therefore, I am satisfied that the claimed breach which led to the surcharge occurred as a matter of fact. The appeal on this ground fails accordingly.

The appeal under Regulation 117(1)(b)²

3. Although the appellants have ticked the box for an appeal on this ground, they have not submitted any supporting arguments. The Council has submitted a copy of an e-mail of 8 May 2017 to the appellants, in which they attached a copy of the Liability Notice, but I note the appellants have not commented on this. Therefore, on the evidence before me, I am satisfied the Council correctly served a Liability Notice as required by Regulation 65(1). The appeal on this ground fails accordingly.

The appeal under Regulation 118³

4. The basis of the appellants' case on this ground is simply that the works have not commenced, rather than disputing the specific date the Council have determined. Regulation 68 explains that a Collecting Authority must determine the day on which a chargeable development was commenced if it has not received a Commencement Notice. The Council have determined the commencement date in this case to be 14 August 2017. As they first became aware that development had commenced from their site visit conducted on that date, I consider it reasonable the Council have deemed that to be the commencement date in the absence of any other contrary evidence. The appeal on this ground fails accordingly.

Formal decision

5. For the reasons given above, I hereby dismiss the appeal on the grounds made and uphold the CIL surcharge.

K McEntee

² The Collecting Authority failed to serve a Liability Notice in respect of the development to which the surcharge relates

³ The Collecting Authority has issued a Demand Notice with an incorrectly determined deemed commencement date