Community Infrastructure Levy (CIL)
Is development liable for CIL?

This informal guidance note is part of a series which together have been prepared to assist applicants in understanding how CIL may impact their development and the process which is likely to be followed in charging and payment of the levy. The contents of this note do not override the provisions of – or any powers available to the Council – through the Community Infrastructure Levy Regulations 2010 (as amended).

What type of development is liable?
The following types of planning applications are liable for CIL:

- All development containing at least 100 square metres of new build residential or convenience retail floorspace.
- Proposals for one or more new dwellings (including residential annexes) either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional floorspace).
- Development of less than 100 square metres of new build that results in the creation of a new dwelling.
- The conversion of a building that is not in-use (see definition below), which results in new dwellings (i.e. any form of residential or student accommodation).

A planning application will not be validated until the CIL Additional Questions Form 0 and Assumption of Liability Form 1 have been submitted. The information contained in the forms will enable us to calculate the correct CIL liability.

This applies even if the development would be subject to a £0 rate of CIL, or if it would be able to benefit from the mandatory relief available for charitable development, social housing development and self-build residential development.

What type of development is not liable?
The following types of planning applications are not liable for CIL:

- Development containing less than 100 square metres of new build, provided that it does not result in the creation of a new dwelling.
- The conversion of a building that is in-use (see definition below).
- The conversion of a building that is not in-use (see definition below) provided that it does not result in new dwellings (i.e. any form of residential or student accommodation).
- Development of buildings into which people do not normally go, or into which they only go intermittently for the purposes of inspecting or maintaining fixed plant or machinery (for example wind turbines, electricity sub stations etc).
- Development that brings vacant buildings back into their previous use (for example if a vacant office building was brought back into use as an office and extended by more than 100 square metres only the extension would be liable for CIL).
• Mezzanine floors of less than 200 square metres inserted into an existing building, unless they form part of a wider development (e.g. external alterations, changes of use etc)

These types of applications, unless specifically requested by us, will not be required to submit the CIL Forms.

What if it is unclear?

If it is not clear as to whether a development will be liable for CIL, it is recommended that the CIL Additional Question Form0 is submitted, and we can ascertain whether the development will be liable for CIL.

Definition of “in-use”

The definition of lawful use is contained in Regulation 40(11) of the Community Infrastructure Levy Regulations 2010 (as amended).

This states that an “in-use building” is a building which “contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development”.

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