

CIL GUIDANCE NOTE 1



Community Infrastructure Levy (CIL) CIL Liability – Is Development Liable For CIL?

September 2019

Most, though not all, development is liable for CIL.

What type of development is liable?

The following types of planning applications may be liable for CIL:

- All development containing at least 100 sq.m of new build.
- Development of less than 100 sq.m of new build that results in the creation of a new dwelling (excluding apartments).
- The conversion of a building that is not in lawful use (see below) which results in new dwellings (i.e. any form of residential accommodation excluding apartments).

The **CIL Additional Information form (CIL FORM 1)** must be submitted for these types of applications. The information contained in the form will enable us to calculate the correct CIL liability. A planning application **will not be validated** until the CIL Information Form has been submitted.

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 social housing or charitable development.

What type of development is not liable?

The following types of planning applications are not liable for CIL:

- All development containing less than 100 sq.m of new build, provided that it does not result in the creation of a new dwelling (excluding apartments).
- The conversion of a building that is in lawful use (see below).
- The conversion of a building that is not in lawful use (see below) provided that it does **not** result in new dwellings (i.e. any form of residential accommodation).
- Development of buildings into which people would not normally go (for example, wind turbines, electricity sub stations etc).
- Elements of development that are not weather tight (for example, lean to car ports, covered walkways, external balconies, seating and terracing in outside sport stadia).

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

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 Information Form is submitted and we can decide whether it is required.

Definition of lawful use

The definition of lawful use is contained in Regulation 40(11) of the Community Infrastructure Levy Regulations 2010 (as amended), which states the following:

“For the purposes of this regulation a building is in use if a part of that building has been in 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”.