

Community Infrastructure Levy Guidance Note 1 – is development liable for CIL?

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

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.
- 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).

The CIL Questions Form must be submitted for these types of applications. The information contained in the form 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 self-build residential development relief.

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 (eg external alterations, changes of use etc)

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