

COMMUNITY INFRASTRUCTURE LEVY (CIL) Form 8: Residential Annexe Exemption

CIL Form 8: Residential Annexe Exemption should be completed by the individual(s) seeking to claim exemption from CIL for a Self-Build Residential Annexe **prior** to commencement of development. The Exemption can only be granted **prior** to commencement and **CIL Form 6: Commencement Notice** must be received by Shropshire Council prior to the date of commencement of development. The applicant will otherwise be subject to a surcharge of 20% of the liability (maximum £2,500).

If Residential Annexe Exemption is approved, the individual(s) seeking relief must notify Shropshire Council of the occurrence of a disqualifying event within 14 days, whether this is prior to, during or following completion of development - during the clawback period of three years from the date of the compliance certificate relating to the relevant development.

1. Exemption Application Details

Applicant Name:

Planning Application number (if allocated):

Address of the Main Dwelling (including postcode):

Description of development:

2. Liable Party

Please confirm that the applicant owns a material interest in the main dwelling:

Yes

- A material interest in the relevant land is a legal estate in that land which is a freehold estate; or a leasehold estate, the term of which expires more than seven years after the day on which planning permission first permits the chargeable development.

No

Please confirm that the applicant for this relief has assumed liability for the payment of the CIL associated with the development to which the relief relates:

Yes

- Liability can be assumed by:

- Completing the Assumption of Liability Section of CIL Form 1: Determination of CIL Liability;
- Completing CIL Form 2: Assumption of Liability; or
- Where another party has previously assumed liability, CIL Form 4: Transfer of Liability.

No

3. Commencement of Development

Has this development commenced?

Yes

- For the purposes of CIL, commencement is deemed to occur when any material operation takes place. A **material operation** is as defined within Section 56(4) of the TCPA 1990, this includes:

No

- a) Any work of construction in the course of the erection of a building;
- aa) Any work of demolition of a building;
- b) Digging a trench which is to contain the foundations, or part of the foundations, of a building;
- c) The laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph b);
- d) Any operation in the course of laying out or constructing a road or part of a road;
- e) Any change in the use of any land which constitutes material development.

Has a **dated photograph** been provided, in support of your application for relief?

Yes

Please Note: This must be sufficient to determine if the approved development has commenced.

No

Photographs should not normally include a person(s). Where a photograph includes an individual, the applicant(s) are responsible for ensuring they sign a photographic disclaimer. In the case of minors, permission must also be secured from their parent or relevant other.

4. State Aid

I declare the amount of de minimis State Aid received in the last three years prior to submission of this application for relief is less than 200,000 Euro:

- Information about de minimis State Aid for the purposes of CIL exemption can be found at: www.gov.uk/state-aid; or www.planningportal.gov.uk/uploads/1app/forms/140214_state_Aid_extract_FINAL_PDF.pdf

If you have not received any State Aid, please confirm this by ticking the above box or stating £0.00 below.

If you have received any State Aid within the last three years prior to submission of this application for relief, please specify the amount received:

Please Note: An application for self-build relief can only be accepted where the applicant has confirmed that they have received less than 200,000 Euro of de minimis State Aid in the last 3 years.

£

5. Self-Build Declaration

1. I declare that the development is a residential annex within the definition in Regulation 42A(2). Yes
 - A development is a residential annex if it is wholly within the curtilage of the main dwelling; and comprises one new dwelling. No
2. I declare that, while I maintain my interest in the land, the main dwelling will remain a single dwelling, and the residential annex will not be separately let within the three year claw back period. Yes
 No
3. I declare that the main dwelling and the residential annex will be sold at the same time to the same person(s) if I dispose of my interest of the land within the three year claw back period. Yes
 - 'Completion' for the purposes of CIL exemption is defined as the issuing of a compliance certificate for this development issued under either regulation 17 (completion certificates) of the Building Regulations 2010 or section 51 of the Building Act 1984 (final certificates). No
4. I understand that my claim for exemption will lapse where development commences prior to Shropshire Council, as the Collecting Authority, informing me of its decision: Yes
 - For the purposes of CIL, commencement is deemed to occur when any material operation takes place. A **material operation** is as defined within Section 56(4) of the TCPA 1990. Further details are provided in Section 5: Commencement of Development, of this Application Form. No
5. I understand that failure to submit a CIL Form 6: Commencement Notice prior to commencement will result in the development being subject to a surcharge of 20% of the liability (maximum 2,500). Yes
 No
6. I understand the meaning of a 'disqualifying event' for the purposes of a Residential Annexe Exemption as defined in Regulation 42C of the Amended CIL Regulations (2014) and that where a disqualifying event occurs I must inform Shropshire Council, as the Collecting Authority, within 14 days of its occurrence. Yes
 - Disqualifying events are summarised in Section 8: Disqualifying Events, of this Application Form. No

6. Declaration

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

I/we acknowledge that we have read and understand the above terms and conditions and confirm that the details given are correct.

I/we acknowledge the requirements of a Residential Annexe Exemption and are aware of the need to report the occurrence of a disqualifying event within 14 days of its occurrence, prior to, during and following completion of development - during the clawback period of three years from the date of the compliance certificate relating to the relevant development.

Signed by Applicant (Compulsory):

Date (DD/MM/YYYY):

Contact Telephone Number:

Contact Email Address:

Please Note: A hand written signature is required.

*On receipt of this application Shropshire Council as the Collecting Authority will make a decision on your claim as soon as practicable and inform the amount of CIL relief granted in writing. You **must** then submit a commencement notice to Shropshire Council as the Collecting Authority prior to starting on site. Failure to do so will result in the council imposing a surcharge of 20%, with a maximum of £2,500.00.*

7. Disqualifying Events

The Amended National CIL Regulations (2014) specify that if a disqualifying event occurs before the end of the claw-back period, then the self-build applicant must notify Shropshire Council before the end of the period of 14 days, beginning with the day on which the disqualifying event occurs. The claw-back period is "three years beginning with the date of the compliance certificate relating to the relevant development".

For the purposes of relief from CIL for Residential Annexes, a disqualifying event is defined within Regulations 42A - D of the Amended CIL Regulation (2014). They include but are not limited to:

- a) The use of the main dwelling for any purpose other than as a single dwelling;
- b) The letting of the Residential Annexe; or
- c) The sale of the main dwelling or the Residential Annexe unless they are sold at the same time to the same person.

Please Note: A disqualifying event can occur prior to, during and following completion of development - during the clawback period of three years from the date of the compliance certificate relating to the relevant development.

If the applicant for self-build relief fails to notify Shropshire Council within the notification period, Shropshire Council must withdraw the self-build relief **and** impose a surcharge of 20% of the chargeable amount payable (maximum of £2,500) for the development that benefitted from the self-build relief.

Where the disqualifying event occurs before commencement of the chargeable development, the CIL liability is payable on commencement of that chargeable development. In all other cases the CIL liability is payable on the day that it is imposed.

8. Submission:

Once completed and signed, this form can be returned either by email or post.

It can be emailed to: CIL@Shropshire.gov.uk

It can be posted to: Shropshire Council, CIL Team, Planning Policy - 5th Floor, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Details on how Shropshire Council uses your data can be found at:

<https://shropshire.gov.uk/privacy/privacy-notices/>