CIL PROCESS FLOWCHART – SELF-BUILD RESIDENTIAL ANNEX EXEMPTION

Reliefs and exemptions are not automatically available; they must be applied for before the start of development.

We cannot accept relief claims once the development has commenced. Note that the CIL regulations allow for an exception to this rule for Section 73 permissions (variation of conditions) where you already have received relief on the original permission.

CIL Process Flow Chart – Claiming Self-Build Residential Annex Exemption

Planning Application

Planning Permission

Required

Submit CIL Form 1 - CIL Additional Information to allow Council to ascertain CIL Liability.

CIL Form 8 – Self Build Residential Annex Exemption can be submitted any time **prior to commencement♦.**

NOTE: Self-Build Annex Exemption CANNOT be requested nor granted on retrospective applications or where work commences prior to the determination of a planning application.

Planning Permission

Not Required

Submit CIL Form 5 - Notice of Chargeable Development any time **prior to commencement♦.**

Please Note: *If no notice is submitted, the Council will prepare the notice and serve it on the owner. (Reg.64)*

Planning Permission (Prior To Commencement)

Council grants Planning Permission and a CIL Liability Notice is issued setting out total amount of CIL due.

Please Note: *The CIL Liability is registered as a Local Land Charge against the land affected by the Planning Permission. It will be removed when it is paid in full or when the clawback period has ended.*

Submit CIL Form 8 – Self Build Residential Annex Exemption **prior to commencement.**

NOTE: Self-Build Annex Exemption CANNOT be requested nor granted on development already commenced prior to submission of CIL Form 5

Before development commences, submit CIL Form 8 – Self Build Residential Annex Exemption *(if not done earlier).*

If eligible, the Council issues a CIL Liability Notice granting Self-Build Residential Annex Exemption and setting out payment procedure if a disqualifying event✦ occurs.

✦*Please Note: For the purposes of Regulation 42C a disqualifying event is:*
(a) the use of the main dwelling for any purpose other than as a single dwelling
(b) the letting out of the residential annex; or
(c) the sale of the main dwelling or the residential annex unless they are sold at the same time to the same person.

Development amended (which changes the liable floorspace) via revised planning permission following commencement – Submit CIL Form 13 prior to implementation.

Development Commencement

Please Note:

If you commence development PRIOR to receiving a Liability Notice stating that an Annex Exemption has been granted, then the CIL Liability will be due in full.

Submit CIL Form 6 – Commencement Notice to inform Council when development is going to commence. **This must be returned no later than one day before the development is to be commenced♦.**

Development is complete and a completion / compliance certificate is issued.

Please Note: *If you do not submit a Commencement Notice, the Council will impose a mandatory surcharge equal to 20% of the notional chargeable amount, or £2500 (whichever is lower)*

Liability remains on Land Charges Register for 3 years from date of completion certificate, after which the Claw Back period expires, and the Land Charge is removed.

✦Disqualifying event occurs within 3 years of completion.

Full CIL payment due immediately – surcharges may be added.

CIL not paid

Enforcement action

♦***Please Note: Under the CIL Regulations, Commencement of development is defined within Regulation 7.***
Under Regulation 7, development is to be treated:
7(2) as commencing on the earliest date on which any material operation begins to be carried out on the relevant land.
7(6) In this regulation, 'material operation' has the same meaning as in section 56(4) of TCPA 1990 (time when development begun).