CIL 8

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

CIL Form 8: Residential Annex Exemption should be completed by the individual(s) seeking to claim exemption from CIL for a Self-Build Residential Annex **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 Annex 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/s First Name and Surname:

Planning Application number:

Address of the Main Dwelling (including postcode):

Description of Development:

2. Liable Party

- **I declare I own a material interest in the main dwelling:** Yes ☐ No ☐
  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.
- **I declare I have assumed liability for the payment of the CIL associated with the development to which this application for relief relates:** Yes ☐ No ☐
  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.*
- **I declare I am occupying the main dwelling as my sole or main residence** Yes ☐ No ☐

3. Commencement of Development

3.1 Has this development commenced?

Yes ☐ No ☐

*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:*

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.

3.2 Site Photos

Provided ☐

Current dated photos of the development site are required to support an application for relief

These must be sufficient to determine if the approved development has commenced. Photos should not normally include a person(s). Where a photo 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. Subsidy Control

I commit, when submitting this application, to informing Shropshire Council of the total amount of any subsidy granted to me by any public body in the three years* prior to submission of this application form, either as State Aid (up to 31 December 2020) or as a subsidy under the UK's international or domestic subsidy control commitments from 1 January 2021 ☐

- **If you have not received any subsidies from any public body in the last three years**, please confirm this by stating £0.00 in the box.
- I**f you have received any subsidies in the last three years**, please state the amount in the box.

£ ☐

I acknowledge that Shropshire Council will inform me whether they consider that the amount of any exemption/relief granted to me in respect of this application will (or may) be impacted to account for any subsidies already received in the three years prior to submission of this application form. ☐

5. Residential Annex Declaration

1. I declare that the development is a residential annex within the definition in Regulation 42A(2). **Yes** ☐ **No** ☐
   - *A development is a residential annex if it is wholly within the curtilage of the main dwelling; and comprises one new dwelling.*
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** ☐ **No** ☐
   - *`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).*
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** ☐ **No** ☐
   - *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 3: Commencement of Development of this Application Form.*
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 Annex Exemption as defined in regulation 42C of the Community Infrastructure Levy Regulations 2010 (as amended) and that where a disqualifying event occurs I must inform Shropshire Council, as the Collecting Authority, within 14 days of its occurrence. **Yes** ☐ **No** ☐
   - *Disqualifying events are summarised in Section 7: Disqualifying Events of this Application Form.*

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). 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 Annex 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/s *(compulsory):*

Date *(DD/MM/YYYY):*

Telephone Number:

Email Address:

A hand written signature is required

7. Disqualifying Events

The Community Infrastructure Levy Regulations 2010 (as amended) specify that if a disqualifying event occurs before the end of the claw-back period, then the Residential Annex 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 CIL Regulations 2010 (as amended) . 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 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.

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

Once completed and signed this form can be returned by either:

Email: CIL@shropshire.gov.uk or

Post: CIL Team, Planning Policy, Shropshire Council, PO Box 4826, Shrewsbury, SY1 9LJ

Details on how Shropshire Council uses your data can be found at:
https://shropshire.gov.uk/privacy/privacy-notices/