

3-5 New Street, Salisbury SP1 2PH

Planning Application for Material Change of Use

Community Infrastructure Levy

Basis of Liability

The Community Infrastructure Levy is payable by reason of Part 11 of the Planning Act 2008 ("The Act") as amended by the Community Infrastructure Levy Regulations 2010.

The liability to pay the Community Infrastructure Levy arises from sections 206 'The Charge' and 208, '*Liability*', of the Act.

The liability arises from '*development*', the definition of which is subject to the amendment created by Regulation 6 of the Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) Regulations 2011.

This states (relevant part in bold type underlined):

Amendment to Part 2 - definition of key terms

4.-(1) For regulation 6(1) (meaning of "development"), substitute –

"(1) The following works are not to be treated as development for the purposes of section 208 of PA 2008 (liability) –

(a) anything done by way of, or for the purpose of, the creation of a building of a kind mentioned in paragraph (2);

(b) the carrying out of any work to, or in respect of, an existing building if, after the carrying out of that work, it is still a building of a kind mentioned in paragraph (2);

(c) the carrying out of any work to, or in respect of, an existing building for which planning permission is required only because of provision made under section 55(2A) of TCPA 1990(1); and

(d) the change of use of any building previously used as a single dwellinghouse to use as two or more separate dwellinghouses."

Conclusion

The result of this legislation is that this planning application, which is for the change of use of a building previously used as a single dwellinghouse to use as two separate dwellinghouses, is not '*development*' as defined in The Act, and so is not subject to the Community Infrastructure Levy.

Accordingly, no Community Infrastructure Levy Form needs be completed because the application is not for a '*development*' as defined in s.208 of the Planning Act 2008 and so no liability for the Levy can exist.

Attachments

Copies of the following statutes are attached:

- Planning Act 2008 Part 11 Community Infrastructure Levy
- The Community Infrastructure Levy Regulations 2010
- The Community Infrastructure Levy (Amendment) Regulations 2011