

Exemption of £194,125.00.

CIL Addendum Report – Boons Park, Toys Hill Road, Toys Hill

REFERENCE:	SE/14/03641/FUL	DATE:	2.9.15
SUBJECT:		NAME:	Jim Sperryn
ADDRESS:	Boons Park, Toys Hill Road, Toys Hill, Edenbridge		

Background:

Under reference SE/14/03641/FUL planning permission was granted on 31st March 2015 for the “Demolition of existing drug rehabilitation centre and associated outbuildings. Erection of a large single dwelling with attached outbuildings Coach House East consisting of garage, poolhouse and spa, with basement, Coach House West consisting of staff flat and estate office/function room with basement and Collonade walkways.”

Community Infrastructure Levy:

At the time of the planning application the applicant was listed as “Bishops UK Ltd.” Certificate A confirmed that this company was the owner of the site. No Community Infrastructure Levy exemption was sought at the time of the application.

The agents have now submitted the relevant CIL Assumption of Liability and Build Exemption Claim Form Part 1.

The self build exemption for housing can only be claimed if the person making that claim has in accordance with Section 54B (2) (a) (ii) of the regulations: assumed liability to pay CIL in respect of the new dwelling, whether or not they have also assumed liability to pay CIL in respect of other development.

The “Form 1: Assumption of Liability” lists Mr Gary Humphreys (Party A) and Mrs Sara Humphreys (Party B) as assuming liability and both parties have signed the form.

Mr and Mrs Humphreys are claiming exemption for a self build dwelling within the definition in Regulation 54A. A person is eligible for an exemption from liability to pay CIL in respect of a chargeable development, or part of a chargeable development, if it comprises self-build housing (or self-build communal development.)

The Council’s monitoring system (UNIFORM) has now been updated appropriately and the claim for exemption can now be properly considered as follows below:

Additional criteria for exemption (to clarify information on form)	Yes / No
Has the development commenced? <i>If the development has commenced, they cannot claim an exemption. Check building regulations records and CIL Events to confirm if any Commencement Notice received.</i>	No
Has the claimant for exemption assumed liability to pay CIL for the dwelling subject of the claim for exemption, with the submission of an Assumption of Liability form? <i>If there is no Assumption of Liability Form, they cannot claim an exemption. Seek submission of one and if not received, refuse exemption. If the person assuming liability is not the same as the person making the</i>	Yes

<p>exemption, refuse exemption. NOTE: that an exemption is granted for a person – so for forms relating to exemptions and assumption of liability these cannot be signed in the agents name. (Regulation 54B (2) (a) (ii))</p>	
<p>Is more than one person assuming liability to pay CIL? Make it clear whether the claim for exemption covers everybody who has assumed liability. Where more than one person has assumed liability to pay CIL in respect of the chargeable development, the person claiming an exemption must clearly identify the part of the development that the claim relates to.</p>	<p>Yes – Mr & Mrs Humphreys (jointly)</p>

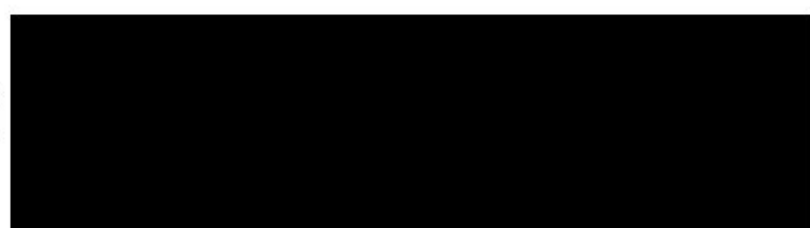
The applicants for exemption have completed all the declarations on the exemption claim form. The development has not commenced on site. I am therefore satisfied that Mr and Mrs Humphreys will be liable to pay but will be exempt from CIL for planning application SE/14/03641/FUL, as they will be resident in the property.

In light of the above, I am satisfied that a CIL exemption may be granted.

Case Officer: Jim Sperryn

Date: 2.9.15.

Team Manager:



Date:

24/9/15

Uniform record updated by AB to confirm CIL exemption complies with legislation.

Authorising Officer:

Chief Finance Officer:



ADMAN ROUSHTAN
24/9/15

upon signature of Chief Finance Officer
AB to update CIL Event on Uniform
to include Bank of CIL Liability note.



Community Infrastructure Levy (CIL) - Form 7: Self Build Exemption Claim Form Part 1

An exemption for a self build home must be granted prior to the commencement of the development AND a Commencement (of development) Notice must be received by the Charging/Collecting Authority prior to the date of commencement of the development. The applicant will otherwise be liable for the full levy charge.

Part 2 of this form must be submitted to the Charging/Collecting Authority within six months of the completion of the development. The applicant will otherwise be liable for the full levy charge.

Please complete the form using block capitals and black ink and send to the Charging Authority (or Collecting Authority if this differs from the Charging Authority).

See [Planning Practice Guidance for CIL](#) for guidance on CIL generally, including "relief from the Levy".

Section A: Claiming Exemption - General Information

To be completed by the individual(s) claiming self build exemption.

1. Application Details:

Applicant Name: GARY AND SARA THOMPSON

Planning Portal Reference (if applicable): 14/03641/FUL/0001

Local authority planning application number (if allocated): 14/03641/FUL

Please provide the full postal address of the application site:

BURNS PARK
TOYS HILL ROAD
TOYS HILL
SEVENAKES TN8 6NP

If postal address/postcode not known, or original relief claim was submitted with reference to grid reference, please provide:

Easting: Northing:

Description:

Section B: Self Build Declaration

I declare that this a "self build project" for purposes of the exemption set out within the regulations ☒

I declare that I will occupy the premises as my sole or main residence for a period of 3 years from completion of the property ☒

I declare that I will provide the required supporting documentation as set out in 'Self Build Exemption Claim Form Part 2' within 6 months of completion of the property and I understand failure to do this will result in CIL becoming payable ☒

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 ☒

'Self Build' for the purposes of CIL exemption is defined as all homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders.

'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).

Information about de minimis State Aid for the purposes of CIL exemption can be found here:
http://www.planningportal.gov.uk/uploads/1app/forms/140214_state_Aid_extract_FINAL_PDF.pdf

Declaration

I confirm that the details given are correct.



I understand:

That my claim for exemption will lapse where a commencement notice is not submitted prior to commencement of the chargeable development to which this exemption applies.



The meaning of a 'disqualifying event' for CIL self build exemption and that where a disqualifying event occurs before or after commencement of development I must inform the collecting authority within 14 days.



That my claim for self build exemption will lapse where development commences prior to the collecting authority informing me of its decision.



Name- Claimant:

Date (DD/MM/YYYY):

28/07/2015

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.

*On receipt of this application 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 the collecting authority prior to starting on site. Failure to do so will result in the CIL charge becoming payable in full.*



Community Infrastructure Levy (CIL) - Form 1: Assumption of Liability

This form should be used to assume liability prior to commencement of development.

Please complete the form using block capitals and black ink and send to the Charging Authority (or Collecting Authority if this differs from the Charging Authority)

See [Planning Practice Guidance for CIL](#) for guidance on CIL generally, including assuming liability.

Description of Development	
Planning Permission / Notice of Chargeable Development Reference:	14/03641/FUL/0001
Site address:	
BOONS PARK TOYS HILL ROAD, TOYS HILL	
Description of development:	
DEMOLITION OF EXISTING DRUG REHABILITATION CENTRE AND ASSOCIATED OUTBUILDINGS ERECTION OF A LARGE SINGLE DWELLING WITH ATTACHED OUTBUILDINGS COACH HOUSE EAST CONSISTING OF GARAGE, POOLHOUSE AND SPA, WITH BASEMENT COACH HOUSE WEST CONSISTING OF STAFF FLAT AND ESTATE OFFICE/RECEPTION	

Section A: Assumption of Liability

If the liable party is a company, you must fill in the company name

Party A Assuming Liability				Party B Assuming Liability			
Title:	MR	First name:	CARL	Title:	MRS	First name:	SARA
Last name:	HUMPHREYS			Last name:	HUMPHREYS		
Company:				Company:			
Position:				Position:			
Company registration no: (where applicable)				Company registration no: (where applicable)			
Unit:		House number:		Unit:		House number:	
		House suffix:				House suffix:	
House name:	GODFREY HOUSE			House name:	GODFREY HOUSE		
Address 1:	EYTHORNE ST.			Address 1:	EYTHORNE ST		
Address 2:	HOLLINGBOURNE			Address 2:	HOLLINGBOURNE		
Address 3:				Address 3:			
Town:	HARDSTONE			Town:	HARDSTONE		
County:	KENT			County:	KENT		
Country:	UK			Country:	UK		
Postcode:	ME17 1TX			Postcode:	ME17 1TX		
Telephone number (mandatory)			Extension number:	Telephone number (mandatory)			Extension number:
Country code:	National number:			Country code:	National number:		
Email address (optional):				Email address (optional):			

Party C Assuming Liability

Title:		First name:	
Last name:			
Company:			
Position:			
Company registration no: (where applicable)			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
Email address (optional):			

Party D Assuming Liability

Title:		First name:	
Last name:			
Company:			
Position:			
Company registration no: (where applicable)			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
Email address (optional):			

Agent Name and Address

Title:	Mrs	First name:	POLLY
Last name:	CANNING		
Company:	KEMBER LOUDON WILLIAMS LLP		
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
	01892 750018		
Email address (optional):			

Unit:		House number:	
		House suffix:	
House name:	RIDGERS BARN		
Address 1:	BUNNY LANE		
Address 2:	ERIDGE		
Address 3:			
Town:	TUNBRIDGE WELLS		
County:	KENT		
Country:	UK		
Postcode:	TN3 9HA		

Declaration

I/we hereby assume liability for the Community Infrastructure Levy Charge for the above development. Where assuming liability on behalf of a company, I confirm that I am authorised to do so. I/we understand that I/we must submit a commencement notice in order to secure the 60 day payment window or such time as the charging authority has allowed in its current payment instalments policy, as per the requirements of the Community Infrastructure Levy Regulations (2010) as amended. I/we am/are aware of the surcharges I/we will incur if I/we do not follow the correct procedures for paying the CIL charge. I/we understand any communication and actions by the collecting authority to pursue me/us for the assumed liability will be copied to the site land owners (as defined in CIL regulations)

Name - A Party Assuming Liability:

Date (DD/MM/YYYY):

Name - B Party Assuming Liability:

Date (DD/MM/YYYY):

[Redacted Name]

28/07/2015

[Redacted Name]

28/07/2015

Name - C Party Assuming Liability:

Date (DD/MM/YYYY):

Name - D Party Assuming Liability:

Date (DD/MM/YYYY):

[Redacted Name]

[Redacted Date]

[Redacted Name]

[Redacted Date]

Or Name - Agent:

Date (DD/MM/YYYY):

[Redacted Name]

[Redacted Date]

Under regulation 37(2) of the Community Infrastructure Levy Regulations (2010) as amended, where two or more persons have assumed liability to pay CIL in respect of a chargeable development they shall each be jointly and severally liable to pay any CIL payable in respect of that chargeable development.

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting 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.

