

Applying the Section 106 Policy Exemption

The following guidance is taken from the CIL (Amendment) Regulations 2014. The intention is to apply this guidance to the change proposed in the Council's Section 106 policy whereby 'tariff-style' obligations will no longer be sought from residential extensions, annexes or self-build housing.

A person (P) will not be required to enter into a S106 Agreement for tariff style contributions as cited in the Council's Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) for the following types of residential development;

- 1. Residential annexes or extensions where;**
 - (a) P owns a material interest in a dwelling ("main dwelling");**
 - (b) P occupies the main dwelling as P's sole or main residence; and**
 - (c) The development is a residential annexe or a residential extension.**

The development is a residential annexe if it;

- (a) Is wholly within the curtilage of the main dwelling; and**
- (b) Comprises one new dwelling.**

The development is a residential extension if it;

- (a) Is an enlargement to the main dwelling; and**
- (b) Does not comprise a new dwelling.**

- 2. Self-build housing where the dwelling is built by P (including where built following a commission by P and occupied by P as P's sole or main residence).**

The S106 Policy exemption outlined above will apply to all new applications and those existing applications that are still under negotiation for self-build housing, residential extensions and annexes for which a Decision Notice has yet to be issued by the Council.