

What kind of development does not pay the levy?

The following do not pay the levy:

- development of less than 100 square metres, unless this consists of one or more dwelling and does not meet the self-build criteria below, in which case the levy is payable (see [regulation 42](#) on minor development exemptions);
- Development resulting from a change of use, where the building has been in continuous use for at least six months in the three years prior to the development being permitted, and no new floor space is created
- Vacant buildings brought back into the same use (see [regulation 40 as amended by the 2014 Regulations](#))
- buildings into which people do not normally go ([regulation 6\(2\)](#));
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery ([regulation 6\(2\)](#));
- structures which are not buildings, such as pylons and wind turbines;
- Specified types of development which local authorities have decided should be subject to a 'zero' rate and specified as such in their charging schedules.
- Retail mezzanines
- Mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.
- Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero, so no levy is due.
- Any floor space where the head height is less than 1.5m² (unless under a stairway)

The following can be subject to an exemption or relief where the relevant criteria are met, and the correct process is followed:

- [residential annexes and extensions](#) where an exemption has been applied for and obtained;
- ['self-build'](#) houses and flats, which are built by 'self-builders' where an exemption has been applied for and obtained;
- [social housing](#) that meets the relief criteria set out in [regulation 49](#) or [49A](#) (as amended by the 2014 Regulations) and where an exemption has been applied for and obtained;
- Where an exemption or relief has been obtained for residential annexes, self-build housing, charitable development or social housing, it is important to note that a commencement notice must be submitted prior to the development commencing. If a commencement notice is not submitted in time, the charging authority must impose a surcharge equal to 20% of the notional chargeable amount, capped at £2,500. The charging authority only has discretion to waive the surcharge if it is less than any reasonable administrative costs which it would incur in relation to collecting it. See [regulation 83](#) as amended by the [2019 Regulations](#).