

BUILDING CONTROL INFORMATION SHEET 2



HOW DO I APPLY FOR BUILDING REGULATION APPROVAL?

This sheet contains guidance on how to make a Building Regulations application. There are two types of application as described below.

FULL PLANS APPLICATION

HOW DO I APPLY?

Fill in an application form available from the Council or downloadable from the Council Building Control web page.

Submit drawings in duplicate of the proposed work, indicating details of construction and materials, drawn to a suitable scale. Sometimes it will be necessary to submit four copies of the drawings, usually when the work is in connection with a building to which the public have access (if in doubt please ask).

Obtain estimates for the cost of the proposed work and submit these if required, (see 'Fees for Building Regulation Applications Guidance notes', available from the Council or downloadable from the Council Building Control web page).

You will need to pay the appropriate plan fee. (See 'Fees for Building Regulation Applications Guidance notes' available from the Council or downloadable from the Council Building Control web page).

CAN I DRAW MY OWN PLANS?

Although there is no legal restriction on who can draw and submit plans, experience has shown that is not as easy as it looks! Enthusiastic amateurs often cost themselves more in lost time and increased material costs than they would have done by employing a professional to do the job in first place. We have seen householders start by drawing their own plans and finish by giving up and going to an architect. You should note that you may need structural calculations and the engineer will want an accurate plan from which to work.

BUILDING NOTICE APPLICATION

HOW DO I APPLY?

Obtain estimates for the cost of the proposed work and submit these if required, see Fees for Building Regulation Applications Guidance notes, available from the Council or downloadable from the Council Building Control web page.

Fill in an application form available from the Council or downloadable from the Council Building Control web page.

Submit the application fee in full, see 'Fees for Building Regulation Applications Guidance notes', available from the Council or downloadable from the Council Building Control web page.

Additional details may be requested by the council if the construction is complex, for example structural calculations to justify the size of new beams etc.

WHEN TO USE A BUILDING NOTICE?

This method is more suitable for minor works. If this procedure is used, it is suggested that you satisfy yourself that the person who will be carrying out the work has a competent knowledge of the building regulations. Usually detailed plans are not required when a Building Notice is used.

This method cannot be used for buildings considered to be of a designated use under the Fire Precautions Act 1971.

WHAT ARE THE ADVANTAGES OF ONE SYSTEM OVER THE OTHER?

A Full Plans Application will be thoroughly checked and you will be issued with an Approval Notice indicating that the works shown comply with the regulations. This will give you the protection of being able to prove your plans have been passed for the purposes of the Building Regulations and allow you to obtain more accurate estimates for the work.

An Approval Notice will **NOT** be given for Building Notice. If there is a dispute no procedure exists to seek a determination from the Secretary of State.

With a Building Notice without plans, sometimes your builder may not fully understand your intentions, this may lead to confusion and sometimes ending up with a scheme that differs from your intentions. It may be difficult to obtain accurate estimates and to enter into fixed price contracts

For both systems a Final Completion Certificate will be issued, providing that the works have been completed in accordance with the Regulations.

WHAT IS THE DIFFERENCE IN COST BETWEEN THE TWO SCHEMES?

There is no difference, the fee will always be the same no matter which method of application is chosen.

A Full Plans Application will generally involve the two-stage payment, when you submit your plans (Plan fee) and one following first inspection on site (Inspection fee). **The inspection fee is only paid once** no matter how many site inspections are made thereafter.

When a Building Notice is submitted, the fee is payable in full on deposit of the application. No further fee will be required when you commence the works.

Further details concerning the fee you will have to pay are shown on a separate guidance sheet (See 'Fees for Building Regulation Applications Guidance notes' available from the Council or downloadable from the Council Building Control web page)

ARE THERE ANY EXEMPTIONS FROM FEES?

Yes, if the works in question are solely for the purpose of enabling registered disabled people to get into a building or to any part of it, or for the provision of facilities to secure greater health, safety, welfare or convenience of disabled people i.e. providing wheelchair accessible WC facilities.

HOW LONG WILL IT TAKE TO RECEIVE A DECISION ON A FULL PLANS APPLICATION?

Legally the Council is obliged to give a decision within the statutory 5 weeks from the date of receipt of the application. This can extend to 2 months providing the applicant has agreed to the extension of time. This enables more time for consultation and a chance to correct plans that do not comply.

In practice the Council will try to come to a decision as soon as practicably possible.

ON WHAT BASIS CAN A FULL PLANS APPLICATION BE REJECTED?

If your plans show details that do not comply with the Building Regulations, or if there is insufficient information, the Council will send you or your agent, details of why your plans do not comply, or what further information is required. You will also be informed of the date by which the outstanding items must be resolved.

If the information is not received by this date then the application is likely to be REJECTED.

After a plan has been rejected a new application will be required, subject to another checking period. This re-submitted plan will not require a new plan fee providing the scheme is substantially the same.

CAN MY NEIGHBOURS OBJECT TO WHAT IS PROPOSED IN MY BUILDING REGULATION APPLICATION?

No. However, objections may be raised under separate legislation, eg if your proposal is subject to the Planning Acts. Also they may take civil action if you have not given prior notice and come to agreement in accordance with the Party Wall Act, or if you trespass or breach covenants etc.

WHERE CAN I OBTAIN INFORMATION ON THE STANDARDS TO WHICH I MUST BUILD?

Guidance can be obtained from various documents, namely:

- The Building Act 1984
- The Building Regulations 2000(as amended)
- The 'Approved Documents' (Practical Guides)
- The Party Wall Act
- British Standards
- British Board of Agreement Certificates.
- Building Research Digests

WHAT HAPPENS IF I PROCEED WITH RELEVANT BUILDING WORK WITHOUT MAKING A BUILDING REGULATION APPLICATION?

The Local Authority will ask you to submit a full plans application, or a building notice for the work which is proceeding and may ask you to expose certain parts of the work. If you cannot prove that the work complies with the requirements of the regulations, then legal proceedings may be taken against you. In any case a note will be made that unauthorised works have been carried out and this information will be disclosed on any Local Authority search which may be carried out when you sell your property.

REGULARISATION APPLICATIONS

If work has been carried out on your property without Building Regulation approval, you may be able to apply for a Regularisation certificate. This is only possible if the works were commenced on or after 11th November 1985. Full guidance can be obtained from Information sheet No.13.

RIGHTS OF APPEAL WHERE CAN I FIND OUT MORE?

Where someone disagrees with the Local Authority as to whether plans comply with the requirements of the Building Regulations, an appeal can be made to the Secretary of State who will determine the issue (on payment of a fee).

Similarly, if a Local Authority serves a Notice alleging that works are in contravention of the requirements of the regulations, an appeal exists to the Magistrates Court.

WHERE CAN I FIND OUT MORE?

You may contact Building Control, either by telephone on 01273 292070 or 292030, or by calling in person at the City Direct offices in the Town Hall Norton Road HOVE. We will try to give you more information, help and guidance on all aspects of the Building Regulations.