

A GUIDE TO BUILDING CONTROL SERVICES



1. WHAT ARE BUILDING CONTROL SERVICES?

If you intend to construct a new building, extend or alter an existing building, or put an existing building to a different use, the Building Regulations will probably apply.

The Building Regulations require that you have to notify the local authority before you carry out the work and that the work has to comply with the Regulations. The main purpose of the Regulations is to ensure the health and safety of people in or about the building. They are also concerned with energy conservation and accessibility.

The Building Control Section of the local authority deals with the administration of these Regulations and other connected matters. The Building Control Surveyors are very experienced in applying and interpreting the Regulations. This knowledge is backed by comprehensive information systems and detailed local knowledge of building related problems in Calderdale.

Of equal importance to this knowledge and experience is a commitment to providing the best possible levels of service to you. We are here to help you with advice on meeting the statutory requirements of the Building Regulations. Our services don't stop here, however, and this Guide is designed to tell you what you can expect and how to make the most of Calderdale Building Control Services.

2. DOES THIS INCLUDE PLANNING PERMISSION?

No, planning permission is a completely different process, which has different objectives. The Planning Officers do work in the same Directorate however, and we can tell you who to see to discuss your project. We do try to liaise closely with Planning Officers but it is important that you do not confuse planning with Building Regulations. If you are in any doubt we are always pleased to clarify the distinction.

3. DO BUILDING REGULATIONS APPLY TO ALL TYPES OF BUILDING WORK?

Generally speaking the Building Regulations apply if you intend to:

- erect a building,
- extend a building,
- make a material alteration to a building (including underpinning)
- provide, extend or alter a controlled service or fitting (e.g. drainage, sanitary accommodation or heating appliance, replacement window)
- make a material change of the use of the building

Several types of building work are, however, exempted from control under the Regulations; briefly described, these are:

- buildings controlled under other legislation (e.g. explosives stores, nuclear installations and ancient monuments),
- buildings not frequented by people,
- certain greenhouses and agricultural buildings,
- temporary (less than 28 days) buildings, mobile homes and certain ancillary buildings,
- small detached buildings, having a floor area less than 30 m² and containing no sleeping accommodation,
- conservatories, porches and carports (open on at least two sides) where the floor area is less than 30 m².

If you are in any doubt as to the position with regard to your proposal, the Building Control staff will be pleased to advise you.

4. DO I HAVE TO SUBMIT PLANS?

In most circumstances you will have a choice between depositing plans or giving a 'Building Notice'. Generally speaking, a Building Notice is suitable for relatively simple and straight forward projects. If, however, the job is complex or there is a possibility of error on site, it is usually preferable to have the plans checked over by the Building Control Surveyor before you start work. If you deposit plans you will receive a formal notice stating whether the plans are considered to comply with the Building Regulations. This is not the case with a Building Notice.

Before deciding whether to deposit full plans or give a Building Notice you should consider the pros and cons of the two procedures, which are explained below. If you are proposing to erect a building containing a non-domestic use or if the proposal is over a public sewer, you must deposit full plans.

5. FULL PLANS

If you deposit 'Full Plans' (defined in Regulation 13) the local authority must pass them or reject them within 5 weeks, or 2 months if you agree to or request the extended period. We aim to respond much quicker than this, however, usually within 2 weeks. The plans will be rejected only if:

- i. the plans show a contravention of the Building Regulations;
- ii. the plans are defective (e.g. incomplete – they fail to show compliance with the Regulations);
- iii. they are unsatisfactory as regards one of the local authority's functions under Section 21, 24 or 25 of the Building Act.

The functions mentioned in paragraph iii. are usually referred to as 'linked powers' because their operation is linked to the deposit of plans. One relates to drainage (connection to public sewer), one to the provision of water supply and one to the means of ingress and egress in certain public buildings.

You are not obliged under Building Regulations to build exactly in conformity with the plans that you deposited – your obligation is to see that the work complies with the Regulations. Nevertheless, where you have had your plans passed and the work conforms with them, you gain useful protection because the local authority may not then serve a notice requiring you to take it down or alter it. If you are deviating very much from the original plans, it is therefore sensible to let the local authority know (you certainly should if you obtained planning permission on that basis).

6. THE BUILDING NOTICE

If you decide to give a building notice, you must include with it a site plan (in the case of a new building or extension) and the information specified in Regulation 12. This is to enable the local authority to identify the site or the property concerned, the nature of the work proposed and also to consider any aspect of the work to which the linked power or local legislation might relate.

The local authority may respond by commenting on these matters and may ask you to provide certain other plans or information, but they are not required to pass or reject a building notice or any such plans which you provide. Consequently the protection of having had your plans passed is not available.

The local authority can require work to be altered if it is not satisfactory as regards the linked powers, just as they can if work contravenes the Building Regulations. On the other hand the building notice enables you to start work without having to provide the local authority with plans. You must however inform the local authority before you start the work.

7. APPLICATION FOR A REGULARISATION CERTIFICATE

If you or a previous owner has undertaken building work without depositing plans or giving a building notice it is possible to apply for a regularisation certificate in accordance with Regulation 18.

This process is only available for work carried out after the 11 November 1985 and is in effect a retrospective approval of 'unauthorised' works.

Charged are assessed on an individual basis, please email building.control@calderdale.gov.uk or telephone 01422 392291 for details of the charge.

In assessing compliance the local authority may request the 'opening up' of unauthorised work to assess compliance prior to the issue of a certificate. In this regard the provision of plans and other information may make the task of establishing compliance or otherwise easier.

A regularisation certificate will assist in the transfer of any affected property, but is not conclusive evidence that the requirements of the Building Regulations have been satisfied.

8. CONSULTING THE FIRE BRIGADE

West Yorkshire Fire Service need to be consulted regarding fire safety matters to all buildings except dwellings.

In these circumstances you cannot give a building notice. You are obliged to deposit plans so that the local authority can consult the fire authority.

In all these circumstances three copies of plans should be deposited.

9. CONSULTING WITH YORKSHIRE WATER

Building Control consult with Yorkshire Water on all relevant applications, but it is the responsibility of the applicant to obtain Yorkshire Water approval, where required. Yorkshire Water will need to be consulted where the proposed building footprint is within 3m of a drain/sewer that is greater than 225mm diameter and or greater than 3m in depth. Also where the proposed building footprint is understood to be over a gully, inspection chamber or manhole and where the proposed building footprint covers more than 8m of a drain/sewer.

10. CONDITIONAL APPROVALS

There is a halfway house between giving a building notice and depositing full plans. Section 16(2) of the Building Act allows a local authority to pass plans subject to either or both of two conditions.

These are:

- a. that such modifications as the local authority may specify shall be made in the deposited plans. This means that where the plans show a contravention the local authority may pass them subject to the necessary correction being made;
- b. that such further plans as they may specify shall be deposited. This means that if the plans are incomplete they may pass them subject to the remainder being deposited. This second condition enables plans to be dealt with in stages.

These procedures can often be useful, though not always appropriate. Your written agreement is required.

11. STARTING WORK

You may begin work at any time after you have given a building notice or deposited plans, provided you give the local authority 48 hours notice. If you proceed with work without having notified the Council at stages specified in Regulation 14 the Council may ask you to undo it as far as is necessary to check whether it complies with the Regulations. If the Council then require the work to be altered to secure compliance, you must inform the Council in writing when you have done the alterations. It is a contravention of the procedural Regulations not to give these notifications.

The stages at which you must give notice are as follows though the local authority may decide to inspect at other times:

- Not less than 48 hours notice of intention to commence building work
- Not less than 24 hours notice before covering up any excavation for a foundation, any foundation, damp proof course, concrete or other material laid over a site
- Not less than 24 hours notice before haunching or covering any drain or private sewer in any way
- Not more than seven days after laying any drain or private sewer, including any necessary work of haunching or surrounding the drain or sewer with concrete and back-filling the trench
- Not more than seven days after the completion of the erection of a building or (if the building or part of the building is occupied before completion) not less than seven days notice before occupation as well as notice not more than seven days after completion
- Not more than seven days after the completion of any alteration or extension of a building
- Not more than seven days after the execution of works or the installation of fittings in connection with a building

You may give notice of readiness for inspection by contacting the relevant Inspector or emailing building.control@calderdale.gov.uk at all stages.

12. WHAT HAPPENS IF I CONTRAVENE THE TECHNICAL REGULATIONS?

Calderdale Metropolitan Borough Council has formal powers to deal with contraventions of the Building Regulations though it is rarely necessary to resort to this type of action. Our philosophy is that prevention is better than cure. This means that we invite you to draw on our experience to avoid such problems. We are very pleased to be able to help if you require our advice on meeting the requirements of the Regulations. If some aspect of your project does fail to meet the Regulations, we will try to agree with you the best way of resolving the problem before considering any formal action.

13. WHERE CAN I GET MORE INFORMATION?

You will have a specific surveyor assigned to your project who will be pleased to help you. Personal callers are welcomed but it obviously wise to make an appointment if you wish to see a particular surveyor. Please remember that Building Control Surveyors are out on site for much of the day so, if you wish to speak to your assigned surveyor, it is advisable to telephone before 10.00 am or after 4.00 pm.

Alternatively please email building.control@calderdale.gov.uk for further advice.

Further guidance notes are available on specific aspects of matters covered in this general guide and on the level of charges payable for Building Control services.

14. THE PARTY WALL etc ACT 1996

If your proposals involve works to, or near to, a party wall or boundary, The Party Wall etc Act 1996 may apply to you. Details are available on line at www.communities.gov.uk/publications/planningandbuilding/partywall

Forms and guidance notes can be obtained in email format by contacting Building Control Services. Alternatively forms are available on our website and are available in large print or different formats on request.

Should it be necessary for a surveyor to call at your home or office to assist this can normally be accommodated.

You can't build on a better foundation

