



Llywodraeth Cymru  
Welsh Government

# Quick Guide to the Building Regulations



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This document is also available in Welsh.

## Section 1 – General introduction

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- 1.1 This guide provides an introduction to the Building Regulations in Wales and is intended for anyone proposing to carry out building projects. It is not intended to be a statement of the law but is intended to help you to understand the system of building control and the building regulations.
- 1.2 To help you understand more about the subjects referred to in the guide, sources of assistance and information – including documents, publications and addresses of organisations – are listed in Annex B at the back or can be accessed by clicking on the words in blue text where they appear.

**PLEASE NOTE:** The underlined blue text which relate to building regulations legislation are links to Legislation.gov.uk. Prior to undertaking any project you must ensure that you are complying with the up to date legislation (which may not be that accessed by the links provided). If you are unsure you should contact your Building Control Service provider or seek professional advice.

- 1.3 The guide only deals with the Building Regulations. The work which your project involves may be subject to other statutory requirements such as planning permission, fire safety regulations under the Regulatory Reform Order 2005, water regulations, licensing/registration and the Party Wall etc. Act 1996 (see Annex B: ‘Sources of information’).
- 1.4 You should particularly bear in mind that complying with the Building Regulations is a separate matter from obtaining [planning permission](#) for your work. Similarly, receiving any planning permission which your work may require is not the same as taking action to ensure that it complies with the Building Regulations. Further guidance is available about the planning system in general and how to go about obtaining planning permission, where required, on the Welsh Government [website](#).



## Section 2 – Building Regulations

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### What Building Regulations Do

- 2.1 The Building Regulations are made under powers provided in the Building Act 1984, and apply in Wales. The current edition of the regulations is ‘[The Building Regulations 2010](#)’ (as amended<sup>1</sup>) and the majority of building projects are required to comply with them. They exist to ensure the health and safety of people in and around all types of buildings (i.e. domestic, commercial and industrial). They also provide for water and energy conservation, access to and use of buildings, security and access to high speed electronic communications.
- 2.2 The Building Regulations contain various sections dealing with definitions, procedures, and what is expected in terms of the technical performance of building work. For example, they:
- define what types of building, plumbing, and heating projects amount to ‘[Building Work](#)’ and make these subject to control under the Building Regulations (see paragraphs 3.1-3.2);
  - specify what types of buildings are [exempt from control under the Building Regulations](#) (Annex A gives examples of the more common types of building which are exempt);
  - set out the notification procedures to follow when starting, carrying out, and completing building work; and
  - set out the functional and technical ‘[requirements](#)’ with which the individual aspects of building design and construction must comply in the interests of the health and safety of building users, of water and energy conservation, of access to and use of buildings and their facilities etc. (see paragraphs 2.5 and 2.6).
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### What You Need To Do

- 2.3 Anyone wanting to carry out building work which is subject to the Building Regulations is required by law to make sure it complies with the regulations and (with some exceptions – see paragraph 4.2(i)) to use one of the two types of Building Control Service available i.e.:
- the Building Control Service provided by your local authority (see paragraphs 5.5-5.22); or
  - the Building Control Service provided by an approved inspector (see paragraphs 5.23-5.29).

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<sup>1</sup> N.B The building regulations are subject to change – always ensure you are referencing the current applicable version.

Whichever provider you choose, you will be charged for the services provided. The Building Control Service you select may offer advice before your work is started (see also paragraph 2.10).

- 2.4 The primary responsibility for achieving compliance with the regulations rests with the person carrying out and/or commissioning the building work. So if you are carrying out the work personally the responsibility will be yours. If you are employing a builder the responsibility will usually be that firm's – but you should confirm this position at the very beginning. You should also bear in mind that if you are the owner of the building, it is ultimately you who is responsible with compliance with the building regulations (see paragraph 6.3). So it is important that you choose your builder carefully (see paragraph 2.10).

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## The 'Requirements' In The Building Regulations

- 2.5 The final bullet point in paragraph 2.2 above refers to the 'requirements' with which building work must comply. These include those contained in Schedule 1 to the Building Regulations which are grouped under sixteen 'parts'. The 'parts' deal with individual aspects of building design and construction ranging from structural matters, fire safety, and energy conservation – to hygiene, sound insulation, and access to and use of buildings. All the 'parts' are listed in Table A below.
- 2.6 The 'requirements' within each 'part' set out the broad objectives or functions which the individual aspects of the building design and construction must set out to achieve. They are therefore often referred to as 'functional requirements' and are expressed in terms of what is 'reasonable', 'adequate', or 'appropriate'. Not all the functional requirements may apply to your building work, but all those which do apply must be complied with as part of the overall process of complying with the Building Regulations.

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## The Approved Documents

- 2.7 Practical guidance on ways to comply with the functional requirements in the Building Regulations is contained in a series of [Approved Documents](#) which are to be read alongside each of the sixteen 'parts' in Schedule 1 to the Building Regulations. Each document contains:
- general guidance on the performance expected of materials and building work in order to comply with each of the requirements of the Building Regulations; and
  - practical examples and solutions on how to achieve compliance for some of the more common building situations. The [Approved Documents](#) are all linked in Table A below.

Table A: The sixteen ‘parts’ of Schedule 1 to the Building Regulations:

Schedule 1 Requirement	Approved Document
<b>Part A</b> – Structure	Approved Document A
<b>Part B</b> – Fire safety	Approved Document B Volume 1 – Dwellings  Approved Document B Volume 2 – Buildings other than dwellings
<b>Part C</b> – Site Preparation And Resistance To Contaminants and Moisture	Approved Document C
<b>Part D</b> – Toxic Substances	Approved Document D
<b>Part E</b> – Resistance To The Passage of Sound	Approved Document E
<b>Part F</b> – Means Of Ventilation	Approved Document F
<b>Part G</b> – Sanitation, Hot Water Safety And Water Efficiency	Approved Document G
<b>Part H</b> – Drainage And Waste Disposal	Approved Document H
<b>Part J</b> – Combustion Appliances and Fuel Storage Systems	Approved Document J
<b>Part K</b> – Protection From Falling, Collision and Impact	Approved Document K
<b>Part L</b> – Conservation of Fuel and Power	Approved Document L1A – New Dwellings  Approved Document L1B – Existing Dwellings  Approved Document L2A – New Buildings Other Than Dwellings  Approved Document L2B – Existing Buildings Other Than Dwellings
<b>Part M</b> – Access To and Use of Buildings	Approved Document M

Schedule 1 Requirement	Approved Document
<b>Part N</b> – Glazing – Safety In Relation To Impact, Opening And Cleaning	Approved Document N
<b>Part P</b> – Electrical Safety – Dwellings	Approved Document P
<b>Part Q</b> – Security	Approved Document Q
<b>Part R</b> – Physical Infrastructure For High Speed Electronic Communications Networks	Approved Document R
<b>To Support Regulation 7:</b> Materials and Workmanship	Approved Document 7

- 2.8 The guidance in these documents does not amount to a set of statutory requirements and does not have to be followed if you wish to design and construct your building work in some other way, providing you can show that it still complies with all the relevant requirements which apply. The guidance will be taken into account when your Building Control Service is considering whether your plans of proposed work, or work in progress, comply with particular requirements. In addition, there is a legal presumption that [if you have followed the guidance, then this is evidence that your work has complied with the Building Regulations](#). However, it is the job of the Building Control Service to consider whether your plans and work comply with the requirements in Schedule 1 to the Building Regulations – not whether they necessarily follow the specific guidance or a specific example in an Approved Document.
- 2.9 Some building work will involve work to buildings which are listed nationally in some way for their historic or architectural interest, and/or are buildings located in sensitive urban or rural environments such as conservation areas or places of architectural and historical interest. The Approved Documents for Parts B, E, M, L and R acknowledge that in these circumstances it is reasonable to meet these requirements with greater sensitivity and more flexibility.

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## Seeking Advice And Choosing Your Builder

- 2.10 Unless you have a reasonable working knowledge of building construction it would be advisable before any work is started to obtain appropriate professional advice from a suitably qualified competent person relevant to the building work you want to carry out (e.g. from an architect, a structural engineer, a building surveyor, a heating engineer or replacement window specialist) and to [choose a reputable builder](#), or a [registered installer](#), to carry out the work.

## Section 3 – How the Building Regulations apply in practice

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### What Is ‘Building Work’ As Defined In The Building Regulations?

3.1 ‘Building Work’ is defined in [Regulation 3](#) of the Building Regulations. The definition means that the following types of project amount to ‘Building Work’:

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting (i.e. a service or fitting in relation to which Part G, H, J, L or P of Schedule 1 imposes a requirement);
- (c) the alteration of a building, or a controlled service or fitting, which will temporarily or permanently affect the ongoing compliance of the building, service or fitting with the requirements relating to Part A (Structure), Part B (Fire safety) or Part M (Access to and use of buildings)
- (d) work required by [regulation 6](#) (i.e. requirements relating to a [change in the type of use to which a building is put](#));
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by [regulation 22](#) (requirements relating to a change of energy status);
- (h) work required by [regulation 23](#) (requirements relating to thermal elements);
- (i) work required by [regulation 28](#) (consequential improvements to energy performance).



3.2 If whatever work your project involves amounts to 'Building Work' then it must comply with the Building Regulations. This means that if you want to:

- put up a new building, or extend or alter an existing one (e.g. by converting a loft space into living space);
- or provide services and/or fittings in a building such as:
- washing and sanitary facilities (e.g. WCs, showers, washbasins, kitchen sinks, etc.),
- hot water cylinders,
- foul water and rainwater drainage,
- replacement windows, and
- fuel burning heat producing appliances of any type;

then the Building Regulations will probably apply. This means that the works themselves must meet the relevant technical requirements in [Schedule 1](#) and they must not make other fabric, services and fittings less compliant than they previously were – or dangerous. For example, the provision of replacement double-glazing must not worsen compliance in relation to: means of escape; air supply for combustion appliances and their flues; and ventilation for health. They may also apply to:

- certain changes of use of an existing building even though you may think that the work involved in the project will not amount to 'Building Work'. This is because the change of use may result in the building as a whole no longer complying with the requirements which will apply to its new type of use, and so having to be up-graded to meet additional requirements specified in the regulations for which building work may also be required.



## Points To Watch Out For About The Site You Are Going To Build On: Drains, Radon And Contaminated Substances

- 3.3 You should take care to consider the site on which you are proposing to build or extend. If, for example, your proposed building work involves building close to or over the top of drains, your Building Control Service will need to [consult the sewerage undertaker](#) who may make recommendations on what action to take to protect the drain from any damage which could result from your building work. Many existing rain (surface water) and/or foul water drains are shown on what is called 'the official map of sewers'. But even if a particular drain is not on this map, and therefore not subject to the consultation procedure, you should still consider what protective action may be needed to protect it from your proposed building work. For further guidance on building over or near a drain, or constructing (laying) a new drain consult your [local sewerage undertaker](#) (company that supplies your water) and follow this link.
- 3.4 You should also find out if the site on which you want to build has a history of [contamination](#). For example, the site may:
- be in an area where the level of radon gas present in the ground is such that there is a possibility that excessive quantities of radon gas could build up in the building;
  - contain contaminated substances either near the surface or deeper down; or
  - be within 250m of a landfill site.

In such cases protection from gas or contaminated substances may be required under [Part C \('Site preparation and resistance to contaminants and moisture'\)](#) of the Building Regulations.

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## Am I Required To Consult My Neighbours About My Proposed Building Work?

- 3.5 Generally there are no obligations to consult your neighbours under the building regulations, but it would be sensible to do so. In any event, you should be careful that your proposed building work does not interfere with their property as this could lead to bad feeling and possibly civil action for the modification or removal of the work. For example, your work may comply with the Building Regulations but could result in the obstruction or malfunctioning of your neighbour's boiler flue. You should also check your boundary lines and satisfy yourself that there are no deeds of covenant which may prevent you carrying out certain types of building work close to or directly adjoining your neighbour's property.

3.6 Although consultation with your neighbours is not required under the Building Regulations, you should note that if your project is subject to the [Party Wall etc. Act 1996](#) you must give notice to adjoining owners under that Act (see Annex B: ‘Sources of information’). Consultation and objection procedures may also come into play if other legislation is involved – particularly, for example, if your proposal requires approval under Town and Country Planning legislation.

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## If The Building Regulations Don't Apply: Dangers To Watch Out For

3.7 You should always bear in mind that although the work involved in a building project may not amount to ‘Building Work’ and consequently not be subject to the Building Regulations, it may be subject to other statutory regulations and the end result of what you want to do could result in a dangerous situation or in damage to your own or your neighbour’s property. It may also result in your own and/or your neighbour’s building no longer complying in some way with the Building Regulations.

3.8 The type of points to watch out for are:

- Constructing an open air swimming pool, or a garden pond. These can cause a danger – especially to children – during construction and afterwards. Safety precautions will need to be taken.
- Building a garden wall. Even if it is quite low, this can present a danger if it is not built properly – especially to children. [Guidance](#) is available on the construction of free standing walls and [structural advice](#) on existing walls.
- Work involving any form of construction close to your own home or your neighbour’s boundary which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; or produce boiler fumes that are a nuisance to a neighbour.
- Adding a floor screed or decking to an existing balcony. This may not always be subject to control under the Building Regulations but may result in a reduction in the effective height of the guard rail, and so increase the risk of people overbalancing and falling.
- The building of an [exempt building](#) such as a car port, conservatory or porch (see Annex A which summarises the exemptions in the Building Regulations) which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; adversely affect the safety of a gas meter due to reduced ventilation or excessive temperature exposure; or prejudice safe gas appliance operating conditions or obstruct an emergency means of escape.
- The removal, or addition, of a tree close to a wall of your own house or of an adjoining property. This could affect the foundations and structural stability of the building.

In all such cases it would be advisable to seek professional advice and/or consult a Building Control Service provider.

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## Section 4 – Will the Building Regulations apply to the work I want to do?

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4.1 We have prepared a separate booklet which answers some of the more commonly asked questions about building work, and about the installation, replacement or repair of services, fittings, drainage, and heat producing appliances. The booklet covers the following areas:

- New homes (i.e. a house, bungalow, maisonettes, or a block of flats) and extensions, and any other type of new building.
- Alterations, conversions, and changes of use of homes and any other type of building.
- Structural and repair matters.
- Services and fittings.
- Fuel burning appliances.



## Section 5 – The two types of Building Control Service

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- 5.1 If your work amounts to ‘Building Work’ (see paragraphs 3.1 and 3.2) it will be subject to, and must comply with, the Building Regulations. To help you achieve compliance with the regulations, you are required to use one of two types of Building Control Service:
- your Local Authority Building Control Service (LABC); or
  - an Approved Inspector’s (AI) Building Control Service.
- 5.2 As explained in paragraph 4.2(i), if your building work consists only of the installation of certain types of services or fittings (e.g. some types of drain, fuel burning appliances, replacement windows, WCs, and showers) and you employ a [registered installer](#) who is a member of a [relevant scheme](#) designated in the Building Regulations, you will not need to involve a Building Control Service. However, this concession is strictly limited to the specific type of installation described in [Regulation 20](#) and [Schedule 3](#) of the Building Regulations and does not cover any other type of building work.
- 5.3 You can contact your local authority Building Control Service (LABC) through your county council. Approved inspectors are private sector companies or practitioners and are approved for the purpose of carrying out the Building Control Service as an alternative to your local authority. Approved inspectors can provide a service in connection with most sorts of building project involving new buildings or work to existing buildings, including extensions or alterations to homes. All approved inspectors are registered with the [Construction Industry Council – Approved Inspector Register \(CICAIR\)](#) who can provide a list of members (see Annex B: ‘Sources of information’).
- 5.4 If you are employing a builder to do your work you should be clear from the outset whether they are taking responsibility for ensuring that the building work complies with the Building Regulations, and also whether they are taking the responsibility for liaising with the Building Control Service you have decided to use (see also paragraph 2.10). In addition, you should bear in mind that your building work may require planning permission. You will need to check the position; and if you do require permission you will need to be clear whether you, your builder or designer are taking responsibility for obtaining it. Some types of building development may also be subject to other types of statutory requirements and consents (see paragraph 1.3). Ultimately all responsibility, and therefore enforcement action for any failure to comply, will fall on the building owner.

## Your Local Authority Building Control Service

5.5 Depending upon the scale and type of work involved you may have the option of following one of [two different procedures](#) available within this service:

- the deposit of a [full plans application](#); or
- the giving of a [building notice](#) (except for certain types of building work – primarily in respect of fire safety issues where a building is used as a workplace or where it may affect a public sewer).

### **What are the differences between the full plans application procedure and the building notice procedure? What might influence my choice?**

#### [A Full Plans application:](#)

- 5.6 An application deposited under this procedure needs to contain plans and other information showing all construction details, preferably well in advance of when work is to start on site. Your local authority will check your plans and consult any appropriate authorities (e.g. fire authority and sewerage undertaker). They must complete the procedure by issuing you with a decision within five weeks or, if you agree, a maximum of two months from the date of deposit.
- 5.7 If your plans comply with the Building Regulations you will receive a notice stating that they have been approved. If your local authority is not satisfied you may be asked to make amendments or provide more details. Alternatively, a conditional approval may be issued. This will either specify modifications which must be made to the plans; or will specify further plans which must be deposited with your authority. Your local authority may only apply conditions if you have either requested them to do so or have consented to them doing so. A request or consent must be made in writing. If your plans are rejected the reasons will be stated in the notice. A full plans approval notice is valid for three years from the date of deposit of the plans, after which the local authority may send you a notice to declare the approval of no effect if the building work has not commenced.
- 5.8 Your local authority will carry out inspections of the building work once it is in progress. They will explain about the notification procedures which the regulations require you to follow at various stages of the work – e.g. in connection with foundations, damp proof courses and drains etc. In addition, the local authority will issue you with a [completion certificate](#) provided they are content that the completed work complies with the Building Regulations (see paragraph 5.22).
- 5.9 A further point to bear in mind is that, if a disagreement arises with your local authority, the ‘full plans’ procedure enables you to ask for a ‘determination’ from Welsh Ministers about whether your plans do or do not comply with the Building Regulations (see paragraph 5.19).

### The Building Notice procedure:

- 5.10 This procedure does not involve the passing or rejecting of plans. It therefore avoids the preparation of detailed ‘full plans’, and is designed to enable some types of building work to get under way quickly; although it is perhaps best suited to the simpler projects. There are also specific exclusions in the regulations when building notices cannot be used. These are for building work which is subject to the Regulatory Reform (Fire Safety) Order; for work close to or over a rain water or foul (sewerage) drains shown on the ‘map of sewers’(see paragraph 3.3); and where a new building will front onto a private street. If you decide to use this procedure you need to be confident that the work will comply with the Building Regulations or you will risk having to correct any work you carry out if your local authority requests this. In this respect you do not have the protection provided by the approval of ‘full plans’.
- 5.11 Once you have given your ‘building notice’ and informed your local authority that you are about to start work, the work will be inspected as it progresses. You will be advised by the authority if the work does not comply with the Building Regulations. If before the start of work, or while work is in progress, your local authority requires further information such as structural design calculations or plans, you must supply the details requested. A ‘building notice’ is valid for three years from the date the notice was given to the local authority, after which it will automatically lapse if the building work has not commenced.
- 5.12 The local authority will issue you with a completion certificate provided they are content that the completed work complies with the Building Regulations. You can ask for a ‘determination’ from Welsh Ministers about whether your completed works do or do not comply with the Building Regulations.

### Do I have to pay for the local authority service?

- 5.13 Yes – a charge is payable to your local authority and will be subject to VAT. Each authority is required to set its own individual charges according to the type of work involved and to publish them in a ‘scheme’ which they will be able to make available to you on request. The basis for setting the charges is contained in [The Building \(Local Authority Charges\) Regulations 2010](#), which require amongst other things that local authorities fix their charges with the aim of recovering the costs of carrying out their service. The regulations also [exempt from charging certain types of building work](#) which are solely for the benefit of disabled people.

### Is there any difference in cost between a Full Plans application and a Building Notice procedure?

- 5.14 In general there won’t be. However, this will vary between LABC providers and you should check with your local provider.

5.15 The ‘plan charge’ and ‘building notice charge’ are payable when you deposit your full plans or give your notice respectively; and the ‘inspection charge’ is payable after the first inspection has taken place. Only one inspection charge is payable no matter how many may be necessary. Your local authority will be able to tell you the exact charges by referring to their scheme of charges. It may be possible to pay charges in instalments by agreement with the local authority.

### When can I start work?

5.16 If you have deposited a ‘full plans’ application you will only receive the full benefit and protection from this procedure if you wait until you have received a notice of approval before starting your work. However, if you choose to there is nothing to stop you starting work once you have deposited your plans and given your local authority a [notice of your intention to commence](#) at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.

5.17 If on the other hand you have chosen to use the ‘building notice’ procedure (see paragraphs 5.10 – 5.12), this procedure is specifically designed to enable you to start work once you have given a [notice of your intention to commence](#) to your local authority at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.

### What can I do if a disagreement arises with my local authority and/or my full plans are rejected?

5.18 If you are content to do so, the simplest way to proceed if your plans are rejected may be to re-submit your ‘full plans’ application with the local authority’s suggested amendments so that it can give you a notice of approval. You will then have the benefit and protection of having your full plans approved. You may not have to pay any additional charge for this. Alternatively, there is nothing to stop you starting work provided you give the necessary ‘[notice of your intention to commence](#)’ and ensure that your building work complies with the Building Regulations. But you should bear in mind that if it does not comply your local authority may take enforcement action (see paragraphs 6.3 and 6.4).

5.19 However, if you believe that the plans you submitted do comply with the Building Regulations and do not therefore want to amend them because you disagree with your local authority’s view, you can [refer the matter to Welsh Ministers](#) by asking for a [determination](#) as to whether or not your proposals comply with particular requirements in the regulations. You can ask for a determination before or after your local authority gives a formal decision on your plans.

5.20 Alternatively, if you believe that a particular requirement of the Building Regulations is too onerous or inappropriate to the particular circumstances of the work, you can apply to your local authority to [relax or dispense](#) with it. If your authority refuses your application you could then appeal against this decision to Welsh Ministers within one month of the refusal.



5.21 There is a ‘[Guide to Determinations and Appeals](#)’ (see Annex B: ‘Sources of information’) which sets out details of the procedures involved.

### Can I get a completion certificate when the building work is finished?

5.22 Yes – Under [Regulation 17](#) a local authority shall within 8 weeks (4 weeks for [17A](#)) give a completion certificate in all cases (including a case where a certificate has already been given under regulation [17A](#) i.e. for building occupied before work is completed) where they are satisfied, after taking all reasonable steps, that, following completion of building work carried out on it, a building complies with the relevant provisions.

A certificate given in accordance with regulation 17 or 17A shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

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## An Approved Inspector’s Building Control Service

5.23 When you use an [approved inspector](#), they will take on responsibility for plan checking and inspection of your building work. The procedure requires you and the approved inspector jointly to notify your local authority of your intended building work on what is called an [initial notice](#). Once this notice has been accepted by your local authority the [responsibility for plan checking and site inspection](#) will be formally placed on the approved inspector.

5.24 An approved inspector will:

- advise you on how the Building Regulations apply to your work;
- check your plans;
- issue a [plans certificate](#) (if requested);
- inspect the work as it progresses; and
- issue a [final certificate](#).

The approved inspector will tell you what plans and information they need in order to check that the proposed work will comply with the Building Regulations.

5.25 If you ask for one, the approved inspector will issue a [plans certificate](#) which will confirm that the plans of your proposed building work show compliance with the Building Regulations. When the work is complete the approved inspector must issue a [final certificate](#), within four or eight weeks, to the local authority to say that the work referred to in the [initial notice](#) is complete, and that the inspector has carried out their inspection responsibilities. If the approved inspector is [not satisfied](#) that the work complies, then they cannot give the final certificate. If you are not prepared to change the work the approved inspector will have to [refer the matter to the local authority](#) (see paragraphs 5.28 and 6.2).

## Do I have to pay for the services of the approved inspector?

5.26 Yes – a fee will be payable which will be a matter for negotiation between you and the approved inspector. It will be subject to VAT.

## What can I do if the approved inspector is not satisfied with my proposals or with my work in progress?

5.27 If the approved inspector is not satisfied with plans of your work, the options available to you will be:

- to alter your plans according to the approved inspector's advice;
- to ask for a determination by Welsh Ministers of any disagreement on the plans arising between you and the approved inspector. (This is similar to the procedure which would be open to you if you were using the Building Control Service of your local authority and as explained in paragraph 5.19);
- to apply to your local authority for a relaxation or a dispensation of a requirement of the Building Regulations and, in the event of a refusal by your authority, appeal to Welsh Ministers. (This is the same procedure as would be open to you if you were using the Building Control Service of your local authority and as explained in paragraph 5.20).

5.28 If the approved inspector is not satisfied with work in progress on site, and you cannot resolve the disagreement by discussion, the inspector will have to [cancel the initial notice](#) by a notice to the local authority. This will terminate the inspector's building control responsibility for your project. In these circumstances the Building Control Service function is likely to have to [revert to your local authority](#). Thereafter your authority may ask for plans and, if necessary, require the uncovering of work to enable them to reach a view on the compliance of your work so far, and on what changes are needed. They will charge you what is called a 'reversion charge' to cover the cost of their on-going Building Control Service.

## When can I start work?

5.29 Subject to any arrangements you have agreed with your approved inspector, you may start work as soon as the [initial notice is accepted by the local authority](#). Work cannot start if the initial notice is rejected or declared invalid. If the notice has not been rejected by the local authority you may start work after five days have elapsed since it was given.

## Section 6 – Contravention and enforcement of the Building Regulations

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### What Happens If I Contravene The Building Regulations?

- 6.1 The Building Regulations can be contravened by not following the building control procedures they set out for handling your building work, and/or by carrying out building work which does not comply with the requirements contained in the Building Regulations. The local authority has a general duty to enforce the Building Regulations in its area and will seek to do so by informal means wherever possible. This duty extends to and forms a part of its function when it is carrying out the Building Control Service.
- 6.2 Where an approved inspector is providing the Building Control Service, the responsibility for checking that the Building Regulations are complied with during the course of your building work will lie with that approved inspector. In the main, they will do this by advising you as explained in paragraph 5.24. However, approved inspectors do not have enforcement powers. Instead, the regulations provide that in a situation where they consider your building work does not comply with the Building Regulations they will not issue you with a final certificate and in addition will cancel the initial notice by notifying your local authority (see paragraph 5.28). If no other approved inspector takes on the work, the Building Control Service will automatically be taken on by your local authority. From this point on your local authority will also have enforcement powers to require you to alter your work, if they consider this necessary.
- 6.3 If a person carrying out building work contravenes the Building Regulations, the local authority or another person may decide to take them to the magistrates' court where they could be fined ([section 35](#) of the Building Act 1984). This action will usually be taken against the builder or main contractor, although proceedings must be taken within 2 years of the offence ([section 35A](#) of the Building Act 1984). Alternatively, or in addition, the local authority may serve an enforcement notice on the owner requiring them to alter or remove work which contravenes the regulations ([section 36](#) of the 1984 Act). If the owner does not comply with the notice the local authority has the power to undertake the work itself and recover the costs of doing so from the owner.
- 6.4 A [section 36](#) enforcement notice cannot be served on you after the expiration of 12 months from the date of completion of the building work, but this does not affect a local authority's (or any other person's) right to apply to the Courts for an injunction for the same purpose. A local authority also cannot take enforcement action under sections 35 and 36 if the work which you have carried out is in accordance with your plans which the authority approved or failed to reject within the statutory time of five weeks (or two months with your agreement) from deposit of the plans (see paragraph 5.6) or is the subject of a plans certificate issued by an approved inspector.

6.5 Notwithstanding the possibility of enforcement action, you should bear in mind that if the local authority considers that building work carried out does not comply with the Building Regulations and it is not rectified, the authority will not issue you with a completion certificate (see paragraph 5.22) and the contravention may come to light through a local land search enquiry when you wish to sell or re-mortgage your property.

## What Happens If I Disagree With The Local Authority's Enforcement Notice?

6.6 Normally the enforcement notice will give you 28 days to rectify the building work. If you wish to contest the notice on the grounds that you believe your building work does comply with the Building Regulations, you have the following options:

(i) to advise your local authority that you wish to obtain a written report from a suitably qualified person about the compliance of your work ([section 37](#) of the Building Act 1984) with a view to persuading the authority to withdraw the notice. In this event the 28 day period to rectify the building work is extended to 70 days.

(ii) to appeal against the notice in the magistrates' court and demonstrate there that your building work complies ([section 40](#) of the Building Act 1984). This option can be used either

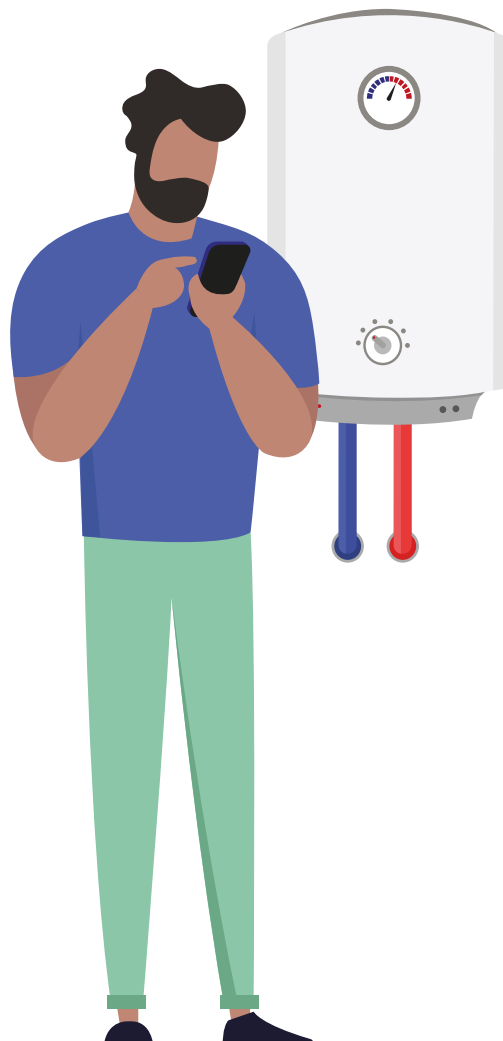
as an alternative to (i), or if proceedings under (i) have been unsuccessful. You must make your appeal within 28 days of receiving the notice, or within 70 days if you have used option (i) first.

If you are successful with option (i) or (ii), your local authority may be required to pay your costs.

6.7 If on the other hand you believe that your work cannot be expected to comply with one or more of the requirements in the Building Regulations because they are too onerous or inapplicable, you do have the right to apply to your local authority for a relaxation or dispensation of the requirement(s) in question in order for your completed building work to be considered to achieve compliance (see paragraph 5.20). Your application must be made within 28 days of receiving the enforcement notice from your authority. If they refuse your application you have a right of appeal to Welsh Ministers against that refusal, providing you do so within one month of that decision. However, if you take this course of action in response to an enforcement notice, and if you have originally maintained that your work was in compliance, your case is likely to be more difficult to justify. You should consult the [Guide to Determinations and Appeals](#) (see Annex B: 'Sources of information').

## How Can I Go About Checking Whether Unauthorised Building Work Complies With The Building Regulations?

- 6.8 The Building Regulations provide for a property owner to apply to the local authority for a regularisation certificate in respect of ‘unauthorised’ building work. This means work which was carried out on or after 11 November 1985 and which should have been submitted to the Building Regulations procedures but was not. You will be charged for this regularisation service.
- 6.9 In assessing compliance the local authority may request the ‘opening up’ of unauthorised work. The authority will then decide if remedial work needs to be carried out, in accordance with the Building Regulations which were applicable to that work when it was originally carried out, before they can issue a regularisation certificate. A regularisation certificate is evidence (but not conclusive evidence) that the requirements of the Building Regulations specified in the certificate have been complied with.
- 6.10 If you are concerned about unauthorised building work which was built before 11 November 1985 and which may not comply with the Building Regulations, you should discuss the problem with your local authority.



# Annex A: Examples of buildings which are exempt from control under the Building Regulations

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The full list of exempt buildings is contained in [Schedule 2](#) to the Building Regulations 2010 (as amended). The section below is only a guide to some of the more general types of buildings/building work which may be exempt from control under the Building Regulations. It does not contain all the detail or conditions which may need to be met. For the full list and details you should refer to [Schedule 2](#) to the regulations.

It is advisable that where you propose to undertake work which is exempt from the building regulations you obtain confirmation from your building control service provider. This confirmation will assist you should enquiries be made in relation to this work at a later date. This is usually solicitor enquiries or local land charge enquiries when the property is going through the sale process.

## Schedule 2 and Regulation 9 – Exempt Buildings and Work

### Class 1 – Buildings controlled under other legislation

(1) Any building in which explosives are manufactured or stored under a licence granted under the Explosives Regulations 2014 where—

- (a) the whole building is used for that manufacture or storage, and either
- (b) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (c) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (b) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations.

(2) Where only a part of a building is used for the manufacture or storage of explosives under a licence granted under the Explosives Regulations 2014 and—

- (a) a minimum separation distance of greater than 0 metres is prescribed by virtue of regulation 27(1) of, and Schedule 5 to, those Regulations; or
- (b) a minimum separation distance of 0 metres is prescribed by virtue of the provisions referred to in paragraph (a) and the assent of the local authority was required by regulation 13(3) of those Regulations or would have been so required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations,

that part of the building where the licence specifies that that manufacture or storage may take place.

- (3) Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the [Nuclear Installations Act 1965](#) is for the time being in force.
- (4) A building included in the schedule of monuments maintained under [section 1](#) of the Ancient Monuments and Archaeological Areas Act 1979.

## **Class 2 – Buildings not frequented by people**

1. Subject to paragraph 2, a detached building—
  - (a) into which people do not normally go; or
  - (b) into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery.
2. The description of buildings in paragraph 1 does not include a building where any point of the building is less than one and a half times its height from—
  - (a) any point of a building into which people can or do normally go; or
  - (b) the nearest point of the boundary of the curtilage of that building, whichever is the nearer.

## **Class 3 – Greenhouses and agricultural buildings**

1. Subject to paragraph 3, a greenhouse.
2. A building used, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that—
  - (a) no part of the building is used as a dwelling;
  - (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and
  - (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.
3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.
4. In paragraph 2, “agriculture” includes horticulture, fruit growing, the growing of plants for seed and fish farming.

## **Class 4 – Temporary buildings**

A building which is not intended to remain where it is erected for more than 28 days.

## **Class 5 – Ancillary buildings**

1. A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.
2. A building on the site of construction or civil engineering works, which is intended to be used only during the course of those works and contains no sleeping accommodation.
3. A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

## **Class 6 – Small detached buildings**

1. A detached single storey building, having a floor area which does not exceed 30m<sup>2</sup>, which contains no sleeping accommodation and is a building—
  - (a) no part of which is less than one metre from the boundary of its curtilage; or
  - (b) which is constructed substantially of non-combustible material.
2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if—
  - (a) its floor area does not exceed 30m<sup>2</sup>; and
  - (b) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.
3. A detached building, having a floor area which does not exceed 15m<sup>2</sup>, which contains no sleeping accommodation.



## Class 7 – Extensions

The extension of a building by the addition at ground level of:

- (a) a conservatory, porch, covered yard or covered way; or
- (b) a carport open on at least two sides;

where the floor area of that extension does not exceed 30m<sup>2</sup>, provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N of Schedule 1.

However, a porch or conservatory will ONLY be exempt the requirements of Part L (conservation of fuel and power) if there is NO fixed heating provided in it or the existing property's fixed heating system is NOT extended in to it AND it remains thermally separated from the existing property (see Section 9 of AD L1B).

Any fixed electrical installation to a conservatory or a porch will need to comply with any applicable requirements of Part P 'Electrical safety'.

## Annex B: Sources of information

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You can find out more from:

- Your local authority building control [LABC] department ([www.labc.co.uk/](http://www.labc.co.uk/) or [www.labc.co.uk/cy](http://www.labc.co.uk/cy))
- An approved inspector
- Competent person/Registered installer schemes
- [gov.wales/building-regulations](http://gov.wales/building-regulations)
- [gov.wales/planning-permission](http://gov.wales/planning-permission)

### Free Literature

[A Guide to Determinations and Appeals](#)

[Building Control Performance Standards](#)

[The Party Wall etc. Act 1996 Explanatory Booklet](#)

[Your Garden Walls, Better to be SAFE](#)

[www.structural-safety.org/media/363721/preventing-collapse-of-free-standing-masonry-walls-september-2014\\_revised.pdf](http://www.structural-safety.org/media/363721/preventing-collapse-of-free-standing-masonry-walls-september-2014_revised.pdf)

The above publications are subject to change.