



Building regulations approval for Regularisation Application

Regularisation Certificate Guide

The purpose of Building Regulation 18 (Unauthorised Building Work) is to enable homeowners and others to submit applications for Building Regulation approval after unauthorised work or a material change of use of a building has been carried out.

Typical circumstances may be where a builder or an owner (previous or present) did not seek the relevant building regulation approval prior to works commencing. It is not intended that this power should replace or detract from the enforcement powers already available to Building Control, e.g., when an offence is perhaps more consciously created.

Application Procedure

An application for a Regularisation Certificate can only be made where Building Control can be satisfied that :-

- Work commenced on or after 11th November 1985; and,
- The work required an application to be made in respect of Building Regulations; and,
- The person who carried out the unauthorised work did not deposit plans or give such notice

The applicant should complete the application form and include the relevant charge, together with the following: -

- Duplicate plans of the unauthorised work; and,
- Plans showing any additional work required to be carried out to ensure that the unauthorised work complies with the Building Regulations which were in force at that time.

Regularisation Charges

A regularisation charge is payable at the time the application is deposited with Building Control. Details of the charges are contained in the Building Control Charges Guidance Notes (BC02).

The charge can be calculated by multiplying the Building Notice charge [Building Control Charges Guidance Notes (BC02)] by 140%, VAT is not payable on this charge.

For advice on calculations of the Regularisation Fee, please telephone 01484 221550.

Exposing the work?

Application for a Regularisation Certificate will, in most cases, relate to completed work. However - in order to assess whether compliance with the regulation has been achieved Building Control is empowered to require the applicant to uncover work where necessary and the applicant must be willing to comply with all such reasonable requests. Use of the power, therefore, assumes a reasonable level of co-operation between the applicants and Building Control

It is the responsibility of the applicant to carry out any reasonable actions in connection with the work, where requested by Building Control. If an applicant is unwilling to comply with any reasonable request, they run the risk that Building Control will be unable to judge whether the work satisfies the applicable regulations.

Examples of requests that may be made by Building Control to determine compliance:

- Exposure of foundations and/or other elements of structure e.g., steel beams, floor joists, etc. / exposure or testing of drains
- Calculations or other details to prove that the structural work is satisfactory
- Other details or specifications as considered where appropriate e.g., photographic evidence of the works taken at the time of construction.

Certificate

1. Building Control may, conclude that the work satisfies the requirements of the Building Regulations, in such a case we may issue a Regularisation Certificate or....
2. Building Control may notify the applicant that specified work will need to be carried out so that the work complies with the Building Regulations. When this work has been carried out, a Regularisation Certificate may then be issued or...
3. The third possibility is that Building Control may find that they cannot determine (or cannot determine without unreasonable cost or disruption to the applicant) what additional work would be required in order to comply with the Building Regulations.
In such circumstances the Regularisation Charge is not refundable as Building Control will have incurred costs in considering the application.

A Regularisation Certificate shall be evidence (**but not conclusive evidence**) that the relevant requirements specified in the certificate have been complied with and does not in any way imply that any permissions required under the **Town and Country Planning Act** have been granted. The regularisation application will be recorded against the property and its status i.e., whether a regularisation certificate has been issued, will be revealed during the local search process when the property is sold.