



Building Regulations Guidance Note: Regularisation applications

Introduction

It is not uncommon for building work to be undertaken without the Local Authority being notified, and without the relevant Building Regulation application having been deposited. This is usually discovered when the property is being sold.

Works commenced without a Building Regulation application are termed **'unauthorised building work'**. This leaflet provides guidance on how to apply for retrospective building regulation consent via the Regularisation procedure and what to do subsequently to resolve any difficulties. You may also need to seek Planning Permission. This is completely different legislation and is not covered in this leaflet. Please contact [Building control](#) if you are in doubt.

Purpose

The Regularisation procedure allows the Local Authority to assess any building works that have been carried out and completed without a building notice or the submission of a full plan's application being given. If the local authority are able to satisfy themselves that the relevant requirements have been satisfied, they may give a certificate to that effect. However, a **regularisation certificate** is evidence (but not conclusive evidence) that the relevant requirements have been complied with.

This power does not replace the enforcement powers already available to the local authority and does not provide a short cut for those who fail to follow correct procedures.

Is an application required?

If you are unsure whether completed building works were subject to a Building Regulations application and whether the work was inspected as it progressed, please contact [Building control](#).

Regularisation procedure

It is important to note that an owner is under no obligation to make an application for a Regularisation Certificate if the work is more than two years old, although in order to sell a property, it is often necessary. This may be the only means to show compliance with the Building Regulations.

An application for a Regularisation can be made for all types of controllable building works that are complete, where:

- The work commenced after 11th November 1985 and;
- The work fell within the scope of the said Regulations and;
- A Building Regulation application was not submitted at the time .

You must submit the following with your application:

- Completed Regularisation application form
- Completed Relevant Requirement Information
- Completion Regularisation Notes and checklist form
- Regularisation Charge
- Site location plan - Scale 1:1250
- Elevations, sections and plan view drawings - scale 1:100 or 1:50 (two copies if not provided electronically).
- Specification for the materials and construction to demonstrate compliance with the requirements of the Building Regulations regarding structure, fire safety, resistance to moisture, sound resistance, ventilation, drainage, conservation of fuel and power, accessibility, etc.
- Calculations to justify structural members, thermal performance of the building or other requirements of the regulations.
- If the work to a building is designated under the Regulatory Reform (Fire Safety) Order 2005, a further two sets of plans detailing fire safety measures that are to be taken. Premises that are not currently designated are single private dwellings, however any areas within domestic premises that are used in common by the occupants of more than one dwelling are designated. (Unless provided electronically)
- If works are of a minor nature then some of information required above may not be required.

On receipt of your application, it will be validated, and if satisfactory an acknowledgement letter is sent to the applicant or agent. The plans and supporting evidence are then checked for compliance with the Building Regulations and if there are any contraventions you/or your agent will be notified.

To assess whether the building work is compliant with Building Regulations, the local authority can ask the applicant to **'open up'** work and therefore this will

require a reasonable level of cooperation between the applicant and the local authority.

Example of areas that may require **'laying open'** are as follows, (but dependant on the type of building works undertaken),

- Foundations
- Ground floor construction
- Steelwork/lintels
- Wall construction
- First floor construction
- Drainage
- Roof Construction

Issue of a Regularisation Certificate

Before a regularisation certificate can be issued the Local Authority must be reasonably satisfied that the works conform to the Building Regulations in force at the time when the original building works were carried out.

If the Local Authority finds upon exposure of the works that they are not satisfactory, we will tell you where the design or construction does not comply with the Building Regulation. You may then need to engage the services of a surveyor/architect/builder to provide a schedule of works required to meet the requirements of the Building Regulations.

Upon satisfactory completion of the works the Local Authority will issue a Regularisation Certificate indicating that, so far as can be ascertained, the previously unauthorised works are now in compliance with Building Regulation requirements.