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UNAUTHORISED BUILDING WORK – How do I remedy the situation with regards to the building regulations?

REGULARISATION CERTIFICATES.

Where building alterations or extensions have been carried out without having applied for a Building Regulation approval, it is now very common for such contravention's to come to light during the house sales search process. This can cause problems for the house seller not able to supply the buyer's with the appropriate approval notice and / or completion certificate.

For works **undertaken after the 11th November 1985** you can now apply to building control to regularise the situation and obtain a Regularisation Certificate. ***(Note: this procedure is not applicable to retrospective planning permission and you are advised to consult the planning officer for advice.)*** We cannot however regularise situations prior to the above date.

An owner is under no obligation to submit an application and equally the council are under no obligation to accept an application.

As in most cases the work will have been completed and some opening up work may be required, it is the owner's responsibility to arrange for this work to be carried out to allow Building Control to determine Building Regulation compliance has been achieved.

Work not complying with the Building Regulations needs to be corrected by the owner. The owner must be willing to comply with all such reasonable requests for opening up and remedial work to achieve Building Regulation compliance. ***If the owner refuses to undertake work the regularisation procedure is ended, no charges paid will be refunded and no 'Regularisation Certificate' will be issued.***

Once Building Control are satisfied that the requirements of the Building Regulations have been achieved we will issue a '**Regularisation Certificate**'.

Procedure.

It is advisable to contact your local Building Control Surveyor to discuss the requirements of this complicated procedure prior to the submission of the application to regularise.

Request a Regularisation application form (you may desire the services of a local architect or surveyor to assist you at this stage).

MAKE APPLICATION.

The Completed Application form should then be returned to Building Control (copy of form is available on the web) and must also consist of –

- Statement of the unauthorised works.
- 1 copy of a plan showing the unauthorised work. (So far as is reasonably practicable).

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- 1 Copy of a plan showing any additional work to be carried out to secure Building Regulation compliance. (So far as is reasonably practicable).
- Approximate date work was completed, which is important as you can only apply the regulations that were applicable at this completion date.
- Regularisation fee is calculated at 120% of the current fee scales, this is equivalent to the Building Notice charge plus 20% (**NO VAT IS PAYABLE**).
- Copies of the present scale of charges are available on request, with the charges depending upon the type of work that has been carried out

APPLICATION PROCESSING.

Once an application is deposited you or your agent will need to arrange for a site inspection to determine what works will need to be uncovered in order for the building control surveyor to determine whether or not compliance with the Building Regulations have been achieved.

Compliance needs to be with the regulations in force at the time that the work started.

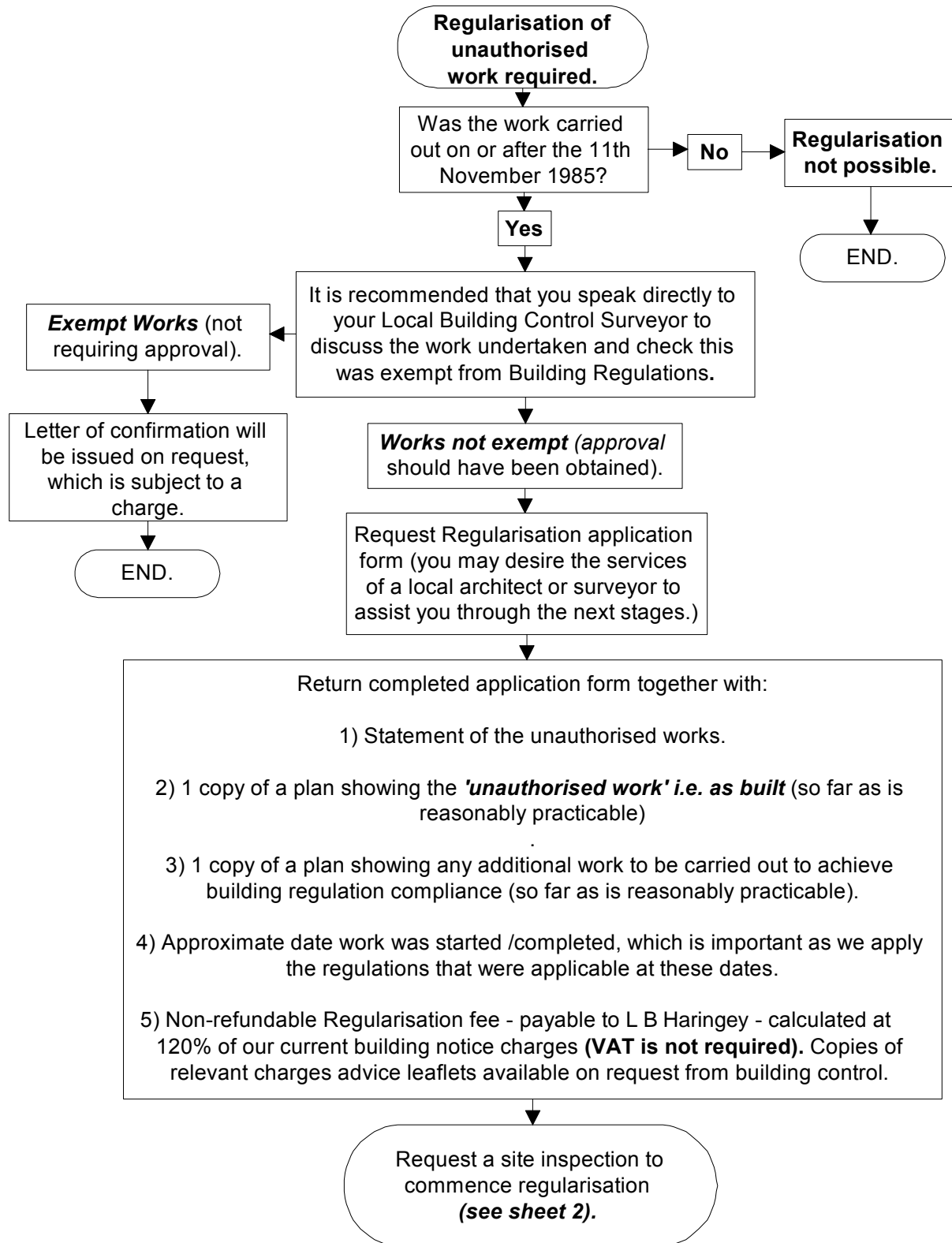
- If the works are found to comply with the regulations a Regularisation Certificate will be issued i.e. works are found to be in compliance with the Building Regulations.
- If applicant is unwilling to open up the works, we may not be able to satisfy ourselves that the works comply and a Regularisation certificate will not be issued and a letter of rejection will be issued.
- If the Local Authority find that they cannot determine (or cannot determine without unreasonable cost or disruption to the owner) what work would enable compliance with the regulations, ***the Regularisation charge is not refundable.***
- If on opening up, additional works are found to be necessary to achieve compliance with the Building Regulations and the applicant is unwilling to carry these out, then again no certificate will be issued until all works are corrected.
- Sufficient inspections will be carried out by you Building Control Surveyor, as may be necessary to check the opening up works and/or remedial works to determine regulation compliance.
- **Where a Letter of Rejection is issued, the letter will explain the reasons why a certificate cannot be issued, i.e. lack of opening up, refusal to remedy defective works, or the surveyor was unable to determine the works complied etc.**

In such circumstances the regularisation fee is **Not refundable**, as the authority will have incurred costs in considering the application.

THERE IS NO PROVISION FOR APPEAL ON A REGULARISATION CERTIFICATE.

CUSTOMER ADVICE - REGULARISATION CERTIFICATE APPLICATION PROCEDURE.

1) MAKING THE APPLICATION.



2) REGULARISATION SITE INSPECTIONS.

