

Building Regularisation Certificate Application Form (England)



The Building Act 1984, The Building Safety Act 2022, The Building Regulations 2010 (as amended).

1 APPLICANT DETAILS (OWNER)

First Name Last Name

Address

Town Postcode

Phone Email

2 Location of site to which the building work relates

Address of site (including postcode)

What 3 Words Code



The simplest way to talk about location
Every 3 metre square has a unique 3 word address.
■ The simplest way to talk about location

3 Unauthorised works

Description of the unauthorised work

Date the works were undertaken

Floor area (Sq Metre)

Estimated Cost of works (£)

4 Declaration

This application is made in relation to the building work etc., as described above. It is submitted in accordance with [Regulation 18](#) and is accompanied by the appropriate charge.

I / we apply for a Regularisation Certification as described on this form and as detailed on any supplementary documents.

Signature

On behalf of

insert applicants name where the declaration is made by an agent

Date

Notes:

1. This request for Regularisation should be, so far as is reasonably practical, accompanied by:-

a) a plan of the unauthorised work, (if necessary STRUCTURAL CALCULATIONS).

b) A plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to the building work in the Building Regulations which were applicable to that work when it was carried out.

2. The Local Authority may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the Authority, making tests and taking samples, as the Authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

It is therefore assumed a reasonable level of co-operation between applicant and Local Authority.

3. Fee required in respect of application. The Regularisation fee is payable at the time of the application to the Local Authority in accordance with Regulation 8(1)(e) of The Building (Local Authority Charges) Regulations 2010.

NOTE a Regularisation fee is NOT subject to VAT.

Regularisation charges cannot be refunded after submission because an application was a legal requirement prior to work being carried out. The Building Regulations 2010 Para 12(2). The Regularisation Charge is VAT exempt but is made up of the NET charges plus 20%.

THE BUILDING REGULATIONS (AMENDMENT) REGULATION 1994

Extract from (Department of the Environment) Circular 16/94

Unauthorised Building Work

The purpose of Regulation 18(2) is to enable home owners and others to submit applications for Regularisation Certificates to the local authority to regularise the position. Typical circumstances may be where a builder or previous owner had not sought the relevant building approval; or where, through an oversight, the current owner has failed to do so. Both parties need to be agreed that the work is controllable under the Building Regulations in the first instance.

It is not intended that this new power should replace or detract from the enforcement powers already available to local authorities where, for example, an offence is perhaps more consciously created.

It is important to note that an owner is under no obligation to make an application under Regulation 18(2) and that the local authority is under no obligation to accept it. Application for a Regularisation Certificate will, in most cases, relate to the completed work. However, in order to be able to assess whether compliance with the Regulations has been achieved, the local authority is empowered in Regulation 18(3) to require the applicant to open up 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 applicant and local authority, with the applicant generally initiating the action on this basis.

Regulation 18(2) sets out the information required to support such an application; it is based on what is practical in the specific circumstances applying to any one case. The application can be made by the owner, with or without the services of a professional agent.

Regulation 18(3) places the responsibility on the applicant to carry out the actions specified, where requested by the local authority. If an applicant is unwilling to comply with a reasonable request he runs the risk that the local authority will be unable to judge whether the work satisfies the applicable Regulations.

The local authority may conclude that the work satisfies the requirements of the Building Regulations or that no work is necessary to make the work comply (in either case, taking account of any dispensation or relaxation granted by them). In such a case, the authority may give a Regularisation Certificate. The Regulations do not provide specifically for a dispensation or relaxation but they acknowledge that one can be made. However, there is no provision for appeal to the Secretary of State in a case where the local authority do not agree to relax or dispense with a requirement of the Building Regulations.

The local authority may, on the other hand, notify the applicant that specified work will need to be carried out so that the work complies with the Building Regulations. When that work has been carried out, a Regularisation Certificate may be given.

The third possibility is that the local authority may find that they cannot determine (or cannot determine without unreasonable cost or disruption to the owner) what work would enable work to comply with the Building Regulations. In such circumstances the Regularisation fee is not refundable as the authority will have incurred costs in considering the application.

Regulation 18(5) empowers the local authority to issue a Regularisation Certificate. It is issued on the basis set out in Regulation 18(6).

Guidance Notes on Domestic Charges



The Building (Local Authority Charges) Regulations 2010

Explanatory Notes

Effective from 12 August 2024

The East Sussex Building Control Partnership is a regulatory body that provides a service for those carrying out building work to meet their legal duties under the Building Regulations.

Responsibility for Building Regulation compliance rests with the owner, designers and contractors, not with the local authority.

Before a Completion Certificate can be issued, Designers and Contractors are required to sign a declaration that the design and finished work meets the requirements of The Building Regulations.

Your attention is drawn to the terms and conditions at the bottom of this document that offer further clarity on the service being provided and what is not covered.

Our Building Regulation charges are based on the hours we estimate we will spend on *all* activities in relation to your application both on and off site, against an hourly rate that is based on cost recovery only. For this reason, if the hours estimated are exceeded by more than one-hour, supplementary charges may be incurred.

Most projects contain more than one category of work: for example, an extension plus alterations, or an extension plus a loft conversion. For this reason, most charges are provided on a project-by-project basis to ensure we are being fair and giving you the most accurate cost.

All charges for Full Plans and Building Notice applications include VAT.

The Full Plans Application route **MUST** be used in the following situations:

- All non-domestic projects
- New, altered or converted flats with a common area.
- Conversion or alterations to HMO's
- New, altered or converted holiday lets.
- Building near or over public sewers requiring consultation with the statutory undertaker
- Buildings being erected that front private streets.
- Any project covered under The Regulatory Reform (Fire Safety) Order 2005 requiring consultation with the East Sussex Fire & Rescue Service.

To obtain a bespoke quotation or to make a card payment, please contact us:

Building.control@wealden.gov.uk

01892 602005

Full terms and conditions appear at the end of this document

Description of Work		Full Plans Application		Building Notice Charge
		Plan Charge	Inspection Charge	
1	Erection of a single dwelling house up to 3 storeys and under 250m ²	410	700	1100
<p>Applications for more than one house are charged at a reduced rate.</p> <p>We would welcome the opportunity to discuss bespoke quotes for multiple dwellings and flats. Repetitive work reduces our costs which are passed to the customer through competitive quotations.</p>				
2	Single Storey Extensions up to 60m ² floor area	310	495	800
3	Two Storey Extension up to 60m ² floor area	350	620	970
4	Loft Conversion, First Floor Extension or additional storey up to 60m ² , to a 1 or 2 storey dwelling	340	450	790
5	Single storey outbuilding up to 60m ² (No sleeping accommodation)	210	330	540
6	Two Storey Outbuilding up to 60m ² (No sleeping accommodation)	300	440	740
7	Garage Conversion under 40m ²	190	290	480
8	Installation of up to 2 structural beams/lintels	130	200	330
9	Alterations up to £5000 estimated cost	130	200	330
<p>If your project does not appear in these table, is non-domestic or is part of a multiple works project, please contact the office for a quote. The reason we ask this is so we are able to more accurately assess our service hours and so provide you with the best quote possible. Remember; as a local authority, we are a non-profit organisation</p>				

DUTIES UNDER THE BUILDING SAFETY ACT 2022

The Act provides for 3 main duty holders. Owner, Designer and Contractor.

Duty of Owner (Client)

- To plan, manage, monitor and provide sufficient resources for the project to be compliant on completion or use, and to provide information to designers and contractors.
It is recommended that you engage a suitable competent professional to act and assume this duty on your behalf.
- To take all reasonable steps to ensure that professional engaged by you, including Designers and Contractors, are competent.

Duty of Designer

- To plan, manage and monitor all design work during the design stage of a project to ensure that the design is compliant with the Building Regulations.
- To provide the details of a named individual within the company (including contact details) to be the Principal Designer.
- To provide a statement on completion of works that the design is in compliance with the Regulations.

Duty of Contractor

- To notify the local authority of certain stages of work
- Where there is an approved design, to ensure that the building work is completed in accordance with this.
- To ensure that the building work is completed in accordance with the Building Regulations.
- To provide a statement on completion of works that the construction work is in compliance with the Regulations.

If no designer has been appointed, for example a contractor submitting a Building Notice, then that contractor assumes the duties of Principal Designer.

Where there is no designer or contractor, the owner assumes all duties of Designer and Contractor.

PUBLIC SEWERS

- The Water Industry Act 1991 takes precedence.
- The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 brought over 200,000km of private sewers within the Act. Mostly these are shared sewers, i.e. they service more than one dwelling. These will not be shown on the map of sewers, nevertheless these are deemed public sewers under that Act.
- There is a duty on an owner to consult with Southern Water if building over or near a public sewer
- There are powers devolved to Building Control to oversee works under H4 of the Building Regulations if certain conditions are met. However, that does not avoid the need to consult Southern Water and there may still be a need for a Building over self-declaration.
<https://www.water.org.uk/wp-content/uploads/2019/03/Private-Sewer-Transfer-Water-UK-Template.pdf>
- Early identification and consultation by the owner, designer or contractor, is recommended (prior to work starting on site) to avoid costly delays.

APPLICATION WITH FULL PLANS

This is where plans, technical details, calculations and specifications are deposited with the Council prior to work starting on site. Having construction details agreed in advance provides more confidence of compliance. Starting work prior to approval puts you at risk of non-compliant work on site that could be costly to rectify. Full Plans applications comprise two charges:

- **Plans Charge** payable when the application is deposited. This covers registration, the technical audit of information, consultations and the issue of a formal decision notice.

Inspection Charge Payable on the commencement of works on site. This covers our 3rd party onsite spot checking of various stages of construction, (see terms and conditions) as well as several related office-based activities

For further advice, please visit:

<https://www.gov.uk/guidance/design-and-building-work-meeting-building-requirements>

BUILDING NOTICE

The Building Notice Charge is payable in full when the application is made. This can be submitted with no supporting information and notice given of starting work 48 hours later. We are entitled to ask for information where we feel this is necessary to determine compliance, such as plans and structural calculations. Due to the lack of information, it is absolutely vital to select a competent builder and to discuss and agree design details with our surveyors prior to that stage being reached. This relies on your contractor advising us in advance of each stage.

REGULARISATION APPLICATION

This is retrospective certification of work. The submission of a Regularisation application however does not guarantee that a certificate will be issued. It is advisable to discuss the works with your one of our surveyors and arrange a site visit using our Pre-Application Advice route detailed below before the application is made so you may fully understand what information we will need and what elements of the structure will need to be exposed for inspection. For example, beams, drains, foundations, joist etc.

Regularisation charges cannot be refunded after submission because an application was a legal requirement prior to work being carried out. The Building Regulations 2010 Para 12(2). The **Regularisation Charge** is VAT exempt but is made up of the NET charges plus 20%.

PRE-APPLICATION ADVICE

Under the Building Safety Act 2022, we are unable to provide design advice or solutions other than appears in the Approved Documents, British Standards or other established construction documents. Advice on how to comply should come from a competent Designer or Contractor.

This service is only for those about to submit a building regulation application to us. A charge will be made using our hourly rate which will then be deducted from the application charges when this is submitted.

DISABLED ADAPTATIONS AND EXTENSIONS

Works **solely** to provide access and/or facilities for disabled people to existing dwellings and buildings to which the public have access are exempt from charges. In these regulations 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948 as extended applies. A charge will be made for elements of proposals that are not solely for a disabled person.

RESUBMISSION of a rejected Full Plans application for essentially the same work will not be charged however, where amendments have been made that require additional checking, these will be charged at our standard hourly rate of £98.88 plus VAT.

Terms and conditions

- a. The Building Regulation service provides a means for customers to meet their legal duties under The Building Act to make an application and obtain a final certificate on satisfactory completion.
- b. What our services do not provide:
 - a private building surveying service,
 - a substitute for Architect supervision, project management or clerk of works.
 - a means to resolve neighbour disputes including ownership.
 - services relating to The Party Wall Act.
 - advice on design or construction (see Below).
 - Trading standards protection against incompetent contractors or designers.
- c. Structural elements should be designed by a fully qualified and competent structural engineer. Structural calculations submitted as part of the application or requested subsequently will be risk assessed to determine the level of checking required. Where an engineer is professionally qualified, these calculations may receive just a cursory check or simply be accepted.

The Partnership does not have an inhouse Structural Engineer to check calculations. If calculations are submitted that require tis input, the costs of that will be passed on to the applicant.

- d. Completion certificates are intended to provide reasonable confidence, but not definitive proof, that work complies with the regulations. Local authority building control has limited liability as set in case law, as not all of the structure will have been inspected or been visible during inspection.

Completion Certificates will not be issued unless:

- The necessary declarations have been signed by the Designer and Contractor.
 - All fees have been settled
 - All conditions have been cleared
 - All information requested on final inspection has been submitted and accepted
- e. The Partnership does not design or advise how to construct. Contractors are expected to be fully competent in the requirements of the regulations. Inspectors do not offer advice or instruction other than is contained within the regulations, the approved documents, British Standards, manufacturers technical data or certification, or is within recognised construction practices.
 - f. Responsibility for compliance rests with the owner, designers and contractors. Building Regulations only allow for 3rd party spot checks of parts of the structure. You are therefore advised to obtain such professional services as necessary to ensure compliance, and to ensure that those professionals chosen, are competent.
 - g. Charges are set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the relevant design and building work and adheres to the inspection regime. If they are not, and this results in service hours exceeding those estimated, then a supplementary charge may be incurred.
 - h. Owners and/or contractors are obliged to notify of certain stages of work. Typically, these are:
 - Excavation for foundations prior to concreting (see note c)
 - Foul and surface water drainage prior to covering.
 - Damp proof membranes and courses prior to covering.
 - Completion.

In addition to this, your inspector **may** ask to be informed of the following stages:

- Roof/floor structural members, for example joists, rafters, steel beams etc
- Steel reinforcement prior to concreting
- Complex parts of the structure
- Insulation

Charges will not be refunded where no notification to inspect has been received.

- i. The depth and design of all foundations is subject to amendment when soil conditions have been fully investigated. This is the responsibility of the owner, designer and contractor. Where trees are present,

the foundations, ground floor construction and drainage design should be submitted to us prior to commencement. It is not the role of the inspector to design these.

- j. You are advised to allow time between our inspection of foundation excavation and arrival of concrete in case there is additional excavation required.
- k. Where the proposals require consultation with the sewage undertaker, this is the responsibility of the owner and/or their representative prior to work commencing.
- l. We reserve the right to keep owners informed of any non-conformities identified during the technical audit of plans or site inspections.
- m. The deposit of a Building Regulation application forms a private contract between the applicant and the Council however we may discuss technical details with 3rd parties if they are directly affected by the work, for example sound transmission or shared drainage.
- n. We will retain all information for a minimum of 15 years. The corporate data protection policy is available via our main website. <https://www.wealden.gov.uk/transparency-spending-and-performance/data-protection/?RD=True>
- o. If works are commenced on an Application with Full Plans:
 - prior to approval
 - prior to conditions being cleared
 - on a rejected application

works are undertaken entirely at the risk of the owner and contractor. This increases the chances of carrying out work which does not comply and result in the need for costly alterations.

- p. All building regulation charges are estimates not quotes. Further supplementary payment may be requested should the actual service hours exceed the original estimated hours. For the purposes of this calculation, the first hour will be disregarded. This may arise where:
 - The projects turns out to be more complex than anticipated requiring additional time to check the design or supporting information, or the engagement of a specialist to advise us. This may happen where elements of the project or the project as a whole deviate from standard or accepted construction methods or materials, or from the Approved Documents that support The Building Regulations.

For example, where a fire engineered approach is required for means of escape, where thermal heat loss calculations are required due to excessive glazing or where the structure or construction details turn out to be non-standard/complex. This is most common with calculation; see below.
 - The project is changed after the initial technical audit of plans, requiring addition checking time of details or calculations.
 - Calculations have not been produced by a professionally qualified engineer and/or have not been produced using recognised methodology.
 - The customer has requested a higher service level. For example additional site visits or attendance at Design Team meetings.
 - After risk assessment of the professionals/individuals/company involved it is decided that the design or site construction requires additional checking time to ensure compliance.
 - Additional inspections are requested due to site conditions or the contractor splitting the work into stages or phases. For example, project charges may have been discounted for 2 extensions in anticipation of them being constructed more or less at the same time so allowing for less visits. If those elements are then split buy time, they will require full inspection of each resulting in more, not less visits.
- q. Where the actual service hours are less than originally estimated, the Council may make an appropriate refund of part of the charge on satisfactory completion of the application. For the purposes of this calculation, the first hour will be disregarded.
- r. All of our domestic charges assume that electrical (Part P) and ALL heating installations will be self-certified by a qualified person(s) who is also registered under an appropriate Government approved **Competent Persons Scheme**. Where this is not the case an additional charge may be made to engage a consultant to establish that the work meets the requirements of the Building Regulations.

- s. Refund of charges on cancellation of an application is at the discretion of the Building Control Manager. Any refund will take into account hours spent by Surveyors and administration to the point of cancellation with a minimum charge of £102.80 plus VAT, which is our hourly rate.
- t. Applications remain invalid and of no effect until the plans fee has been received in full.
- u. For certain work under the Building Regulations, you will also need to apply for planning permission under the Planning Acts. (You may have to pay extra for this). All formal advice regarding planning MUST be made by contacting the Development Control Team.

Surveyors cannot offer planning advice.

- v. For further advice on Building Regulations call 01892 602005 or e-mail, building.control@wealden.gov.uk

Complaints

Dissatisfaction with any aspect of service delivery can be raised through the Corporate Complaints system, details of which can be found using this link: <https://www.wealden.gov.uk/complaints-procedure/>