



Building Control

Householder Guidance Leaflet No. 5

Regularisations

This leaflet is one of a series produced by the Hertfordshire Building Control Technical Forum

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 works.

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 our Development Control Section 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 the submission of plans, or giving of statutory notice of inspections.

Once the works have been assessed and any necessary remedial works carried out, a regularisation certificate is issued.

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.

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, explanation is provided in our leaflets No's 1, 2 & 4.

Regularisation procedure

It is important to note that an owner is under no obligation to make an application for a Regularisation Certificate, 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 11 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.**
- **Appropriate fee;** please see Fee charges schedule or speak to us.
- **A plan of the unauthorised work;** to a recognised scale, unless the works are of a minor nature.
- **A plan showing any additional work required;** in order to show that the unauthorised work complies with the Building Regulations in place at the time of construction, unless the works are of a minor nature.
- **Additional details may be requested;** such as calculations to justify structural members, thermal performance of the building or other requirements of the regulations.

Once your application has been received, it is registered and an acknowledgement letter sent to applicant and agent. If detailed plans have been submitted, they will be checked for compliance with the relevant Building Regulations, if there are any defects your agent/applicant will be notified.

In order to assess whether compliance with Building Regulations has been achieved, the council can ask the applicant to 'open up' work and therefore this will require a reasonable level of co-operation between the applicant and the council.

Issue of 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, advice will be given on the additional work required to meet Building Regulation standards.

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 in compliance with Building Regulation standards.

For free advice on obtaining a Regularisation Certificate, please consult the Building Control section.