

Building Control Solutions

Homeowner Guide 4

Application for a Regularisation Certificate



Application for a Regularisation Certificate

Works carried out without an application?

I forgot to get Building Regulation permission.

It is not uncommon for building work to be undertaken without the appropriate process being followed. Where this happens, problems can arise as a Completion Certificate is not available, i.e. during the conveyancing process. This leaflet provides information about the process available to you to try and resolve the problem, and is known as an Application for a Regularisation Certificate. The process allows the building owner, to request inspection of the completed work with a view to gaining a Regularisation Certificate for the work.

If you want to use the Regularisation Certificate process, you are advised to contact us first.

What do I need in order to sell my house?

If you sell your house, you will almost certainly be asked to produce a Completion Certificate for any work done to which Building Regulations apply. If work has been done and you do not have a Completion Certificate, you may have difficulty selling the house. It is important to realise that it is a completion certificate that you need, not a Building Regulations Full Plans Approval Notice. The Approval Notice refers to drawings submitted under Building Regulations, it states that the work would comply if it were carried out in accordance with the drawings. It does not comment on whether the completed project complies with Building Regulations.

What is a Completion Certificate?

When work to which the Building Regulations apply is completed, we issue a Completion Certificate to show we are satisfied with the work.

If the work was done but we did not know about it then we will not have inspected it nor issued a Completion Certificate.

Purpose

An application for a Regularisation Certificate allows the Council to consider work which has been carried out and completed, without the submission of plans or giving notice at the time of the works. This power does not replace the enforcement powers already available to the Council and does not provide a short cut for those who failed to follow the correct procedure.

Application for a Regularisation Certificate

It is important to note that an owner is under no obligation to make an application for a Regularisation Certificate; equally, the Council is under no obligation to accept it. An application for a Regularisation Certificate can relate only to completed work. An application for a Regularisation Certificate can only be made where:

- The work commenced after 11 November 1985
- The work came within the scope of the Regulations applicable at the time of construction; and
- No application was made at the time the work was undertaken. The work may have been done by you or by a previous owner of the property.

Regularisation Application checklist

The owner/applicant may apply to the Council for a Regularisation Certificate. The completed Regularisation Application form should be submitted together with:

- A description of the unauthorised work and the date the works were carried out
- A plan showing any work required to gain compliance with the Building Regulations in force at the time of construction
- A Regularisation Charge, to consider your application, please see separate guidance on charges. **Please note this is not refundable if the Council is unable to issue a Regularisation Certificate**

Please note

The Building Control Surveyor will;

- Confirm that the building work is unauthorised, and that you wish to regularise the work
- Examine the application and assess what work, if any, needs to be exposed for inspection, or needs to be carried out to secure compliance with the Building Regulations. **This may involve further site inspections and further opening up works**

The alternatives

Following this process, the Council may:

- Say whether additional works are required to meet Building Regulation standards, or
- State that they cannot determine what work is required to comply with the Building Regulations
- Issue a certificate once the Council is reasonably satisfied that the works conform to the Building Regulations, and that there is no risk to the health and safety of persons in and around the property

Why don't I just do the work without telling you and then apply for a regularisation certificate if I get found out?

Because:-

- It is illegal to do and the Council might decide to take enforcement action
- It is more difficult, inconvenient and expensive to correct any faults when the work is completed and in use
- A delay in selling your house will likely ensue
- Even if the work complies you will nearly always need to damage some of it to open up elements for inspection

Arranging a visit

Please visit www.bcsolutions.org.uk for the options on how you can arrange a site inspection.

Providing guidance

Please consult our Building Control Solutions team prior to making an application. Our service is here to help if you are in any doubts over requirements or require further information.

This is one of a number of Homeowner Guides to help you through the Building Control process. Copies are available either through our website or by contacting our business support team.

Need help?

Our Building Control Surveyors are happy to give guidance and answer questions, however trivial you think they are. They would rather tell 20 people the same thing, than risk one person being injured as a result of unauthorised building works.

Visit our website

For a wealth of information including application forms, guidance on charges and latest news in the world of Building Control, why not visit our website at: www.bcsolutions.org.uk

Other approvals

In addition to a Building Regulation approval you may also require Planning Permission in certain circumstances. Please contact the relevant authority's Development Control Team for further advice.

Party Wall etc. Act 1996

Advice should be taken from a suitably qualified surveyor or legal expert on the possible implications of the above Act. Our Homeowner Guide 13 will help give you an introduction to the Act.



Tel: 0300 790 0580
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