

The Building Control Division Torbay Council

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Building Regulation approval - is that the same as Planning Permission?

No! - there is a big difference. When you make a Planning Application, our colleagues in the Development Control section look carefully at issues like the appearance of the building and the effect it will have on adjoining properties etc. You will not however be asked for nitty-gritty details about **how** your building will be constructed - things like the foundations, floors, roof and walls etc. These detailed constructional issues are dealt with under the *Building Regulations* for which a completely separate *Building Regulation application* is needed.

So I need to apply separately for Planning Permission and Building Regulation consent?

In most cases yes, but depending on your particular project you may need only Planning Permission, only Building Regulation consent, neither or both - even we sometimes get confused! If you are in any way unsure which you need to apply for, please ask we will guide you through the details you need to provide us with so that we can advise you on what you need to apply for.

So how do I make a Building Regulations application?

Surprisingly perhaps, there are several different *types* of application you can make and you can pick the one you prefer. The vast majority of our applicants use either a **Full Plans Application** or a **Building Notice** and, as you would expect, there are advantages and disadvantages to both.

Full Plans Applications - the *advantages*

1. With this type of application you submit an application form, the required fee and two copies of plans showing exactly how your proposal will be constructed. We then check the plans very carefully against the standards required by the Building Regulations and attempt to find all the problems at a time when they can most easily be corrected. Once the plan has been approved, we then carry out inspections at regular intervals during construction, but, as everyone involved will know in advance exactly what is required, there should be few nasty (or expensive!) surprises awaiting you. This is incidentally the main reason we check the plans so carefully in the first place - to guard against problems later when they may be far more difficult to put right.
2. The fee for the application is generally paid in two instalments - normally you pay 25% of the fee when the application is submitted and the remainder will be invoiced to you when works start. This is not always the case however and you should refer to our *fee guidance notes* for further details.

Full Plans Applications - the *disadvantages*

1. You need to have a set of very detailed plans drawn up to include all the information necessary to carry out the work - from the depth of the foundations, to the height of the chimney. Although some applicants do prepare these plans themselves, most need to employ a designer or Architect to do this for them, and this can be expensive.
2. Once the plans have been submitted to us it takes anything up to four weeks for us to carry out the required checks and notify you (or your agent) as to whether they are satisfactory or not. If additional information is required or the plans need to be amended, then there can be a further delay while we wait for the details requested, and because of this, it often takes between 5 and 8 weeks for you to receive a formal decision.

Building Notice Applications - *the advantages*

1. With this type of application you are only required to submit an application form and the required fee. We do not normally require plans with a Building Notice application (other than a site plan if an extension is involved), hence you may not need the services of a designer or Architect.
2. Once the notice has been submitted you have to wait only 48 hours before starting the work so there are no long time delays involved in this type of application.

Building Notice Applications - *the disadvantages*

1. As no plan is needed you will obviously never receive the protection that an *Approved Plan* would give you, and the whole process of making sure your work complies with the Building Regulations is carried out at the site inspection stage. This has one major disadvantage, because if a problem is found it will usually be **after** you have carried out a significant amount of work, which you may then have to take down and do again. Please note that even if you *choose* to submit a plan with a *Building Notice Application* it will not be checked, the only way to get an *approved plan* on which you can rely is to make a *full plans application*.
2. With a Building Notice Application you are effectively taking the whole risk of making sure the work complies with the building regulations on your own shoulders. You need to be very sure that you (or your builder) know all the relevant regulations and that you will be able to prove that the works comply to the Building Control Officer when he visits.
3. While not strictly a Building Control problem - the absence of a plan can lead to disputes between clients and their builders. For instance, if your extension turns out to be 100mm shorter than you expected (which perhaps means the kitchen units will not fit), what can you refer to when deciding who is responsible?
4. The total fee for the work has to be paid when the *Building Notice* is submitted, and even if you later change your mind and the works are not carried out, the fee can only be returned to you after the notice has expired (currently 3 years).
5. *Building Notices* cannot be used for any work to a building which needs a *Fire Certificate*, is a workplace to which *Part II of the Fire Precautions (Workplace) Regulations 1997* apply or involves the erection of any building fronting onto a private street or where building over a public sewer.

So which should I choose ?

It's entirely up to you! - and whichever choice you make we will try to offer you the best possible service. It may appear that the way we have summarised the advantages and disadvantages of each application type is intended to guide you away from the *Building Notice* route, but this is not our intention. For smaller work, and with the benefit of an experienced builder, *Building Notice* applications are often the obvious choice and the majority of work involved is carried out without problems. We simply wish you to know all the facts so that you can make a well-informed choice.

In both cases the application must be made *before* works start, the *total* fee paid will be exactly the same and, when the works have been completed to our satisfaction, you will be sent a *completion certificate* confirming that the works comply with the Building Regulations. The *completion certificate* is a very important document, as when you sell the property, you will almost certainly be asked for proof that any work carried out during your ownership complied with all relevant regulations. Please keep it safely.

If you require further guidance (or to request the application forms and fee guidance notes) please speak to one of our Building Control Officers by visiting our offices or by ringing 01803 208095 and asking to speak to the duty officer.