

Exempt Buildings and Formal Approval Required

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Work Exempt from Building Regulations

There are certain buildings and building works which do not need a formal application. This is generally because they are either non-habitable, low risk, controlled by other legislation, or because it would simply be unreasonable to exercise any formal control over the construction. Even though your proposals may be exempt from the Building Regulations you still may require Planning Permission. This has to be applied for separately and advice should be obtained from the Planning Department.

Class I - Buildings controlled under other Legislation

1. Any building of which the construction is subject to the Explosives Acts 1875 and 1923.
2. Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965 is for the time being in force.
3. Any building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

Class II - Buildings not frequented by people

A detached building:

1. Into which people do not normally go; **or**
2. Into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery.

Unless any point of such a building is less than one and a half times its height from

- Any point of a building into which people can or normally go: **or**
- The nearest point of the boundary or the curtilage of that building, whichever is the nearer.

Class III - Greenhouses and Agricultural Buildings

1. Subject to paragraph 3, a greenhouse.
2. A building used for agriculture subject to paragraph 3 or a building principally for the keeping of animals provided that in each case:
 - No part of the building is used as a dwelling
 - No point of the building being less than one and a half times its height from any point of a building which contains sleeping accommodation
 - The building is provided with a fire exit which is more than 30 metres from any point in the building
3. The description of buildings in paragraph 1 and 2 does not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.
4. In paragraph 2 "agriculture" includes horticulture, fruit growing, the growing of plants for seed and fish farming.

Class IV - Temporary Buildings

A building which is not intended to remain where it is erected for more than 28 days.

Class V - Ancillary Buildings

1. A building on a site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site.
2. A building on the site of construction or civil engineering works which is intended to be used only during the course of those works and contains no sleeping accommodation.
3. A building - other than a building containing a dwelling or used as an office or showroom - erected for use on the site of and in connection with a mine or quarry.

Class VI - Small Detached Buildings

1. A detached single storey building having a floor area which does not exceed 30m² which contains no sleeping accommodation and is a building:
 - No point of which is less than one metre from the boundary of its curtilage; **or**
 - Which is constructed substantially of non-combustible material
2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons and not used for any other purpose if:
 - It's floor area does not exceed 30m²
 - The excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre
3. A detached building having a floor area which does not exceed 15m² which contains no sleeping accommodation.

Class VII - Extensions

The extension of a building by the addition at ground level of

- A conservatory, porch, covered yard or covered way; **or**
- A carport open on at least two sides;

where the floor area of that extension does not exceed 30m², provided that in the case of a conservatory or porch which is wholly or partly glazed the glazing satisfies the requirements of Part N of Schedule 1.

A conservatory by definition must have at least $\frac{3}{4}$ of its roof and at least $\frac{1}{2}$ of its walls formed from translucent material (e.g. glass or polycarbonate sheeting) and be separated from the rest of the dwelling by a wall and doors/glazed screen. Glazing should be an appropriate safety glass.

Other Exemptions

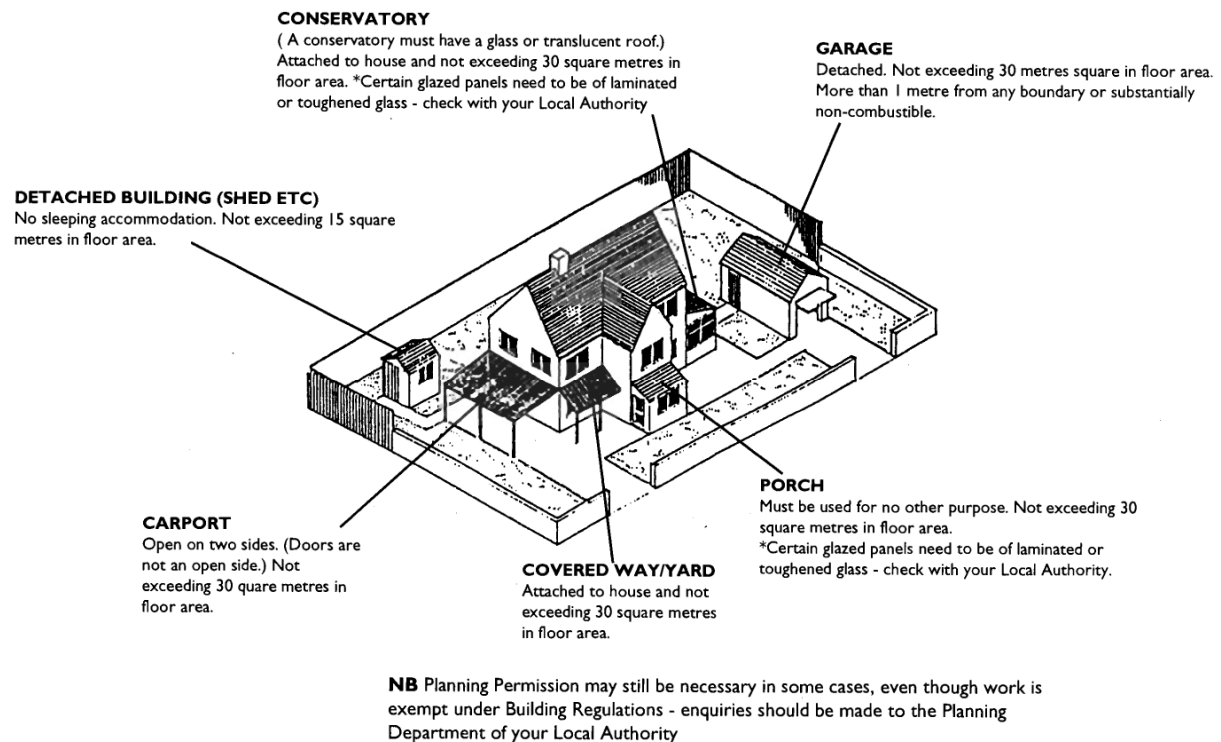
In addition to these exemptions, some other buildings/works are wholly or partially exempted from the requirement to submit plans and have the work inspected:

- Crown Property
- Educational buildings where the plans of the work are approved by the Secretary of State for Education and Science
- Certain buildings belonging to statutory undertakers; British Airports Authority or the United Kingdom Atomic Energy Authority

For all these types of buildings/work it is advisable to check with the Building Control office in each case before commencing the work.

Some electrical work carried out in an exempt structure may require formal approval.

Examples of Exempt Building Works



Detached Garages

- The internal floor area must not exceed 30m²
- Must be single storey
- Must not be used for any other purposes (e.g. toilets or living/sleeping accommodation)
- Must be 1m from the boundary, **or**
- If closer than 1m must be constructed of predominantly non-combustible materials (e.g. brick, block or concrete panel walls)

Detached or Attached Carports

- The internal floor area must not exceed 30m²
- Must be at ground floor level and single storey
- Must be significantly open on two or more sides

Porches

- Must be at ground floor level only
- The internal floor area must not exceed 30m²
- Must not be used for any other purposes (e.g. toilets or living/sleeping accommodation)
- The existing external entrance doors and /or windows must be retained between the existing building and the porch extension
- Must comply with Building Regulation N (Glazing and Materials Protection)

Covered yards or covered ways

- Must be at ground floor level and single storey
- Must be less than 30m² in floor area
- Must not be used for any other purpose (e.g. toilets or living/sleeping accommodation)
- The existing external entrance doors and/or windows must be retained

Conservatories

- Must be at ground floor level only
- The internal floor area must not exceed 30m²
- Must not be used for any other purpose (e.g. living/sleeping accommodation or for a kitchen)
- Existing external entrance doors and/or windows must be retained between the existing building and the conservatory extension
- Must have independent temperature and on/off controls to any heating system
- Must have at least 75% of the roof constructed of translucent material and 50% of the walls translucent material
- Must comply with Building Regulation N. (Glazing and Materials Protection)
- Must not form an increased opening from the existing building

Detached Sheds

- Must meet the requirements for detached garages, **or**
- Must be less than 15m² in floor area

Part P (Electrical Safety)

Please note that some electrical work carried out in an exempt structure may require formal approval. If using an installer who is registered with a competent person scheme then Building Control will not need to be notified as the installer will be able to self-certify the work carried out. However, if anyone else is carrying out the work then approval will be required through Building Control unless the work falls under the exempt works listed below.

Electrical work that need not be notified to building control bodies

Work consisting of:

- Replacing any fixed electrical equipment (for example: socket-outlets, control switches and ceiling roses) which does not include the provision of any new fixed cabling
- Replacing the cable for a single circuit only (where damaged for example by fire, rodent or impact) - **note that notifiable jobs include new circuits back to the consumer unit, and extensions to circuits in kitchens and special locations and associated with special installations**
- Re-fixing or replacing the enclosures of existing installation components - **note that replacement, repair and maintenance jobs are generally not notifiable even if carried out in a kitchen or special location or associated with a special installation**
- Providing mechanical protection to existing fixed installations - **note that consumer unit replacements are, however, notifiable**
- Installing or upgrading main or supplementary equipotential bonding - **note that in large bathrooms the location containing a bath or shower is defined by the walls of the bathroom**

Work that is not in a kitchen or special location and does not involve a special installation and consists of:

- Adding lighting points (light fittings and switches) to an existing circuit
- Adding socket-outlets and fused spurs to an existing ring or radial circuit

Conservatories and attached garages are not special locations. Work in them is therefore not notifiable unless it involves the installation of a new circuit or the extension of a circuit in a kitchen or special location or associated with a special installation. Detached garages and sheds are not special locations. Work within them is notifiable only if it involves new outdoor wiring.

Work not in a special location, on:

- Telephone or extra-low voltage wiring and equipment for the purposes of communications, information technology, signalling, control and similar purposes
- Prefabricated equipment sets and associated flexible leads with integral plug and socket connections

Definitions of special locations and special installations for the purposes of Part P (Electrical Safety)

Special locations:

- Locations containing a bath tub or shower basin
- Swimming pools or paddling pools
- Hot air saunas

Special installations:

- Electric floor or ceiling heating systems
- Outdoor lighting or power installations
- Solar photovoltaic (PV) power supply systems
- Small scale generators such as microchip units
- Extra-low voltage lighting installations, other than pre-assembled, CE-marked lighting sets

Examples Where Building Regulation Approval is Required

The following types of building work require formal approval:

- The erection of a new or re-erection of an existing building
- The extension of a building
- The “material alteration” of a building
- The “material change of use” of a building
- The installation, alteration or extension of a controlled service or fitting

Building Regulations only apply to work in or in connection with a building. They do not apply to free standing garden walls or fences, paths or drives.

Typical work needing approval:

- Home extensions, such as kitchen, bedroom, lounge, etc.
- Loft conversions
- Internal structural alterations, such as the removal of a load-bearing wall
- Installation of bathrooms, showers, WCs which involve new drainage or waste plumbing
- Installation of a new heating appliance (other than electric)
- Installation of a replacement boiler or hot water cylinder
- New chimneys or flues
- Replacement doors and windows not covered by a FENSA Certificate
- Altered openings for new windows in walls or a roof
- Installation of cavity insulation
- Underpinning of foundations
- Replacing roof coverings with a heavier or lighter material