

# Building Notice (England) Notes and Checklist

	Is a Building Notice suitable?	Regulation	Included or not applicable?
1	<b>Is the building work etc., in relation to higher-risk building work?</b> A building notice given to the local authority is not appropriate in these circumstances. Applications for building work to higher-risk buildings can be made <a href="#">here</a> .	<a href="#">2B</a>	
2	<b>Is the building work in relation to a building to which the <a href="#">Regulatory Reform (Fire Safety) Order 2005</a> applies or will apply after the completion of the building work?</b> A building notice given to the local authority is not appropriate in these circumstances.	<a href="#">12(3)</a>	
3	<b>Is the building work the erection of a building fronting onto a private street?</b> For this question, “fronting” has the meaning given in <a href="#">section 203(3) of the Highways Act 1980</a> ; and “private street” has the meaning given in <a href="#">section 203(2) of the Highways Act 1980</a> . A building notice given to the local authority is not appropriate in these circumstances.	<a href="#">12(4)</a>	
4	<b>Is the building work, work to which paragraph <a href="#">H4 of Schedule 1</a> imposes a requirement?</b> A building notice given to the local authority is not appropriate in these circumstances	<a href="#">12(5)</a>	
5	<b>Is there any building work involved to which <a href="#">Part P of Schedule 1</a> imposes a requirement and this work does <b>not</b> consist of:</b> <ul style="list-style-type: none"> <li>• the installation of a new circuit</li> <li>• the replacement of a consumer unit or</li> <li>• any addition or alteration to existing circuits in a special location?</li> </ul> Building work to which <a href="#">Part P of Schedule 1</a> imposes a requirement and does not consist of the above does not require a building notice (also refer to <a href="#">Schedule 4</a> ). Note also, for work that does consist of the above, this work can be carried out by a competent person described in <a href="#">Column 2 of Schedule 3</a> .	<a href="#">12(6)</a>	
6	Has any part of the work described in an initial notice been carried out and the initial notice has ceased to be in force? If so, <a href="#">Regulation 19 of the Building (Approved Inspectors etc) Regulations 2010</a> (local authority powers in relation to partly completed work) applies. Compliance should be with the requirements of that regulation and a building notice is not appropriate.	<a href="#">12(7)</a>	
<p>If the response to all the questions above is ‘no’ then the giving of a building notice is possible for the proposed work. Where the response is ‘yes’ for row 1, an application should be made to the Building Safety Regulator. Where the response is ‘yes’ to rows 2, 3 or 4, an application for building control approval with full plans should be made to the local authority. Where the response is ‘yes’ to row 5, a building notice is not necessary for the work. For work in relation to row 6, please contact the local authority team for your area.</p>			

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	Is additional information required?	Regulation	Included or not applicable?
7	<p>In the case of a new dwelling either of the following should be provided:</p> <ul style="list-style-type: none"> <li>a statement should be included informing local authority building control whether or not any optional requirement applies to the building work, and if so which, or</li> <li>a statement that planning permission has not yet been granted for the work should be given, and that the information required above will be supplied before the end of a period of twenty-eight days beginning on the day after that permission is granted.</li> </ul>	<a href="#">13(1)(d)</a>	
8	<p>In the case of the erection or extension of a building, a building notice shall be accompanied by a plan to a scale of not less than 1:1250 showing:</p> <ul style="list-style-type: none"> <li>the size and position of the building, or the building as extended, and its relationship to adjoining boundaries</li> <li>the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage</li> <li>the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended.</li> </ul>	<a href="#">13(2)(a)</a>  <a href="#">13(2)(a)(i)</a>  <a href="#">13(2)(a)(ii)</a>  <a href="#">13(2)(a)(iii)</a>	
9	<p>In the case of the erection or extension of a building, a building notice shall be accompanied by a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates.</p>	<a href="#">13(2)(b)</a>	
10	<p>In the case of the erection or extension of a building, a building notice shall be accompanied by particulars of:</p> <ul style="list-style-type: none"> <li>the provision to be made for the drainage of the building or extension</li> <li>the steps to be taken to comply with any local enactment which applies.</li> </ul>	<a href="#">13(2)(c)(i)</a>  <a href="#">13(2)(c)(ii)</a>	
11	<p>In the case of the erection of a dwelling, or a building that is to contain one or more dwellings, a building notice shall be accompanied by –</p> <ol style="list-style-type: none"> <li>particulars of any public electronic communications network in relation to which a connection is to be provided,</li> <li>if an exemption in Regulation 44ZB is proposed to be relied on, evidence in support of the exemption, and</li> <li>if Regulation 44ZC is proposed to be relied on – <ol style="list-style-type: none"> <li>evidence of the matters mentioned in Regulation 44ZC(6)(a) and (b), and</li> <li>if paragraph RA1(1)(c)(i) or of Schedule 1 is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabitcapable public</li> </ol> </li> </ol>	<a href="#">13(2A)</a>	

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	electronic communications network (as defined by Regulation 44C) is likely to be installed, in a location relevant for the purposes of paragraph RA(1)(c), within the period of 2 years beginning with the day on which the notice is given.	
Further Information		Regulation
Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.		<a href="#">13(3)</a>
Neither a building notice nor plans which accompany it are to be treated as an application for building control approval with full plans in accordance with building regulations.		<a href="#">13(4)</a>
A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period — <ul style="list-style-type: none"> <li>the building work to which the notice related was commenced; or</li> <li>the change to the building's energy status or the material change of use described in the notice was made.</li> </ul>		<a href="#">13(5)</a>
Fees are not applicable to works of certain alterations or extensions solely for the benefit of disabled people. (Section 29, National Assistance Act 1948, as extended).		S29 NA Act 1948

This document provides information for some of the more common building work scenarios. Reference should always be made to the Building Regulations 2010 (as amended) for full details.

## PERSONAL INFORMATION POLICY

The Council will use your details, the information about your dealings with the Council and the information about you available to the Council ('your information') to:

Deal with your requests and administer its departmental functions (e.g. to assist with the processing of your Building Regulations application)

- Meet its statutory obligations
- Prevent and detect fraud
- Conduct surveys and research
- Contact you with information about activities and events involving the Council or with offers which it thinks may be of interest to you.

The Council may share your information (but only the minimum amount of information necessary to do the above and only where it is lawful to do so) with other departments within the Council (including the elected members), central government departments, law enforcement agencies, statutory and judicial bodies, community service providers and contractors that process data on its behalf.

The Council may also use and disclose information that does not identify individuals for research and strategic development purposes.

**N.B.** All applications for planning matters and supporting documentation are a public record and you should be aware that these records are open to public inspection both in their paper version and in electronic media such as the council website.

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## GENERAL DATA PROTECTION REGULATION (GDPR) NOTES FOR BUILDING REGULATIONS APPLICANTS

The Building Control department is required by the Building Act and Building Regulations to use the information you provide for the following:

1. Statutory compliance and enforcement of the Building Act and related acts e.g. Regulatory Reform (fire safety) Order.
2. To enable provision of the building control process including plan assessments, consultations, approval processes and site inspections.
3. Processing documents, inspection records, related certificates including Competent Persons Schemes in accordance with statutory requirements and ministerial directives.
4. Property and owner address information is required to enable the service to be provided and may be shared with statutory consultees e.g. the fire and rescue service and water/waste utility organisations. Information is shared with other departments within the local authority to enable the invoicing of Building Control and other related statutory, service or enforcement processes e.g. Council Tax and Planning for extensions, Land Charges and Waste Management for new buildings.
5. We seek to minimise the personal data we hold to a functional minimum. This data can be seen on request by the data subject.
6. Records relating to building projects are archived. All data is kept secure and can be requested for view by data subjects and is subject to Freedom of Information Requests. The purpose of retaining records is to maintain historical building records and for insurance and legal records in the event of claims, construction failures, future developments and information to support public safety and protection in the event of 'disasters' and dangerous structure events.
7. Aggregated data (minus personal data) is produced to support departmental work management during projects and productivity records for management information only.

All the above is standard practice for processing applicant's projects, enabling compliance, processing payments and keeping archived historical records of construction work to ensure public protection, practical construction help and public safety. No information is used for commercial gain or shared or sold with third parties for commercial gain. For further information, please view our full privacy policy

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