

## Building control exemptions

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### Regulations 9 of Schedule 2 Building regulations

Regulations 9 of Schedule 2 of the Building Regulations, contains details of the seven classes of buildings that are exempt from Building Regulations. However please note that whilst the erection of the buildings or extensions are exempt either an application should be made only for domestic electrical works or the electrical works should be carried out and certified under an approved Part P self-certification scheme.

### Classes of exemption

- **Class 1 Buildings** controlled by other legislation; buildings subject to the explosives act, scheduled ancient monuments and certain buildings controlled by the Nuclear Installation Act
- **Class 2 Buildings** not frequented by people; detached buildings greater than 1½ times its height from other buildings/curtilage of the site that people do not normally enter or just to maintain fixed machinery etc.
- **Class 3 Greenhouses and agricultural buildings;** provided that no part of the building is a dwelling, the building is no closer than 1½ times its height from a building containing sleeping accommodation and the maximum travel distance to a fire exit in the building is 30m. However, the building must be used for agricultural uses, etc., but this would not include packing or retailing, e.g., in a garden centre.
- **Class 4 Temporary buildings;** buildings that are removed after 28 days use.
- **Class 5 Ancillary buildings;** buildings that are used on building sites for sales offices or site offices during the works, or buildings used in conjunction with mines or quarries.

- **Class 6 Small detached buildings** such as sheds or garages that have floor areas of 15m<sup>2</sup> or less with no sleeping accommodation. Also single storey detached buildings with floor areas not exceeding 30m<sup>2</sup>, built at least 1m from a boundary or constructed of substantially non-combustible material. Also air raid or similar shelters up to 30m<sup>2</sup> provided any excavation is 1m plus the depth of the shelter away from any buildings.
- **Class 7 Extension of certain buildings** by a porch, conservatory, covered yard or carport and the erection of certain detached buildings for full details see below.

## Class 7 extension of buildings

### Conservatory

- the internal floor area is less than 30m<sup>2</sup>
- at least  $\frac{3}{4}$  of the roof is clear or translucent
- at least half the walls are glazed
- is over an existing doorway
- notifiable electrical works are carried out by a Part P self-certification scheme member.the glazing is safety glazed in critical locations as required by Part N, Schedule I, of the Buildings Regulations

### Porch

- the internal floor area is less than 30m<sup>2</sup>
- is over an existing external door
- the glazing is safety glazed in critical locations as required by Part N Schedule I, of the Building Regulations
- notifiable electrical works are carried out by Part P self-certification scheme member

### Detached domestic garage or out buildings

- the internal floor area does not exceed 30m<sup>2</sup>
- is detached
- is single storey
- does not contain any sleeping accommodation,
- does not contain any sanitary accommodation or require drainage alterations
- is constructed substantially of non-combustible material or is at least 1m from the boundary.

### Detached buildings under 15m<sup>2</sup>

- the building is detached
- has a floor area not exceeding 15m<sup>2</sup>
- does not contain any sleeping accommodation
- does not contain any sanitary accommodation or require drainage alterations
- notifiable electrical works are carried out by a Part P self-certification scheme member

## **Carport**

- open on at least 2 sides
- floor area does not exceed 30m<sup>2</sup>
- notifiable electrical works are carried out by Part P self-certification scheme member

## **Covered yard or covered way**

- floor area does not exceed 30m<sup>2</sup>
- notifiable electrical works are carried out by Part P self-certification scheme member
- works that require Building Regulation Approval, but are carried out by Competent persons

## **Conclusion**

If this route is chosen, the property owner does not:

- have to make a building regulation application
- pay the associated fee
- notify the Local Authority
- have the works inspected by Building control

However, the competent person:

- has to provide a self-certification to the customer
- forward a copy or notice/certificate for the works to the various scheme administrators within 30 days of completion of the works (although sample inspections of installations may be done by the scheme administrators).

The scheme administrators will then notify the relevant Local Authority, who will hold a register of competent person notifications for the work that has taken place in their details of which for a property may be disclosed as part of the Local Authority searches.

This method of compliance with the Regulations is an extension of the existing Government approved competent person self-certification schemes that can be used to prove and ensure compliance with the Building Regulations. If works are done to Oil fired installations by OFTEC registered heating engineers, Gas installations by Gas Safe registered heating engineers or Solid fuel installations by a HETAS scheme member, the person ordering the work does not have to make a Building Regulation application as the scheme member designs, installs, tests and self certifies the works complying with the relevant Building Regulations.