

SCHEDULE 2

Regulation 9

EXEMPT BUILDINGS AND WORK

CLASS I

Buildings controlled under other legislation

1. Any building the construction of which is subject to the Explosives Acts 1875(1) and 1923(2).
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(3) is for the time being in force.
3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(4).

CLASS II

Buildings not frequented by people

A detached building—

- (a) into which people do not normally go; or
- (b) 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

- (i) any point of a building into which people can or do normally go; or
- (ii) the nearest point of the boundary of 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, subject to paragraph 3, for agriculture, or a building principally for the keeping of animals, provided in each case that—
 - (a) no part of the building is used as a dwelling;
 - (b) no point of the building is less than one and a half times its height from any point of a building which contains sleeping accommodation; and
 - (c) the building is provided with a fire exit which is not more than 30 metres from any point in the building.
3. The descriptions of buildings in paragraphs 1 and 2 do not include a greenhouse or a building used for agriculture if the principal purpose for which they are used is retailing, packing or exhibiting.

(1) 1875 c. 17.

(2) 1923 c. 17.

(3) 1965 c. 57; the only relevant amending instrument is S.I.1974/2056.

(4) 1979 c. 46.

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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—
 - (a) no point of which is less than one metre from the boundary of its curtilage; or
 - (b) 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—
 - (a) its floor area does not exceed 30m²; and
 - (b) 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) a conservatory, porch, covered yard or covered way; or
- (b) 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.

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