
STATUTORY INSTRUMENTS

2023 No. 911

**The Building Regulations etc. (Amendment)
(England) Regulations 2023**

PART 2

Amendment of the Building Regulations 2010

Amendments: applications for building control

8. For regulation 14 of the 2010 Regulations substitute—

“Applications for building control approval with full plans

14.—(1) An application for building control approval with full plans must be made in writing, signed by the person making the application (“the applicant”), and must include—

- (a) the name, address, telephone number and (if available) email address of the applicant;
- (b) where the applicant is not the client, the name, address, telephone number and (if available) email address of the client;
- (c) where known at the date of the application, the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (d) a statement—
 - (i) that the application is an application for building control approval with full plans given under regulation 12(2)(b);
 - (ii) as to whether the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the building work;
- (e) where the work consists of work to an existing building, a description of the existing building including—
 - (i) details of the current use of the building, including the current use of each storey;
 - (ii) the height of the building;
 - (iii) the number of storeys in the building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (f) a description of the proposed work, including—
 - (i) details of the intended use of the building, including the intended use of each storey;
 - (ii) the height of the building after the proposed work;

- (iii) the number of storeys in the building after the proposed work as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
 - (iv) the provision to be made for the drainage of the building;
 - (v) where paragraph H4 of Schedule 1 imposes a requirement, the precautions to be taken in the building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
 - (vi) the steps to be taken to comply with any local enactment that applies; and
 - (vii) a statement setting out—
 - (aa) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work); and
 - (bb) where the work does not consist of work to which paragraph (2) or (3) of regulation 46A applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) An application for building control approval with full plans must be accompanied by—
- (a) (i) two copies of the full plans, or
 - (ii) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, four copies of the full plans;
 - (b) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (3) Plans are only full plans if they consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use;
 - (b) the plans, particulars and statements required by paragraphs (1), (1A) and (2) of regulation 13;
 - (c) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
 - (d) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Paragraph (2)(a)(ii) does not apply where the proposed building work relates only to the erection, extension or material alteration of a dwelling-house or flat.

Determination of applications for building control approval with full plans

14A.—(1) Subject to paragraph (5), where an application for building control approval with full plans is made in accordance with regulations 12(2)(b) and 14, the relevant authority must grant the application for building control approval unless the application (including the plans or other documents which accompany it)—

- (a) does not comply with the requirements of regulation 14 (applications for building control approval with full plans);
- (b) is not sufficiently detailed in any respect to allow the relevant authority to determine whether the proposed work would contravene any applicable requirement of the building regulations;

- (c) shows that—
 - (i) the proposed work would contravene any applicable requirement of these Regulations; or
 - (ii) in a case where details are provided under regulation 14(1)(f)(vii), the work set out in the details would not in the relevant authority’s opinion amount to 15% of the work.
- (2) If the application for building control approval with full plans (or any plans or other documents which accompany it) is defective or shows that the proposed work would contravene any requirement of these Regulations, the relevant authority may—
 - (a) reject the application; or
 - (b) subject to paragraph (4), grant the application for building control approval subject to either or both of the requirements set out in paragraph (3).
- (3) The requirements mentioned in paragraph (2) are—
 - (a) that such modifications as the relevant authority may specify must be made in the full plans, and
 - (b) that such further plans as the authority may specify must be provided before work to which those plans relate starts.
- (4) A relevant authority may only grant an application for building control approval with full plans subject to a requirement in paragraph (3) if the person making the application (“the applicant”)—
 - (a) has requested in writing the authority does so, or
 - (b) has consented in writing to the authority doing so.
- (5) The duty in paragraph (1) is subject to any provision in sections 19 to 25 of the Act which expressly requires or authorises the authority to reject an application for building control approval.
- (6) The relevant authority must notify the applicant of the outcome of the application within five weeks beginning with the date the application is received by the relevant authority, or within such longer period as at any time the authority and the applicant agree in writing.
- (7) A failure by the relevant authority to notify the applicant in accordance with paragraph (6) is not to be treated as a grant of the application or a rejection of the application.
- (8) A notice that the application under paragraph (1) is rejected must give the reasons for the rejection.
- (9) A notice that the application is granted subject to a requirement must specify the requirement imposed.
- (10) Where the application for building control approval with full plans is successful the effect is that the building control approval is granted.

Appeal against a local authority’s rejection of an application for building control approval

14B.—(1) A person (“the appellant”) who has made an application for building control approval with full plans to a local authority may appeal to the regulator against the decision of the local authority to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The regulator may allow an appeal under paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the regulator allows an appeal it may quash or vary the decision.

(4) A person aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the person of its decision.

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

Appeal against the regulator’s rejection of an application for building control approval for work that is not higher-risk building work

14C.—(1) In relation to work for which the regulator is the building control authority pursuant to a regulator’s notice, a person (“the appellant”) who has made an application for building control approval with full plans to the regulator may appeal to the First-tier Tribunal against the decision of the regulator to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The First-tier Tribunal may allow an appeal referred to in paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.”.