



Walsall Council



# Building Notice (England) Notes and Checklist

## Is a Building Notice Application suitable?

### Question 1.

Is the building work etc., in relation to higher-risk building work? If yes, a Building Notice Application given to the local authority is not appropriate in these circumstances.

**Yes / No.**

A Building Notice application for higher-risk buildings cannot be granted by the local authority.

[Guidance on the regulations which do not apply to higher-risk building work.](#)

You can use this [Apply to the Building Safety Regulator for higher-risk buildings on GOV.UK website.](#)

### Question 2.

**Yes / No.**

Is the building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after the completion of the building work? **A building notice given to the local authority is not appropriate in these circumstances.**

[Building Regulations 2010, part 3, regulation 12 article 6a.](#)

[Regulatory Reform \(Fire Safety\) Order 2005](#)

### Question 3.

Is the building work the erection of a building fronting onto a private street?

For this question, “fronting” has the meaning given in section 203(3) of the Highways Act 1980; and “private street” has the meaning given in section 203(2) of the Highways Act 1980. A building notice given to the local authority is not appropriate in these circumstances.

**Yes / No.**

[Highways Act 1980, section 203 \(2 & 3\).](#)

## Question 4.

Is the building work, work to which paragraph H4 of Schedule 1 imposes a requirement? A building notice given to the local authority is not appropriate in these circumstances.

**Yes / No.**

[Building Regulations 2010, Schedule 1, H4.](#)

## Question 5.

Is there any building work involved to which Part P of Schedule 1 imposes a requirement and this work does not consist of:

- the installation of a new circuit
- the replacement of a consumer unit or
- any addition or alteration to existing circuits in a special location?

Building work to which Part P of Schedule 1 imposes a requirement and does not consist of the above does not require a building notice (also refer to Schedule 4). Note also, for work that does consist of the above, this work can be carried out by a competent person described in Column 2 of Schedule 3.

**Yes / No.**

[Building Regulations 2010, Schedule 1.](#)

[Building Regulations 2010, Schedule 3.](#)

[Building Regulations 2010, Schedule 4.](#)

## Question 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?

**Yes / No.**

If yes [Regulation 19 of the Building \(Approved Inspectors etc\) Regulations 2010](#) (local authority powers in relation to partly completed work) applies. Compliance should be with the requirements of that regulation and a Building Notice Application is not appropriate.

[Building Regulations 2010, part 3, regulation 12 article 7.](#)

## Informative note in relation to questions one to six.

If the response to all the questions above is 'no' then the giving of a building notice is possible for the proposed work.

You can request and submit a Building Notice Application from Walsall Council Building Control by contacting [buildingcontrol@walsall.gov.uk](mailto:buildingcontrol@walsall.gov.uk) or 01922 652600. [Applications can also be downloaded from our website.](#)

Alternatively, you can apply through the Planning Portal website (**additional charges payable to the Planning Portal may apply**).

Where the response is 'yes' for question 1, an application should be made to the Building Safety Regulator.

You can use this [apply to the Building Safety Regulator for higher-risk buildings on GOV.UK website.](#)

Where the response is 'yes' to question 2, 3 or 4, an application for building control approval with full plans should be made to the local authority.

You can request and submit an application for building control approval with full plans from Walsall Council Building Control by contacting [buildingcontrol@walsall.gov.uk](mailto:buildingcontrol@walsall.gov.uk) or 01922 652600. [Applications can also be downloaded from our website.](#)

Alternatively, you can apply through the Planning Portal website (**additional charges payable to the Planning Portal may apply**).

Where the response is 'yes' to question 5, a building notice is not necessary for the work.

For work in relation to question 6, please contact the Walsall Building Control on 01922 652600 or via [buildingcontrol@walsall.gov.uk](mailto:buildingcontrol@walsall.gov.uk).

## **What to provide when applying to Walsall Council Building Control for a Building Notice Application.**

1. 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:
  - the size and position of the building, or the building as extended, and its relationship to adjoining boundaries.
  - 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.
  - the width and position of any street on or within the boundaries of the
  - curtilage of the building or the building as extended.
2. 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.
3. In the case of the erection or extension of a building, a building notice shall be accompanied by particulars of:
  - the provision to be made for the drainage of the building or extension.
  - the steps to be taken to comply with any local enactment which applies.
4. In the case of a new dwelling either of the following should be provided:
  - 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

- 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.
5. In the case of the erection of a dwelling, or a building that is to contain one or more dwellings, an application for building control approval with full plans shall be accompanied by:
- a) Details of any public electronic communications network in relation to which a connection is to be provided.
  - b) If an exemption in [Regulation 44ZB](#) is proposed to be relied on, evidence in support of the exemption.
  - c) If [Regulation 44ZC](#) is proposed to be relied on:
    - I. evidence of the matters mentioned in [Regulation 44ZC\(6\)\(a\) and \(b\)](#), and
    - II. 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 gigabit-capable public 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 application is given.
- [Building Regulations 2010, part 3, regulation 13](#)

## **Further Information.**

1. 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.
2. 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.

3. 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—
  - a. the building work to which the notice related was commenced; or
  - b. the change to the building's energy status or the material change of use described in the notice was made.

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.