Introduction

The Department of Communities and Local Government make the Building Regulations under the Building Act 1984. They give the Council the powers to ensure that building work complies with the Building Regulations.

Building Regulations 2010 deal with health and safety issues for people who are in or about the building. They also deal with a variety of “green” issues. This is done by controlling how buildings are constructed and how certain physical services are installed.

Certain building work and extensions are considered to be exempt from the Building Regulations, as compliance would impose an unnecessary burden, and there is limited health and safety risk in the constructed building.

Planning permission may be required for the work even if it is exempt from Building Regulations and you should consult in writing the Council’s Development Control Services at the address below, to confirm whether or not Planning Permission is required.

The Council’s Building Control Surveyors will offer advice on whether the proposed work is exempt from the Building Regulations, and they can be contacted at the address below.

Please write to the address below if confirmation of exemption is required in writing. The form “Building Regulations – Exempt Enquiry Form” can be used if required. It can be obtained from the Building Control Offices at Kings Hill or downloaded from the Building Control web pages on www.tmbc.gov.uk.

This guide is not a complete list of all the Building Regulation exemptions. Regulation 9 and Schedule 2 of the Building Regulations 2010 should be referred to for a comprehensive guidance.

The following buildings and extensions may be erected without the need for depositing plans or giving Notices.

For the small detached domestic outbuilding to be exempt all the criteria in the relevant section have to be met.

A small detached building e.g. garden shed, summer house.
1. Has an internal floor area less than 15m2 and has no sleeping accommodation.

2. If the building receives hot or cold water from the dwelling, or the supply is shared with the dwelling, the supply must comply with Requirement G1 and G3(2) and (3).

3. Any electrical work, including the supply, in or to the building, is not exempt and the work either must be carried out by a Competent Person or a Building Regulation application needs to be made for the electrical work only.

A detached single storey detached building e.g. garage, large summer house.
1: Has an internal floor area of less than 30m2 and has no sleeping accommodation.

2: No external wall of the building must be within one metre of the boundary of the property, or, if the external wall is within one metre, the building must be constructed substantially of non-combustible material.

3. If the building receives hot or cold water from the dwelling, or the supply is shared with the dwelling, the supply must comply with Requirement G1 and G3(2) and (3).

4: Any electrical work, including the supply, in or to the building, is not exempt and the work either must be carried out by a Competent Person or a Building Regulation application needs to be made for the electrical work only.
A detached building acting only as a shelter against the effects of nuclear, chemical or conventional weapons.

1: It must have an internal floor area of less than 30m².

2: The excavation of the shelter must be no closer to another building or structure, than a distance equal to the depth of the excavation plus one metre, i.e. if the excavation is three metres deep the shelter must be at least four metres away from the existing building.

3. Any electrical work, including the supply, in or to the building, is not exempt and the work either must be carried out by a Competent Person or a Building Regulation application needs to be made for the electrical work only.

4. If the building receives hot or cold water from the dwelling, or the supply is shared with the dwelling, the supply must comply with Requirement G1 and G3(2) and (3).

A greenhouse

1. Must not be principally used for retailing, packing or exhibiting.

2. If the greenhouse receives hot or cold water from the dwelling, or the supply is shared with the dwelling, the supply must comply with Requirement G1 and G3(2) and (3).

3. Any electrical work including the supply, in or to the greenhouse, is not exempt and the work must either be carried by a Competent Person or a Building Regulation application needs to be made covering only the electrical work.

An infrequently occupied detached building

1: This is a building into which people do not normally go, or a building into which people only go occasionally and only for the purpose of inspecting or maintaining fixed plant or machinery.

2: The building is at least one and a half its height from either a frequently occupied building or the nearest boundary of the property.

3: If the building receives hot or cold water from the dwelling, or the supply is shared with the dwelling, the supply must comply with Requirement G1 and G3(2) and (3).

4: Any electrical work, including the supply, in or to the building, is not exempt and the work either must be carried out by a Competent Person or a Building Regulation application needs to be made for the electrical work only. Any plant in the building may not be exempt.

Note

A Competent Person is a person who is, as part of a Government Approved Scheme, certified competent to design, install, test their own work, and then self-certify that it is in compliance with the Building Regulations. The Building Regulations Compliance Certificate for the electrical work should not be confused with a “Periodic Inspection Report”, a “Minor Works Installation Certificate” or other similar test based certification.

Building Control Surveyors are normally available at the Kings Hill office, from 8:30am to 10:30am and between 3pm and 5pm, or on the telephone on 01732 876305 for informal advice. We can also be contacted at the address below.

Contact Details

Development Control Services
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling, Kent ME19 4LZ
Tel: 01732 876318 or 876411
Email: development.control@tmbc.gov.uk

Building Control Services
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling, Kent ME19 4LZ
Tel: 01732 876305
Fax: 01732 876363
Email: building.control@tmbc.gov.uk
Web: www.tmbc.gov.uk

If you are having difficulty reading this form and would like the information in another format please call 01732 876305 or email building.control@tmbc.gov.uk

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