

Report on	Building Notices Fees
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise members on the cancellation of Building Notice Applications and the associated fees applicable.
2.0	Background
2.1	<p>In most cases where construction works are proposed to a property, Building Regulations would be applicable. This requires you to make an application before proceeding with the work. There are three different types of applications:</p> <ol style="list-style-type: none"> <u>Full Plans Application</u> – Required in order to obtain 'Notice of Passing of Plans' for the design shown on drawings. <u>Building Notice Application</u> – For <u>domestic applications only</u> and allows for minor works to be carried out without the submission of full plans. <u>Regularisation Application</u> – This allows the Council to formally consider, as appropriate, unauthorised works carried out and completed without the submission of a Full Plans or Building Notice application, thereby issuing a retrospective approval for the works in question.
2.2	<p>A Building Notice Application mainly can be used in the following instances:</p> <ul style="list-style-type: none"> • Extensions to an existing dwelling e.g. kitchen extension (if less than 10sqm in floor area) • Converting a loft within a dwelling (if less than 3sqm in floor area) • Installation or alteration of services and fittings e.g. central heating appliance (stove or oil burner etc.) or replacement central heating systems • Installation of loft, cavity wall or solid wall insulation • Minor internal alterations to a dwelling
2.3	When a Building Notice application is received by Council the Building Control Department endeavour to validate the application within two working days. This involves the assessment of the information submitted as well as the accompanying fees if applicable.
2.4	In accordance with Article 11 (3) of the "Building (Prescribed Fees) Regulations (Northern Ireland) 1997, the Building Notice Fee shall be payable to a District Council when a Building Notice application is submitted.

2.5	The fee payable will be based on the works which are proposed and the amount applicable will be in accordance with Schedules 1 -3 of the above legislation.
2.6	The application subsequently remains valid for three years from the date of application. If the works do not commence within this three-year period, the application is cancelled. A Building Notice Application can also be withdrawn within this three-year period at the request of the applicant.
3.0	Main Report
3.1	The Building Regulations (Northern Ireland 2012) under 9(3) deems that a Building Notice shall only be considered to have validly if the building work to which it relates commenced within three years of the date on which the notice was given.
3.2	After the expiration of three years and if no notification of commencement has been received, a site inspection will be carried out to ascertain if any works had commenced. If it is found that no works has commenced, the application will be subsequently cancelled and relevant communication forwarded to the applicant.
3.3	However, in accordance with Article 3 (c) and 4(c) of the "Building (Prescribed Fees) Regulations (Northern Ireland) 1997, the Council is only authorised to charge fees on "the inspection in connection with the Principal Regulations of building works for which a building notice has been given to a district council".
3.4	Therefore in the case of a Building Notice, a refund of the fees submitted should be considered where requested as no inspections have been carried out.
3.5	It should be noted that the Legacy Cookstown District Council approved the refund of Building Notice fees in 2010 with £50 being deducted to cover the cost of the associated administrative work. Dungannon and South Tyrone Borough Council and Magherafelt District Council had taken an ad hoc approach to refunds for Building Notices and had no specific procedure in place.
3.6	A similar process should be actioned in the event of an applicant wishing to cancel or withdraw the Building Notice within three years of the date on which the notice was given. We will however require this request in writing before being actioned.
3.7	Since 2015, there has been a very low number of requests received for the refund of Building Notice fees
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: None
	Risk Management: None

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members approve the proposal to refund the Building Notice fees in accordance with the relevant legislation where work has not commenced, subject to the deduction of a £50 administration fee from the returnable Building Notice fee.
6.0	Documents Attached & References
	None.