

# Unauthorised Building Work and the Regularisation Process

The STG Building Control Partnership is a partnership of the building control groups from Gravesham, Medway and Swale councils and carries out the building control function on behalf of these Local Authorities.

Building work carried out by yourself or a previous owner that has not been subject to a building regulation application when it was required, is illegal and is treated as unauthorised works. Please see the interactive house on our website for works requiring building regulation consent [www.stgbc.org.uk](http://www.stgbc.org.uk)

If this work was carried out within the last two years, you and your builder may be prosecuted under Section 35 of the Building Act 1984 and if it was within the last 12 months a Notice requiring you to carry out certain works may be served on you under Section 36 of the Building Act 1984.

If work is carried out in a property and it does not comply with the building regulations you may be putting yourself, your family, and any visitors to the property at risk of potential health and safety issues. The fact that you have no consent for the building work may also invalidate your house insurance.

Instances of this type of building work often come to light when properties are being sold and it may be that the work was carried out many years ago. Once the partnership is made aware of the unauthorised work on a property it must record the details as a Notice on the Land Charges Register. This may hamper future sales of the property and will bring to the attention of any future purchaser the fact that unauthorised building work has been carried out.

To remove this Notice you may be able to apply for a regularisation certificate. However, before you do so, you should consider the following matters to make sure you can or want to proceed;

- Only you as the owner of the property or an agent acting on your behalf can apply for a certificate of regularisation. Prospective purchasers of your property cannot apply.
- You can only apply for works that have been carried out since 11 November 1985.
- A certificate of regularisation does not give you a retrospective planning permission. You will need to contact the planning section for further advice on planning permission
- The partnership acting on behalf of the relevant council does not have to accept your application.



STG Building Control Partnership  
Foord Annexe, Eastgate House  
High Street, Rochester, Kent, ME1 1EW



# Unauthorised Building Work and the Regularisation Process

- You will be required to submit plans and details of the un-authorised work which may need to be professionally prepared.
- You will have to pay a building control charge with the application
- A building control surveyor will need to visit your property to carry out inspections. In most cases this will mean that you will have to expose parts of the structure and open up trial holes. This may result in disruption to the internal decoration or external surfaces of your property and relies upon a reasonable level of co-operation between the owner and the Partnership. The Partnership are not responsible for the cost of any investigative work necessary or any reinstatement.
- Once inspections have been carried out the building control surveyor may identify defective work. If this is the case you will be asked to carry out remedial works.
- The certificate of regularisation will only be issued if the building control surveyor is satisfied the works comply with the regulations current at the time the work was carried out.

The Regularisation procedure allows local authorities to consider building work which has been carried out without the submission and approval of plans and the statutory site inspections being made. This procedure does not replace the enforcement powers available to the Local Authority and does not provide a 'short cut' for those who have failed to follow the correct procedures for obtaining consent.

Applications for a Regularisation Certificate are not treated as a priority and follow normal internal processes and as such will not be able to 'fast track' an application because work relates to a property which is in the process of being bought or sold.

You do not have to apply for a certificate of regularisation. You will need to carefully consider the implications and then decide whether you want to proceed. Should you decide to go ahead you will need to complete an application form and return it to the Partnership with the appropriate charge and any drawings and calculations where applicable. The Regularisation Charge is not refundable if we cannot determine (or cannot determine without unreasonable cost or disruption to the owner) what work complies with the Regulations.

To apply download our application form off our website [www.stgbc.org.uk](http://www.stgbc.org.uk) and either email it, with all associated documentation to [building@stgbc.org.uk](mailto:building@stgbc.org.uk) providing a contactable telephone number for payment or post to the address below.



STG Building Control Partnership  
Foord Annexe, Eastgate House  
High Street, Rochester, Kent, ME1 1EW

