

Definition of Starting Work

[The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) introduce a new definition of ‘commencement’ of building work for existing and new buildings. This definition of commencement of work must be satisfied within three years of the application for building control approval being submitted to the building control authority. The definition replaces the previously recognised guidance and either of the following two definitions should apply depending on the construction method.

1. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the construction of walls up to damp proof course level, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground floor structure; or
2. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure.

Defining commencement of work in relation to work to existing buildings

Where we consider the potential impact to be most significant if work does not commence within specified timescales. We propose to define commencement of work in relation to extending an existing building; replacing the external wall system on an existing building; and carrying out a material change of use.

Extending an existing building

3. Completion of the sub-structure of a building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure.
4. Work in relation to a horizontal extension in an existing building ([regulation 3\(1\)\(a\) of the Building Regulations \(2010\)](#)) as “the completion of the sub-structure of the building up to and including the foundations and any basement levels, the laying of foul and surface water drainage (within the footprint of the building) and the installation of the ground level supporting structure”.

Material change of use

5. Recognising the variability of material changes of use ([as defined in regulation 5](#)) to existing buildings and the extent to which ‘commencing’ work might differ, we propose that for the work to be deemed as commenced, at least one of the following conditions must be met, as applicable:
 - a. Removal of the heating or ventilation system throughout the area to undergo the change of use;
 - b. Removal of at least 25% of the façade of the building;
 - c. Removal of the internal fit out, including partitions, ceilings and suspended floors from at least 25% of the area to undergo the change of use;
 - d. Completion of work to an entire floor of the building.