

Building Standards

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Do I need a building warrant? (v4)

www.midlothian.gov.uk/buildingstandards

Guidance on exempted works and works not requiring a building warrant

INTRODUCTION

If you are considering building or altering, extending, converting or demolishing a building, it is likely that you will need to apply for a building warrant. However, you do not require a building warrant for some types of work to certain types of buildings.

Please note that, due to stricter controls, if your proposed work is to a flat, maisonette or a house over two storeys in height, the work that can be undertaken without requiring a building warrant differs to that for a 1 or 2 storey house.

If you are in any doubt if your proposed work requires a building warrant or not, you should seek advice from a professional.

This document details:

1. Building work that is exempted from the Building Regulations,
2. Building work that does not require a warrant,
3. Repair work,
4. How to obtain a building warrant.

If you require further assistance, please contact us on 0131 271 3350.

1. IS THERE ANY BUILDING WORK THAT IS EXEMPTED FROM THE REQUIREMENTS OF THE BUILDING (SCOTLAND) REGULATIONS 2004?

Yes. Certain broad categories of buildings are exempt therefore a building warrant is not needed. The full list is included in Schedule 1 in Section 0 of the Technical Handbooks, which can be downloaded for free from:

<http://www.gov.scot/Topics/Built-Environment/Building/Building-standards/techbooks/techhandbooks>

Examples covering the small buildings associated with houses, flats or maisonettes that **are exempt from the building regulations** are listed in Table1.

2. IS THERE ANY TYPE OF BUILDING WORK THAT DOES NOT REQUIRE A BUILDING WARRANT?

Yes. The full list is in Schedule 3 in Section 0 of the Technical Handbook.

Examples of building work that **do not require a building warrant**, provided the work complies with the building regulations, are listed in Table 2.

3. DO I REQUIRE A BUILDING WARRANT FOR REPAIR WORK?

A warrant is not required for repair or maintenance work where the fitting or equipment is being replaced, either totally or in part, by the same general type and the installation is to a standard no worse than at present. In other words, the replacement or repair work does not make the service, fitting or equipment worse than it was before. However, the existing may be improved upon, for example, by installing double glazed units within existing window frames.

Examples of such work may include the repair or maintenance of:

- a sanitary appliance or sink and branch soil or waste pipe
- rainwater gutter or downpipe
- solid fuel combustion appliance
- electrical fixture, ventilation fan
- chimney or flue outlet fitting or terminal
- solid waste chute or container
- kitchen fitments or other fitted furniture
- ironmongery
- flooring
- wall and ceiling linings
- cladding
- covering or rendering either internally or externally.

The repair of a door, window or rooflight, including glazing would also be included in this grouping but not where the entire unit, including the frame, is being replaced (see Table 2).

4. HOW TO OBTAIN A BUILDING WARRANT

Guidance and advice on how to apply for a building warrant are available on our website:

<http://www.midlothian.gov.uk/buildingstandards>

Table 1. Examples covering the small buildings associated with houses, flats or maisonettes that are exempt from the building regulations

a)	<p>A detached single-storey building, with a floor area not more than 8 square metres, within the garden of a house, that:</p> <ul style="list-style-type: none"> • is at least 1 metre from the house, or is closer than 1 metre to the house but is at least 1 metre from any boundary, • does not contain sleeping accommodation, • does not contain a flue; a fixed solid fuel, oil or gas appliance, • does not contain a sanitary fitting.
b)	<p>A detached single-storey building, with a floor area not more than 8 square metres, within the garden of a flat or maisonette that:</p> <ul style="list-style-type: none"> • is at least 1 metre from the flat or maisonette or 3 metres from any other part of the building containing a flat or maisonette, • is at least 1 metre from any boundary, • does not contain a flue, fixed solid fuel, oil or gas appliance, • does not contain a sanitary fitting.
c)	<p>A single-storey conservatory or porch with a floor area of not more than 8 square metres that is attached to an existing house, and:</p> <ul style="list-style-type: none"> • is at least 1 metre from a boundary, • does not contain a fixed solid fuel, oil or gas appliance, • does not contain a sanitary fitting, • meets the regulations on safety glazing.
d)	<p>A single-storey greenhouse, carport or covered area, each with a floor area not more than 30 square metres, that is detached or attached to an existing house and:</p> <ul style="list-style-type: none"> • does not contain a flue, fixed solid fuel, oil or gas appliance, • does not contain a sanitary fitting.
e)	<p>A paved area or hardstanding not more than 50 square metres in area that:</p> <ul style="list-style-type: none"> • is not part of any access route required by the regulations.

Table 2. Examples of building work that do not require a building warrant, provided the work complies with the building regulations

a)	<p>Any building work to or in a house, that does not involve:</p> <ul style="list-style-type: none"> • increasing the floor area, • the demolition or alteration of a roof, an external wall or an element of structure, for example, forming a doorway in a loadbearing wall. • underpinning, • any work adversely affecting a separating wall, • changing the method of wastewater discharge, • any work to a house having a storey, or creating a storey, at a height of more than 4.5 metres (normally a three or more storey house). <p>Example: alteration/refit of a kitchen or bathroom or forming an en-suite bathroom/showerroom.</p>
b)	<p>A detached single-storey building having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the garden of a house, provided that the building:</p> <ul style="list-style-type: none"> • is at least 1 metre from the house, or is closer than 1 metre to the house but is at least 1 metre from any boundary. • does not contain a fixed solid fuel, oil or gas appliance, • does not contain a sanitary fitting, • does not contain a swimming pool deeper than 1.2m. <p>Example: construction of a detached shed, detached carport, or detached garage.</p>
c)	<p>A detached single-storey building having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the garden of a flat or maisonette, provided that the building:</p> <ul style="list-style-type: none"> • is at least 1 metre from the flat or maisonette or within 3 metres of any other part of the building containing the flat or maisonette, • is at least 1 metre from any boundary, • does not contain a fixed solid fuel, oil or gas appliance, • does not contain a sanitary facility, • does not contain a swimming pool deeper than 1.2m. <p>Example: construction or installation of a detached shed, detached carport, or detached garage.</p>
d)	<p>Any building work associated with a domestic scale fixed solid fuel, oil or gas appliance or other part of a heating installation that does not include work associated with a chimney, flue pipe or constructional hearth.</p>
e)	<p>Any building work associated with a balanced flue serving a room-sealed appliance.</p>
f)	<p>Any building work associated with the installation of a flue liner.</p>
g)	<p>Any building work associated with refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances use principally for providing space heating, water heating, or cooking facilities.</p>
h)	<p>Other minor work such as the provision of a single sanitary facility (other than a WC), installation of an extractor fan or, in a dwelling, the installation of a stairlift.</p>
i)	<p>Additional insulation (other than insulation applied to the outer surface of an external wall), the construction of walls not exceeding 1.2 metres in height, fences not exceeding 2.0 metres in height, raised external decking at a height of no more than 1.2 metres (other than where forming part of any access or escape route required by the regulations), and paved areas exceeding 50 square metres but not exceeding 200 square metres in area (other than where forming part of any access required by the regulations).</p>
j)	<p>Replacement doors, windows, and rooflights when the frame is also being replaced.</p>