

Kennet District Council

Building Control Scheme of Charges



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Effective from 1st April 2007

Scheme 8

FOREWORD

The Building (Local Authority Charges) Regulations 1998 (the Regulations) came into force on 1st April 1999. **Kennet District Council** (the Authority) is authorised, subject to and in accordance with these Regulations, to fix by means of a scheme and to recover such charges as they may determine for or in connection with the performance of the functions of theirs relating to building regulations.

The Regulations allow the Council to make charges for five Building Regulation functions. These are: Plans Charge, Inspection Charge, Building Notice Charge, Reversion Charge and Regularisation Charge.

All Building Regulation charges, except the regularisation charge, which are payable to the Authority shall be subject to value added tax at the standard rate.

Performance and review

This scheme of charges has been set in accordance with the Building (Local Authority Charges) Regulations 1998 and comes into force on the 1st April 2007. The Regulations lay down accountancy practices which must be followed, and require that the Council prepare a 'Building Regulations Statement' of financial performance. In addition the Building Regulations function will be externally audited to ensure that it at least breaks even over a three year rolling programme. The scheme of charges may be amended, revoked or replaced at any time, in accordance with Regulation 3(2).

Definitions

The Act means the Building Act 1984;

Approved Inspectors Regulations means the Building (Approved Inspectors etc.) Regulations 1985;

The Authority means **Kennet District Council**

Building has the meaning it has in the Principal Regulations;

Building Notice has the meaning it has in the Principal Regulations;

Building Work has the meaning it has in the Principal Regulations;

Constructed Concurrently means –

- (a) ground works are being carried out on two or more buildings at the same time, and;
- (b) the buildings are in close proximity, and;
- (c) the Inspection Charge for two or more of the buildings can be invoiced together

Carport means a building forming a shelter for a vehicle, open on at least two sides

Cost does not include any professional fees paid to an architect, quantity surveyor or any other person;

Disabled Person means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948(a) applied, as that Section was extended by virtue of Section 8(2) of the Mental Health Act 1959(b), but not taking into account amendments made to Section 29(1) by Paragraph 11 of Schedule 13 to the Children Act 1989(c).

Duplicate Dwelling Type means the second or subsequent small domestic building which has substantially the same design as the original dwelling type.

Dwelling has the meaning it has in the Building Regulations 2000, but also includes in Schedule 2 reference to a building consisting of a garage or carport or both which is occupied in common with a house or with a building consisting of flats or maisonettes or both.

Estimate in relation to the cost of carrying out building work, means an estimate, accepted by the local authority, of such reasonable amount as would be charged for the carrying out of that building work by a person in business to carry out such building work (excluding the amount of any value added tax chargeable), and references to estimated cost shall be construed accordingly;

Exempt Buildings means those which buildings which are listed in Schedule 2 of the Principal Regulations.

Class I	Buildings controlled by other legislation
Class II	Buildings not frequented by people
Class III	Greenhouses and agricultural buildings
Class IV	Temporary buildings
Class V	Ancillary Buildings
Class VI	Small detached buildings
Class VII	Extension

(Extract from Schedule 2 of the Principal Regulations

The extension of a building by the addition at ground level of-

- (a) Conservatory, porch, covered yard or covered way; or*
- (b) Carport open on at least two sides;*

where the floor area of that extension does not exceed 30m², provided that in the case of a conservatory or porch which is wholly or partly glazed, the glazing satisfies the requirements of Part N of the Building Regulations 2000)

Floor area of –

- (a) any storey of a dwelling or extension; or
- (b) a garage or carport,

is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor;

Full Plans Application has the meaning it has in the Principal Regulations;

Large Domestic Extension means an extension which has no more than three storeys, each basement level (if any) counting as one storey, is used solely for domestic purposes, and is greater than or equal to 80m² in floor area.

Loft Conversion or the Provision of Rooms in the Roof shall have the same meaning as extension

Original Dwelling Type means a small domestic building, which has been previously approved, or is the prototype for others on the same application.

The Principal Regulations mean the Building Regulations 2000 and any subsequent amendments.

Regularisation Application has the meaning it has in the Building Regulations 2000.

The Regulations mean the Building (Local Authority Charges) Regulations 1998.

Small domestic building means a building (including connected drainage work within the curtilage of that building) –

- (a) which is used or intended to be used wholly for the purposes of one or more dwellings, none of which has a floor area exceeding 300m², excluding any garage or carport;
- (b) the whole of which is –
 - (i) shown on plans deposited for the purposes of Section 16 of the Act,
 - (ii) shown on plans accompanying a Building Notice, or
 - (iii) shown on plans given to a local authority in accordance with Regulation 18 of the Approved Inspectors Regulations;
- (c) which has no more than three storeys, each basement level being counted as one storey,

Including such a building which incorporates an integral garage or to which is attached a garage or carport or both which shares one or more walls with that building.

Small domestic extension means an extension which has no more than three storeys, each basement level (if any) counting as one storey, is used solely for domestic purposes and is less than 80m² in floor area;

Total floor area of any dwelling is the total of the floor area of all the storeys which comprise that dwelling; and the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension.

The provision of additional rooms in the roof will be considered as an extension to the dwelling by virtue of the provision of an additional storey.

SCHEME FOR THE RECOVERY OF COSTS

Principles of this Scheme

Charges have been set for the functions prescribed in Regulation 4 of the Building (Local Authority Charges) Regulations 1998, namely: -

- **A plan charge**, payable when plans of the building work are deposited with the Authority.
- **An inspection charge**, payable on demand after the Authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the Local Authority.
- **A reversion charge**, payable for building work in relation to a building:-
 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20 of the Approved Inspectors Regulations, or
 2. In respect of which plans for further building work have been deposited with the Authority in accordance with Regulation 20 of the Approved Inspectors Regulations,

On the first occasion on which those plans have been deposited.

- **A regularisation charge**, which is payable at the time of the application to the Authority in accordance with Regulation 21 of the Building Regulations.

You are advised that: -

- The sum of the plan charge and the inspection charge will be equal to the building notice charge.
- The reversion charge shall be equal to the building notice charge.
- The regularisation charge shall be 20% greater than the building notice charge.
- Any charge, except the regularisation charge, which is payable to the Authority shall be subject to value added tax at the standard rate.
- Where the charge is based on an estimated cost of work and the estimated cost is below £10,000 a separate inspection charge is not payable.
- Where the charge is for the erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 60m² in total and intended to be used in common with an existing building, and which is not an exempt building a separate inspection charge is payable. Details of buildings, which are exempt, are contained within Schedule 2 of the Building Regulations.
- Where an extension to a dwelling (including a loft conversion or the provision of additional

rooms in the roofspace), the total floor area of which exceeds 80m², including means of access and work in connection with that extension, the charge is based on the estimated cost of the work in accordance with Table C subject to the sum of the plan charge and the inspection charge or the building notice charge being not less than the charge payable for category 7 in Table B (£553.19 plus VAT)

- Charges are not payable in respect of work which is carried out for the benefit of a disabled person in accordance with Regulation 9 of the Building (Local Authority Charges) Regulations 1998 which states that:
 - (1) "A local authority is not authorised to fix by means of a scheme and recover a charge-
 - (a) Where they are satisfied that the whole of the building work in question consists of an alteration: and
 - (b) Where the building work is-
 - (i) Solely for the purpose of providing means of access to enable disabled persons to get into or out of an existing building and to or from any part of it or of providing facilities designed to secure the greater health, safety, welfare or convenience of such persons; and
 - (ii) Is to be carried out in relation to-
 - (a) An existing building to which members of the public are admitted (whether on payment or otherwise); or
 - (b) An existing dwelling which is, or is to be, occupied by a disabled person".
 - (2) "A local authority is not authorised to fix by means of a scheme and recover a charge which consists solely of a charge in respect of building work for the provision or extension of a room in a dwelling where they are satisfied that the sole use of the room is or will be-
 - (a) For the carrying out of medical treatment of a disabled person which cannot reasonably be carried out in any other room in the dwelling; or
 - (b) For the storage of medical equipment for the use of a disabled person; or
 - (c) To provide necessary accommodation or a necessary facility by adapting or replacing accommodation or a facility which already existed within the building which was incapable of being used, or used without assistance, by the disabled person.

- (3) In this regulation, "disabled person" means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948 applied, as that section was extended by virtue of section 8(2) of the Mental Health Act 1959, but not taking into account amendments made to section 29(1) by paragraph 11 of Schedule 13 to the Children Act 1989".

Principles of the scheme in respect of the erection of certain small domestic buildings, garages, carports and extensions

- (1) Where building work comprises-
- (a) Erection of one or more small domestic buildings; or
 - (b) Erection of a detached or attached building which consists of a garage or carport (or both) with a total floor area not exceeding 60m² and which is intended for use with an existing dwelling; or
 - (c) Extension of any dwelling (including loft conversions) by a floor area not exceeding 80m², including extension by the erection or extension of an attached or detached garage or carport which is intended for use with the dwelling,

The charges for that building work are set by reference to the floor area of the building, extension or loft conversion, as the case may be, and in the case of the work mentioned in sub-paragraph (c) above, the charges so determined shall cover any associated work relating to means of access.

- (2) Where any building work of a kind mentioned in paragraph (1)(c) comprises or includes the erection of more than one extension to a building used or intended to be used for the purposes of a single dwelling, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable.
- (3) Where the aggregation of the floor area of all extensions referred to in paragraph (1)(c) does not exceed 80m², the relevant charge is based on the total floor area of the extensions.
- (4) Where the total or the aggregation of the floor area of one or more extensions referred to in paragraph (1)(c) exceeds 80m², the relevant charge is based on the estimated cost of the building work as prescribed in Regulation 6 of the Building (Local Authority Charges) Regulations 1998 and shall be calculated in accordance with Table C.

Details of charges are given in Table A in respect of the erection of small domestic buildings.

Details of charges are given in Table B in respect of extensions of any dwelling by a floor area not exceeding 80m² and of the erection of a detached or attached building which consists of a garage or car port or both with a total floor area not exceeding 60 square metres and intended for use with an existing dwelling.

All Other Building Work

All charges other than those referred to above are determined by reference to the estimated cost of the building work. These charges relate to any existing or proposed use of a building or whether the building work is in respect of the construction of a new building or an alteration or extension to an existing building. These charges are detailed in Table C.

Estimates

In order to determine the correct charge the authority must receive a written estimate of the cost of the building work when the plans or the building notice is deposited. A written estimate is also required when building work reverts to a local authority in accordance with Regulation 11(2) of the Building (Local Authority Charges) Regulations 1998. The 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable)

Where, in the judgement of the building control authority, it is deemed that a high estimate of cost artificially inflates the fee required, the fee may be estimated by building control by multiplying a reasonable number of hours, taken to examine the project, by a reasonable hourly rate.

If the estimated cost of work has been established by an authority other than the authority in which the development is to be built or by a business development director working on behalf of local authority building control then this estimated cost shall be considered as being reasonable

Reductions

Where one application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other a 10% reduction in the total charge will be made for all work detailed in Tables A and C.

Where in accordance with Regulation 8b of the Building (Local Authority Charges) Regulations 1998 an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been approved or building works previously inspected by the same local authority, and where that local authority are satisfied that the owner of the plans who deposits them or who gives a building notice in respect of them, is the same person who originally deposited the plans or gave a building notice in respect of them, a 10% reduction in the total charge will be made.

Where one application or building notice is in respect of two or more buildings or dwellings and relates to building works that consist of the provision or replacement or extension of windows, rooflights, roof windows and external doors and the building work is substantially the same, a 25% reduction in the building notice charge will be made.

In relation to Table C the reduction shall be calculated as a percentage of the total charge of those buildings or building works which are substantially the same as each other.

Payment by Installment

The authority accepts payment by installment in respect of all building work detailed in Tables A and C. The authority on request will specify the amounts payable and dates on which installments are to be paid.

Other Matters

- Where a plan charge has been paid and not refunded, the authority will in any case they consider reasonable decide not to make a further plan charge in respect of plans subsequently deposited for substantially the same building work;
- Where for any reason notice of passing or rejection of plans is not given within the period required by section 16 of the Act, the plan charge paid shall be refunded;
- Any plan charge, inspection charge, reversion charge, or building notice charge is to be payable by the person who carries out the building work, or on whose behalf the building work is carried out, and any regularisation charge is to be payable by the owner of the building.

Non-Payment of a Charge

Your attention is drawn to Regulation 10(2) of the Building (Local Authority Charges) Regulations 1998 which explains that plans are not treated as being deposited for the purposes of Section 16 of the 1984 Act or building notices given unless the Council have received the correct charge.

Transitional Provisions

The Building (Prescribed Fees) Regulations 1994 continue to apply in relation to building work for which plans were first deposited or a building or initial notice given before 1st April 1999.

The councils scheme for the recovery of charges dated 1st April 1999 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 1999 and 31st March 2000 (inclusive)

The councils scheme for the recovery of charges dated 1st April 2000 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2000 and 31st March 2001 (inclusive)

The councils scheme for the recovery of charges dated 1st April 2001 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2001 and 31st March 2002 (inclusive)

The councils scheme for the recovery of charges dated 1st April 2002 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2002 and 31st March 2003 (inclusive)

The councils scheme for the recovery of charges dated 1st April 2003 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2003 and 31st March 2004 (inclusive).

The councils scheme for the recovery of charges dated 1st April 2004 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2004 and 31st March 2005 (inclusive).

The councils scheme for the recovery of charges dated 1st April 2005 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2005 and 31st March 2006 (inclusive).

The councils scheme for the recovery of charges dated 1st April 2006 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2006 and 31st March 2007 (inclusive).

CHARGES FOR ONE OR MORE SMALL DOMESTIC BUILDINGS AND CONNECTED WORK (TABLE A)

[Charges for Table A includes works of drainage in connection with the erection of a building or buildings, even where those works are commenced in advance of the plans for the building(s) being deposited]

Plan Charge

1. Where a plan charge is payable in respect of the erection of one or more small domestic buildings shown on the deposited plan, the plan charge payable for that building or those buildings or for those works is the total of the amounts shown in, or calculated by reference to columns (2) and (3) of the Table as relevant for the number of dwellings in that building or those buildings.

Inspection Charge

2. The inspection charge payable in respect of the erection of one or more small domestic buildings or connected works is the total of the amounts shown in, or calculated by reference to, columns (4) and (5) of Table A.

Building Notice Charge

3. The building notice charge payable in respect of the erection of one or more small domestic buildings is the total of the plan charge and the inspection charge which would be payable in accordance with the Table if plans for the carrying out of that work had been deposited in accordance with the Building Regulations.

Reversion Charge

4. The reversion charge payable in respect of the erection of one or more small domestic buildings is the amount of building notice charge which would be payable under these Regulations if a building notice in relation to the carrying out of that work had been given in accordance with the Building Regulations at the time the reversion charge is payable.

Regularisation Charge

5. The regularisation charge payable in respect of the erection of one or more small domestic buildings is an amount equal to 120 percent of the total of the building notice charge which would be payable in accordance with the Table if a building notice for the carrying out of that work had been given at the time of the application for regularisation in accordance with the Building Regulations.

Interpretation of Table A

6. For the purposes of the Table, the reference in the heading to column (1) is a reference to the number of dwellings in the building or buildings referred to.

CHARGES FOR SMALL DOMESTIC BUILDINGS TABLE A

Number of Dwellings	Plan Charge		Inspection Charge	
	Basic Charge £	Additional charge for each dwelling above the minimum number in the band in column (1) £	Basic Charge £	Additional charge for each dwelling above the minimum number in the band in column (1) £
(1)	(2)	(3)	(4)	(5)
1	165.00	-	414.70	-
2	225.00	-	574.20	-
3	297.00	-	729.30	-
4	368.50	-	842.60	-
5	445.50	-	932.80	-
6	522.50	-	1,048.30	-
7	544.50	-	1,119.80	-
8	566.50	-	1,305.70	-
9	588.50	-	1,491.60	-
10	594.00	-	1,695.10	-
11	599.50	-	1,856.80	-
12	605.00	-	2,017.40	-
13	610.50	-	2,180.20	-
14	616.00	-	2313.30	-
15	621.50	-	2473.90	-
16	627.00	-	2,634.50	-
17	632.50	-	2,795.10	-
18	638.00	-	2,955.70	-
19	643.50	-	3,080.00	-
20	649.00	-	3,238.40	-
21	660.00	-	3,312.10	-
22	671.00	-	3,424.30	-
23	682.00	-	3,536.50	-
24	693.00	-	3,648.70	-
25	704.00	-	3,762.00	-
26	715.00	-	3,874.20	-
27	726.00	-	3,986.40	-
28	737.00	-	4,098.60	-
29	748.00	-	4,210.80	-
30	759.00	-	4,273.50	-
31 and over	770.00	5.50	4,334.00	82.50

CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS -TABLE B

Calculation of Charges

1. For work specified in column (1) of Table B:
 - (1) The plan charge payable is the amount, if any, shown in column (2) of the Table in relation to that work;
 - (2) The inspection charge payable is the amount, if any, shown in column (3) of the Table in relation to that work;
 - (3) The building notice charge payable is the amount shown in column (4) of the Table in relation to that work;
 - (4) The reversion charge payable is the amount shown in column (4) of the Table in relation to that work;
 - (5) The regularisation charge payable is the amount shown in column (5) of the Table in relation to that work.

Interpretation of Table B

2. (1) Where the work in question comprises or includes the erection of more than one extension to a building used or intended to be used for the purposes of a single private dwelling, the total floor areas of all such extensions shall be aggregated in determining the charge payable in accordance with Table B below. Where the aggregated floor area is above 80m² the charge payable is calculated in accordance with Table C.
- (2) In the Table below a reference to an extension is a reference to an extension, which has no more than three storeys, each basement level counting as one storey.

CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS – TABLE B

Type of Work (1)	Amount of Plan Charge (2) £	Amount of Inspection Charge (3) £	Amount of Building Notice Charge or Reversion Charge (4) £	Amount of Regularisation Charge (5) £
1. Erection or extension of a detached or attached building which consists of a garage or carport or both having a floor area not exceeding 40m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	170.21	-	170.21	204.25
2. Erection or extension of a detached or attached building which consists of a garage or carport or both having a floor area exceeding 40m ² but does not exceed 60m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	127.66	127.66	255.32	306.38
3. Any extension of a dwelling, including loft conversions, the total floor area of which does not exceed 10m ² , including means of access and work in connection with that extension.	127.66	170.21	297.87	357.44
4. Any extension of a dwelling, including loft conversions, the total floor area of which exceeds 10m ² , but does not exceed 40m ² , including means of access and work in connection with that extension.	127.66	255.32	382.98	459.58
5. Any extension of a dwelling, including loft conversions, the total floor area of which exceeds 40m ² , but does not exceed 60m ² , including means of access and work in connection with that extension.	127.66	340.42	468.08	561.70
6. Any extension of a dwelling, including loft conversions, the total floor area of which exceeds 60m ² , but does not exceed 80m ² , including means of access and work in connection with that extension.	127.66	425.53	553.19	663.83
7. Any large extension to a dwelling, including loft conversions, the total floor area of which exceeds 80m ² including means of access and works in connection with that extension, the charge shall be based on the estimated cost of works (See Table C) with a minimum charge equal to	Minimum 127.66	Minimum 425.53	Minimum 553.19	Minimum 663.83

Charges for applications relating to - applicable cavity wall insulation, applicable unvented hot water systems, the installation of replacement windows - Refer to Table C.

WORK OTHER THAN WORK TO WHICH TABLES A AND B APPLY - TABLE C

Building Notice Charge and Reversion Charge

1. (a) Subject to (b) below, the amount of the building notice charge or reversion charge for any work shall be that shown in Table C in relation to the estimated cost of that work.
- (b) Where building work is carried out to an existing dwelling and the work consists of the provision or replacement or extension of windows, rooflights, roof windows or external doors the building notice charge shall be £80.85.

Plan Charge

2. (a) The amount of the plan charge for any work the estimated cost of which is £10,000 or less shall be the amount of the building notice charge which would by virtue of paragraph 1 be payable in respect of that work.
- (b) The amount of the plan charge for any work the estimated cost of which is more than £10,000 shall be 25 percent of the building notice charge which would by virtue of paragraph 1 be payable in respect of that work.

Inspection Charge

3. (a) No inspection charge is payable in respect of any work the estimated cost of which is £10,000 or less, notwithstanding that an inspection is carried out.
- (b) The amount of the inspection charge for any work the estimated cost of which is more than £10,000 shall be 75 percent of the building notice charge which would by virtue of paragraph 1 be payable in respect of that work.

Regularisation Charge

4. The amount of the regularisation charge for any work shall be 120 percent of the building notice charge which would by virtue of paragraph 1 be payable in respect of that work.

NOTE: The following minimum charges apply:

Where an extension to a dwelling, including the provision of rooms in the roof space/loft conversions, the total floor area of which exceeds 80m², including means of access and work in connection with that extension the sum of the plan charge and the inspection charge or the building notice charge must not be less than £553.19 plus VAT.

CALCULATIONS OF CHARGES FOR ALL OTHER BUILDING WORK – TABLE C

Estimated value of work (£)	Building Notice or Reversion Charge (£)
Less than £1,000	£100.00
Exceeding £1,000 but less than £2,000	£150.00
Exceeding £2,000 but less than £5,000	£200.00
Exceeding £5,000 but less than £6,000	£210.00
Exceeding £6,000 but less than £7,000	£215.00
Exceeding £7,000 but less than £8,000	£220.00
Exceeding £8,000 but less than £9,000	£225.00
Exceeding £9,000 but less than £10,000	£230.00
Exceeding £10,000 but less than £11,000	£235.00
Exceeding £11,000 but less than £12,000	£240.00
Exceeding £12,000 but less than £13,000	£245.00
Exceeding £13,000 but less than £14,000	£250.00
Exceeding £14,000 but less than £15,000	£255.00
Exceeding £15,000 but less than £16,000	£265.00
Exceeding £16,000 but less than £17,000	£275.00
Exceeding £17,000 but less than £18,000	£285.00
Exceeding £18,000 but less than £19,000	295.00
Exceeding £19,000 but less than £20,000	£300.00
Where the estimated cost exceeds £20,000, but does not exceed £100,000:	£300.00
Together with an additional sum of :	£8.00
For every £1,000 (or part thereof) by which the cost exceeds £20,000	
Where the estimated cost exceeds £100,000, but does not exceed £1,000,000:	£940.00
Together with an additional sum of :	£3.50
For every £1,000 (or part thereof) by which the cost exceeds £100,000	
Where the estimated cost exceeds £1,000,000, but does not exceed £10,000,000:	£4090.00
Together with an additional sum of :	£2.75
For every £1,000 (or part thereof) by which the cost exceeds £1,000,000	
Where the estimated cost exceeds £10,000,000:	£28,840.00
Together with an additional sum of :	£2,00
For every £1,000 (or part thereof) by which the cost exceeds £10,000,000	