

My view on the trend towards the excessive and inappropriate use of Building Notices and suggestions for a solution.

Prepared for consideration by Lorna Stimpson CEO of
Local Authority Building Control (LABC) and Martin
Taylor Executive Director (LABC)

By Ernie Spencer FRICS C Build E FCABE Hon LABC
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1. My commitment to LABC

You will both be aware of my passion for LABC since I commenced my duties at Thurrock Council as a Pupil Building Inspector in March 1965. You will also be aware of my interest in the recent debate involving the provision of Design Advice. As you know, it is now a criminal offence for public or private Building Inspectors to give it.

I started to wonder why design advice was necessary if a set of approved plans were available. I discovered that the reason for this is the excessive and inappropriate use of Building Notices. This is the guidance taken from the Planning Portal:

2. What is a Building Notice?

You can apply for building regulations approval from your local authority building control service by giving a building notice.

*Plans are not required with this process so it's quicker and less detailed than the full plans application. It is designed to enable some types of building work to get under way quickly; **although it is perhaps best suited to small work.***

If you decide to use this procedure you need to be confident that the work will comply with the building regulations, or you will risk having to correct any work you carry out if your local authority requests this. In this respect you do not have the protection provided by the approval of 'full plans'.

3. History of the Building Notice

The Building Notice was introduced to England and Wales in the 1980's following the demise of the Greater London Council in 1986. The then District Surveyors system which started in 1667 following the Great Fire of London, dealt with Building Control in Inner London was moved to the relevant local authorities. They had used the Building Notice system successfully for over 300 years. However, no District Surveyor would accept a Building Notice without additional supporting information. Structural calculations and details were a common request. The local authority required information on plumbing and drainage and the Building Regulations Division based at Vauxhall Bridge Road would require information on Fire and Means of Escape.

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As is suggested in the Planning Portal advice above, the Building Notice procedure applicable to England and Wales, including inner London is designed to be used in connection with small work and always has been for almost 40 years.

4. My experience

Certainly, in my time of being employed in LABC which ended in 2007 when I retired, I do not recall any issues. The Building Notice procedure was ideal for small projects and gave property owners the opportunity to start work quickly.

The problem was first drawn to my attention about 10 years ago by my former deputy at Uttlesford when he went to work at Building Control in Harlow. He told me that the vast majority applications there were made on Building Notices. There were very few Full Plans applications.

The local authority Building Control profession was hit by austerity in 2010 following the financial crisis of 2008. Many Building Control staff were made redundant or given early retirement. The staff numbers have never recovered since then. It could be that local authorities have since encouraged the use of Building Notices which could partly explain the increase in their use. If for no other reason, it saves them time by not having to check Full Plans applications. As you know, you can build a dwelling on a Building Notice and I would contend that was never the intention when the system was introduced 40 years ago.

5. The system in Andalucia

I have a friend who I helped train at Redbridge in the 1970's. He went private in the 1980's and now develops in Marbella which is in the Andalucia province of Spain. I have spoken to him about this and he explained the system that they have there. They also have a Full Plans and Building Notice procedure. However, you cannot use a Building Notice if structural calculations are required and/or structural alterations are being carried out. Building notices are reserved for kitchen/bathroom refurbishment and similar work. Full Plans are required for extensions.

There is a parallel in the planning system where over the last few years the General Permitted Development Order has been amended to allow substantial changes of use that previously required permission. The introduction of Use Class MA, allowing class E (commercial) space to be converted to residential, is an example. However, the prior notification requirement, enables local authorities to check and object to some proposals. In the same way, the Building Notice should act as a signal to the authority, and it should be clear that where there are structural alterations, a Full Plans Application will be required.

6. The benefits of change

I strongly believe that this should be the system here. The benefits would be:

1. The need for design advice would be significantly reduced

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2. Property owners would have much greater protection with the benefit of Full Plans.
3. Vast improvement in compliance with the Building Regulations
4. A clear record of what has been built would exist.

I would only add that Andalucia Building Control use drones to spot unauthorised building work. I wonder how many local authorities in the UK use this technique?

I would appreciate your views on what I have set out here and consider lobbying the BSR and MHCLG to make the necessary changes that are overdue in my opinion.

Appendix 1: Statistics:

A. West Suffolk

2014 488 BN, 564 FP (No local AI, last year before AI Gateway set up, struggling with low staff numbers).

2018 509 BN, 265 FP (You can see Gateway have taken the architects by the drop in full plans but the maintained BN poor quality builders and DIYers.)

2024 265 BN, 174 FP (lower numbers all round, which reflects current market

B. East Cambs:

2014 220 Building Notices and 360 Full Plans

2018 234 Building Notices and 386 Full Plans

2024 198 Building Notices and 222 Full Plans

C. Babergh and Mid Suffolk

22/23	MSDC		BDC	
BN	268		292	
FP	318		340	
23/24				
BN	262		288	
FP	240		211	
24/25 so far				
BN	206		217	
FP	187		164	

D. Uttlesford

2014 384 Building Notices and 529 Full Plans

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2018	399 Building Notices and 424 Full Plans
2024	350 Building Notices and 256 Full Plans

All these figures indicate a rapid fall in Full Plans applications, the number of Building Notices has remained relatively stable but grown in percentage over the number of Full Plans applications.

Appendix 2 Supporting information from East Cambs

I am currently wading through some issues relating to a new dwelling which has 7 bedrooms, 2x4 bay attached garages, three storeys, gym, pool, etc etc – must be worth in excess of £5million. This was submitted under a Building Notice back in 2020 before I joined East Cambs!!!!

Appendix 3: Responses

Morning Ernie,

Thanks for copying me in. You have put together a fantastic report bringing all the elements together in a clear and easy to understand way.

I hope Lorna and Martin can use this information to put pressure on MHCLG and the BSR to reduce the use of BN's.

Kind regards,

Ron Adams President London District Surveyors Association 20th January 2025

Good evening Ernie,

Thank you for sharing your very interesting paper and local authority research in respect of the above.

As you will appreciate LABC is a membership organisation representing local authority members across England and Wales and whenever we consider making any representation to a government department, we attempt to do so following full consultation with our members to ensure that our views are representative. Having said that I am sure that many across the LABC network will agree with your views. LABC have over recent years made similar representations on behalf of our members in respect of building notices as we have in respect of the limited information that is required with initial notices.

MHCLG has now replaced DLUHC and tends to lead on policy with the BSR now leading on operational delivery. Having gone through such considerable reform I don't think that now is the appropriate time to make representations in this regard at least until all the recent legislative changes have had time to bed in. You could argue that PART 2A of the significantly amended 2010 Regulations (Duty holders and competence) does set out to address many of the concerns that you describe relating to Building Notices.

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Regulation 13 of the 2010 Regulations also provides local authorities with the scope to request additional information:

Reg 13.

Particulars and plans where a building notice is given

3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the local authority/relevant authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

The Government is due to respond to the Grenfell Inquiry recommendations in early March and this may in time be seen as the opportunity to amend legislation further whereupon an appropriate consultation paper would be issued. Should you continue to feel the same, this should provide an appropriate opportunity to express your views either directly or through LABC via the East Anglia LABC region representative on the LABC Technical Working Group.

Happy to discuss further at your convenience or within an EA regional meeting.

Best regards,

Martin Taylor LABC Received Friday 31 March 2025

Hi Ernie,

I want to share with you that your paper does exactly what you set out for it to do. It highlights the misuse and abuse of Building Notices.

For LABC to basically dismiss the argument without furthering its objective, is, to me, negligent to say the least.

LABC are supposed to support the profession, that is what they were created for! That lack of support, their failure to be proactive, shying away from such conflict to protect and fight for what was all best practice in that profession, has led, in my opinion, to a large degree as to why the profession is in a deplorable and critical position that it now finds itself in, unable to carry out the duties and advice paramount to what we considered so necessary in providing a paid for service.

Building Control will become a reactive service, unlike being preventative and proactive as it was. The same as HSE has always been.

I also think your thoughts to use other routes to pursue the matter is correct. I do feel sad the Building Control has been allowed to get to this point.

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Ben Jones former Head of Building Control at Rochford D C and Secretary of Essex Building Surveyors Association.

Good morning Ernie,

Thank you for contacting me on this, I'm quite surprised by the quantity of Building Notices that are submitted and particularly that they outstrip the full plans applications being made, I had no idea the ratio would be like this. Your suggestion appears eminently sensible and logical, certainly one I would support.

We don't advise our clients to submit Building Notices anymore what with the changes to the Building Regulations and introduction of the duty holders. The Building Regulations are simply too onerous for clients and, in our view for contractors to be burdened with all design responsibility for even simple extensions despite what contractors may say. If your suggestion were to be adopted, it would provide a 'safer' more cost certain environment for clients and contractors and allow the professionals to provide the right information from the start of the process.

The only other matter now, would be the general improvement of knowledge of the professionals!

Regards,

Robert C G Turner
MRICS, MFPWS, BSc(Hons), BA(Hons), AaPS
Robert Turner Associates Limited
Chartered Building Surveyors & Professional Architectural Designers
Received 5 February 2025

The Building Safety Levy – Extract from government guidance.

*Central government has designated local authorities as the collecting authorities for the levy. Local authority has the definition in section 126 of the Building Act 1984 (for a full list of collecting authorities see Schedule 3). Collecting authorities are designated in regulation 4. Building control approval applications with **full plans** made to the local authority building control team or the Building Safety Regulator, and building control approval applications made to the Building Safety Regulator, as well as initial notices submitted by Registered Building Control Approvers, (all of which are referred to as 'applications for building control approval' (see chapter 2.2 may need to provide levy information. The local authority in which the development is situated has the legal responsibility for levy administration, even where there is a shared building control service across several areas. Local authorities will transfer levy revenues (net of administration costs) to central government. Levy revenue must be spent on building safety.*

This means that as things stand millions of pounds will be lost to government because so many new dwellings are now carried out on Building Notices.

Final Version 19Jan2025 - 17July2025Rev5 - 26AugustRev6