
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 2

Control of Building Work

Meaning of building work

3.—(1) In these Regulations “building work” means—

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph (2);
- (d) work required by regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by regulation 22 (requirements relating to a change of energy status);
- (h) work required by regulation 23 (requirements relating to thermal elements);
- (i) work required by regulation 28 (consequential improvements to energy performance).

(2) An alteration is material for the purposes of these Regulations if the work, or any part of it, would at any stage result—

- (a) in a building or controlled service or fitting not complying with a relevant requirement where previously it did; or
- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

(3) In paragraph (2) “relevant requirement” means any of the following applicable requirements of Schedule 1, namely—

Part A (structure)

paragraph B1 (means of warning and escape)

paragraph B3 (internal fire spread—structure)

paragraph B4 (external fire spread)

paragraph B5 (access and facilities for the fire service)

Part M (access to and use of buildings).

Requirements relating to building work

- 4.—(1) Subject to paragraph (2) building work shall be carried out so that—
- (a) it complies with the applicable requirements contained in Schedule 1; and
 - (b) in complying with any such requirement there is no failure to comply with any other such requirement.
- (2) Where—
- (a) building work is of a kind described in regulation 3(1)(g), (h) or (i); and
 - (b) the carrying out of that work does not constitute a material alteration,
- that work need only comply with the applicable requirements of Part L of Schedule 1.
- (3) Building work shall be carried out so that, after it has been completed—
- (a) any building which is extended or to which a material alteration is made; or
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or
 - (c) any controlled service or fitting,
- complies with the applicable requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

Meaning of material change of use

5. For the purposes of paragraph 8(1)(e) of Schedule 1 to the Act and for the purposes of these Regulations, there is a material change of use where there is a change in the purposes for which or the circumstances in which a building is used, so that after that change—
- (a) the building is used as a dwelling, where previously it was not;
 - (b) the building contains a flat, where previously it did not;
 - (c) the building is used as an hotel or a boarding house, where previously it was not;
 - (d) the building is used as an institution, where previously it was not;
 - (e) the building is used as a public building, where previously it was not;
 - (f) the building is not a building described in classes 1 to 6 in Schedule 2, where previously it was;
 - (g) the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously;
 - (h) the building contains a room for residential purposes, where previously it did not;
 - (i) the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously; or
 - (j) the building is used as a shop, where previously it was not.

Requirements relating to material change of use

- 6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of the following paragraphs of Schedule 1—
- (a) in all cases, B1 (means of warning and escape)
 - B2 (internal fire spread—linings)
 - B3 (internal fire spread—structure)

- B4(2) (external fire spread—roofs)
 - B5 (access and facilities for the fire service)
 - C2(c) (interstitial and surface condensation)
 - F1 (ventilation)
 - G1 (cold water supply)
 - G3(1) to (3) (hot water supply and systems)
 - G4 (sanitary conveniences and washing facilities)
 - G5 (bathrooms)
 - G6 (kitchens and food preparation areas)
 - G2 (bathrooms)
 - H1 (foul water drainage)
 - H6 (solid waste storage)
 - J1 to J4 (combustion appliances)
 - L1 (conservation of fuel and power)
 - P1 (electrical safety);
- (b) in the case of a material change of use described in regulation 5(c), (d), (e) or (f), A1 to A3 (structure);
 - (c) in the case of a building exceeding fifteen metres in height, B4(1) (external fire spread—walls);
 - (d) in the case of a material change of use described in regulation 5(a), (b), (c), (d), (g), (h), (i) or, where the material change provides new residential accommodation, (f), C1(2) (resistance to contaminants);
 - (e) in the case of a material change of use described in regulation 5(a), C2 (resistance to moisture);
 - (f) in the case of a material change of use described in regulation 5(a), (b), (c), (g), (h) or (i), E1 to E3 (resistance to the passage of sound);
 - (g) in the case of a material change of use described in regulation 5(e), where the public building consists of or contains a school, E4 (acoustic conditions in schools);
 - (h) in the case of a material change of use described in regulation 5(a) or (b), G2 (water efficiency) and G3(4) (hot water supply and systems: hot water supply to fixed baths);
 - (i) in the case of a material change of use described in regulation 5(c), (d), (e) or (j), M1 (access and use).
- (2) Where there is a material change of use of part only of a building, such work, if any, shall be carried out as is necessary to ensure that—
- (a) that part complies in all cases with any applicable requirements referred to in paragraph (1) (a);
 - (b) in a case in which sub-paragraphs (b), (e), (f), (g) or (h) of paragraph (1) apply, that part complies with the requirements referred to in the relevant sub-paragraph;
 - (c) in a case to which sub-paragraph (c) of paragraph (1) applies, the whole building complies with the requirement referred to in that sub-paragraph; and
 - (d) in a case to which sub-paragraph (i) of paragraph (1) applies—
 - (i) that part and any sanitary conveniences provided in or in connection with that part comply with the requirements referred to in that sub-paragraph; and

- (ii) the building complies with requirement M1(a) of Schedule 1 to the extent that reasonable provision is made to provide either suitable independent access to that part or suitable access through the building to that part.

Materials and workmanship

- 7. Building work shall be carried out—
 - (a) with adequate and proper materials which—
 - (i) are appropriate for the circumstances in which they are used,
 - (ii) are adequately mixed or prepared, and
 - (iii) are applied, used or fixed so as adequately to perform the functions for which they are designed; and
 - (b) in a workmanlike manner.

Limitation on requirements

8. Parts A to D, F to K, N and P (except for paragraphs G2, H2 and J7) of Schedule 1 shall not require anything to be done except for the purpose of securing reasonable standards of health and safety for persons in or about buildings (and any others who may be affected by buildings, or matters connected with buildings).

Exempt buildings and work

9.—(1) Subject to paragraphs (2) and (3) and regulation 21(1), these Regulations do not apply to—

- (a) the erection of any building or extension of a kind described in Schedule 2; or
 - (b) the carrying out of any work to or in connection with such a building or extension, if after the carrying out of that work it is still a building or extension of a kind described in that Schedule.
- (2) The requirements of paragraphs G1 and G3(2) and (3) of Schedule 1 apply—
- (a) to any greenhouse which receives a cold or hot water supply from a source shared with or located inside a dwelling; and
 - (b) to—
 - (i) any small detached building falling within class 6 in Schedule 2; and
 - (ii) any extension of a building falling within class 7 in Schedule 2,which in either case receives a cold or hot water supply from a source shared with or located inside any building other than a building or extension of a kind described in Schedule 2.
- (3) The requirements of Part P of Schedule 1 apply to—
- (a) any greenhouse;
 - (b) any small detached building falling within class 6 in Schedule 2; and
 - (c) any extension of a building falling within class 7 in Schedule 2,
- which in any case receives its electricity from a source shared with or located inside a dwelling.

Exemption of the Metropolitan Police Authority from procedural requirements

10.—(1) The Metropolitan Police Authority is hereby prescribed for the purposes of section 5 of the Act (exemption of public bodies from the procedural requirements and enforcement of building regulations).

(2) The Metropolitan Police Authority is exempt from compliance with these Regulations, other than regulation 29, in so far as the requirements in these Regulations are not substantive requirements.

Power to dispense with or relax requirements

11.—(1) Subject to paragraph (3), the power under section 8(1) of the Act to dispense with or relax any requirement contained in these Regulations shall be exercisable by the local authority.

(2) Any notification by the local authority to an applicant that they have refused the applicant's application to dispense with or relax any requirement of these Regulations shall inform the applicant of the effect of section 39(1) and (3) of the Act (appeal against refusal etc. to relax building regulations).

(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to—

- (a) regulation 26 or 29; or
- (b) in the case of existing buildings with a total useful floor area over 1,000m², the energy efficiency requirements of these Regulations.