

Building Standards

Do I Need a building warrant?

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1. INTRODUCTION

This document provides general guidance to help the understand when a building warrant may be required. It is intended to support individuals at an early stage when planning works and should be used as a self-help resource only.

Most building work, including the construction, alteration, extension, conversion or demolition of a building, will require a building warrant. However, in certain circumstances, specific types of work or specific types of buildings may be exempt from the Building Regulations or may not require a building warrant.

Different rules apply depending on the type of building. Where works are proposed to a flat, maisonette, or a house over two storeys in height, stricter controls apply and fewer works can be carried out without a building warrant than would be permitted for a one or two storey house.

If you are unsure whether your proposed works require a building warrant, you may wish to seek advice from a suitably qualified professional, such as an Architect or Architectural Technician with knowledge of the Scottish Building Regulations.

Advice is also available from Falkirk Council's Building Standards team. This can be obtained by submitting the relevant application form and paying the applicable application fee.

This guidance explains:

- which building work is exempt from the Building Regulations
- which building work does not require a building warrant
- what constitutes repair work

This guidance does not replace the need to comply with statutory requirements and should not be relied upon as a formal determination.

2. BUILDING WORK THAT MAY BE EXEMPT FROM REGULATIONS

Some buildings and types of work fall outside the scope of the Building (Scotland) Regulations 2004. Where this applies, a building warrant is not required.

The Regulations identify specific categories of buildings that are exempt altogether. These exemptions are set out in Schedule 1 of Regulation 3, and Section 0.3.2 of the Scottish Technical Handbooks, which are published by the Scottish Government and are available to download free of charge ([Download Technical Handbooks](#)).

This guidance includes examples of small buildings commonly associated with houses, flats and maisonettes that fall within these exemptions. These examples are shown in Table 1 below.

Table 1 - Examples of small domestic buildings that are exempt from the Building Regulations

1	Detached single-storey buildings within the garden of a house Examples include small sheds or similar outbuildings of houses only. To be exempt, the building must: <ul style="list-style-type: none">• be no more than 8 square metres in floor area• be located within the curtilage (garden area) of the house• be at least 1 metre from the house, unless it is also at least 1 metre from any boundary The building must not: <ul style="list-style-type: none">• contain sleeping accommodation• include a flue, fixed heating appliance or sanitary facilities (such as a toilet or sink)• be a wall or a fence
2	Single storey attached structures such as conservatories or porches This applies to conservatories or porches attached to an existing house only and is not applicable to flats or maisonettes. To be exempt, the structure must: <ul style="list-style-type: none">• be single storey• be ancillary to the house (used in connection with it)• meet the relevant glazing safety requirements set out in the Building Regulations The structure must not: <ul style="list-style-type: none">• exceed 8 square metres in floor area• contain a flue, fixed heating appliance or sanitary facilities• be located within 1 metre of a boundary
3	Greenhouses, carports and covered areas This applies to greenhouses, carports or similar covered structures that are either attached to or detached from a house. To be exempt, the structure must: <ul style="list-style-type: none">• be single storey• be ancillary to the house• have a floor area of no more than 30 square metres The structure must not: <ul style="list-style-type: none">• contain a flue, fixed heating appliance or sanitary facilities

4 Detached single-storey buildings serving a flat or maisonette

Examples may include small stores or similar outbuildings located within the curtilage of a flat or maisonette only.

To be exempt, the building must:

- be single storey and detached
- be no larger than 8 square metres in floor area
- be located within the curtilage of the flat or maisonette
- be at least:
 - 1 metre from the flat or maisonette, and
 - 3 metres from any other part of the building containing the flat or maisonette
- be at least 1 metre from any boundary

The building must not:

- contain a flue, fixed heating appliance or sanitary facilities
- be used as sleeping accommodation
- form a wall or fence
- be a swimming pool with a depth greater than 1.2 metres

5 Paved areas and hardstandings

This includes paved areas or hardstandings associated with a house, flat or a maisonette.

To be exempt, the paved area must:

- have a surface area of no more than 50 square metres
- not form part of an access route required to meet Building Regulations (for example, an accessible route or fire access)

Important note - These examples are provided for guidance only. If any condition is not met, the exemption may not apply and a building warrant could be required.

3. BUILDING WORK THAT MAY NOT REQUIRE A BUILDING WARRANT

Some types of building work do not require a building warrant, even though they are not exempt from the Building Regulations. For this category of work, the Building Regulations still apply in full. No approval is issued by the local authority, and it is the responsibility of the owner/relevant person to ensure that the work complies with the regulations.

The types of work that fall within this category are set out in Schedule 3 of Regulation 5, and Section 0.5.2 of the Scottish Technical Handbooks. This guidance includes practical examples of such work in Table 2 to help explain when a building warrant is not required.

Additional restrictions apply to works affecting flats and maisonettes, particularly where common parts or shared structures are involved.

Table 2 - Examples of work that do not require a building warrant

<p>1 Internal and minor works to a house</p> <p>A building warrant is not normally required for work carried out within or to a house unless the work involves one or more of the following:</p> <p>A building warrant will be required where the work:</p> <ul style="list-style-type: none">• increases the floor area of the house• involves demolition or alteration of the roof, external walls, or any structural element• includes underpinning• adversely affects a separating wall• changes the method of wastewater disposal<ul style="list-style-type: none">• relates to a house with a storey, or creates a storey, at a height of 4.5 metres or more, unless the work falls within other permitted categories listed elsewhere in this guidance <p>Example: alteration/refit of a kitchen or bathroom or forming an en-suite bathroom/shower room.</p>
<p>2 Outbuildings serving a house</p> <p>This applies to small, detached buildings such as sheds or similar structures located within the garden of a house.</p> <p>A building warrant is not normally required where the building:</p> <ul style="list-style-type: none">• is single storey and detached• has a floor area of more than 8 square metres but no more than 30 square metres• is ancillary to the house and located within its curtilage <p>A building warrant will be required if the building:</p> <ul style="list-style-type: none">• is located within 1 metre of the house, unless it is also at least 1 metre from any boundary• contains a fixed heating appliance, flue or sanitary facilities• is a swimming pool with a depth greater than 1.2 metres
<p>3 Outbuildings serving a flat or maisonette</p> <p>This applies to small, detached buildings associated with a flat or maisonette, such as storage buildings.</p> <p>A building warrant is not normally required where the building:</p> <ul style="list-style-type: none">• is single storey and detached• has a floor area of more than 8 square metres but no more than 30 square metres• is ancillary to the flat or maisonette and located within its curtilage <p>A building warrant will be required if the building:</p> <ul style="list-style-type: none">• is located within 1 metre of the flat or maisonette, or within 3 metres of any other part of the building containing the flat or maisonette

- is located within 1 metre of a boundary
- contains a fixed heating appliance, flue or sanitary facilities
- is a swimming pool with a depth greater than 1.2 metres

4 Heating, combustion appliances and fuel storage

A building warrant is not normally required for work to existing heating systems or combustion appliances, including associated components, unless the work involves:

- installing a solid fuel appliance with a net input rating greater than 50 kW, or an oil-fired appliance greater than 45 kW, or a gas-fired appliance greater than 70 kW
- work to a chimney, flue pipe or constructional hearth
- installing or altering an oil storage tank with a capacity of more than 90 litres, including pipework connecting it to a combustion appliance
- work that adversely affects a separating wall or separating floor

5 Pipework, radiators and heating controls

Work to pipework, radiators, convector heaters and thermostatic controls associated with an existing heating system does not normally require a building warrant.

6 Flues and flue liners

Installing a flue liner, or work to a balanced flue serving a room-sealed appliance, does not normally require a building warrant.

7 Gas storage cylinders

Work involving refillable liquefied petroleum gas (LPG) cylinders supplying appliances used for space heating, water heating or cooking, via a fixed pipework system, does not normally require a building warrant.

8 Sanitary fittings and drainage (limited works)

A building warrant is not normally required for:

- installing a single sanitary fitting, together with any associated branch soil or waste pipe
- relocating an existing sanitary fitting within the same room or space, together with associated pipework

This does not apply to the installation of a water closet, waterless closet or urinal, which may require a building warrant.

9 Ventilation and access equipment

The following works do not normally require a building warrant:

- installing an extractor fan
- installing a stairlift within a dwelling

10 Fences and Walls

A building warrant is not normally required for a wall not exceeding 1.2m in height or for a fence not exceeding 2m in height.

11 External decking

Open-raised external decking does not normally require a building warrant unless:

- it is higher than 1.2 metres
- it forms part of an access route required to meet Building Regulations
- it forms an escape route (other than from a flat or maisonette)

12 Ramps

Constructing a ramp with a length of no more than 5 metres does not normally require a building warrant.

4. Repair and maintenance works

Not all repair or maintenance work requires a building warrant. Where an existing service, fitting or piece of equipment is repaired or replaced with the same general type, and the standard of the installation is not reduced, a warrant will not normally be required.

The key consideration is whether the work makes the existing situation worse. Where the standard is maintained or improved, a building warrant is unlikely to be required. For example, upgrading glazing within existing window frames would generally be acceptable.

Typical repair and maintenance works that would not normally require a building warrant include work to:

- plumbing fittings and associated pipework
- rainwater goods
- solid fuel appliances
- electrical fixtures and mechanical ventilation
- chimneys and flues
- refuse storage systems
- fitted furniture and kitchen units
- door and window ironmongery
- internal floor finishes
- wall and ceiling finishes
- external or internal cladding and render

This does not apply where work forms part of a wider alteration, extension or change of use.

5. Formal determination

Where it is unclear whether proposed works require a building warrant, you may request a formal determination from the Building Standards team. This service is provided through the Exempt Works Report process.

This is done by submitting the appropriate application form along with the required fee and supporting documents. Once a valid application has been received, Building Standards will aim to issue a written response within 20 working days. A formal determination provides written advice but does not constitute a building warrant and is not legally binding.