

Building Control Unauthorised Works

If work to your property has been carried out without an application for building regulations being submitted then the work is considered to be unauthorised work. If work has not been inspected by Building control, aside from the possible health and safety issues which could arise, the owner of the property could find they will face difficulty when they come to selling or re-mortgaging their property.

If the unauthorised work was carried out any time since 11th November 1985 then the owner can apply for a **regularisation certificate** (see below). In some rare cases it may be possible for the Council to issue a letter confirming that no further enforcement action will be taken under the **unauthorised works procedure** (see below).

You will need to consider all the advantages and disadvantages of which procedure you are going to follow to ensure your work complies with the Building Regulations. The important thing is to ensure your property is safe and that all the paperwork is in place for when you wish to sell your property.

If you have carried out work to your property which is unauthorised and you do not try and rectify the situation then a Contravention notice will be issued which will mean you will be unable to sell or re-mortgage your property or you could be taken to court and prosecuted.

If you need any further information on unauthorised works and the regularisation procedure feel free to contact us at build.control@luton.gov.uk

How to apply for a regularisation certificate

1. The first step will be to submit a regularisation application form to us along with the relevant fee.
2. Then you will need to call us to arrange an inspection of the work carried out. Depending on the type of work that was carried out, you may need to expose some of the work. For example if it is a chimney breast removal the supports will need to be exposed and if it is an extension then the foundations will need to be exposed.
3. Once the work has been inspected and the inspector can confirm it complies with building regulations, then a regularisation certificate will be issued. This is similar to a completion certificate which is sometimes issued after the completion of authorised works.

Unauthorised works procedure

This may be appropriate where it is not possible to expose the works that have been carried out to your property. This is especially if they were carried out a long time ago so this option can particularly relate to work that has been carried out prior to 1985.

The main disadvantage of the unauthorised works letter is that since only a visual inspection is being carried out the inspector will not be made aware of any "hidden" faults. These hidden faults could become a problem in the future especially if they lead

to a structural collapse of part of a building for example. In addition because a copy of the letter will be left on the Land Charges register it will be brought up every time a search is done on the property. This fact may be off putting to buyers and solicitors when it comes to you selling your property.

1. To obtain an unauthorised works letter you will need to write a letter to Building control requesting an unauthorised works letter with details of the work done and the address of the property. You will need to include a fee of £150.

2. Once you are ready for an inspection you can call our office to arrange one, preferably giving at least a days notice, and the inspector will carry out a visual inspection of the works carried out.

3. If the work appears satisfactory then you will be issued a letter stating that the Council will take no further action against you regarding the unauthorised works and a copy of that letter will remain on the Land Charges register.