

To:

The Chief Executive -  
Unitary, Metropolitan, District and London  
Borough Councils in England  
The Town Clerk, City of London  
The Clerk, Council of the Isles of Scilly  
The Sub-Treasurer, Inner Temple  
The Under Treasurer, Middle Temple

The Head of Building Control -  
Unitary, Metropolitan, District and  
London Borough Councils in England  
City of London  
Council of the Isles of Scilly

Approved Inspectors

cc:

The Chief Executive -  
County Councils in England  
National Park Authorities in England  
The Chief Fire Officer, Fire Authorities in  
England

Welsh Assembly Government

07 April 2011

Dear Sir/Madam

## **GUIDE TO DETERMINATIONS AND APPEALS UNDER THE BUILDING ACT 1984**

1. I am writing to inform you that we have published a revised Guide to determinations and appeals and introduced application/appeal forms as part of this process.

### **The Guide**

2. The Building Act 1984 contains two procedures - determinations and appeals - which provide for the Secretary of State for Communities and Local Government to help resolve disputes arising between anyone carrying out building work subject to the Building Regulations and a building control body in England.

3. A Guide to determinations and appeals was originally published in November 2001 to explain their purpose and distinction and give details of how to proceed. The Guide is primarily intended for anyone proposing to carry out building work - including a professional adviser - who is seeking to ensure that the work complies with the requirements of the

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Building Regulations but has been unable to reach agreement with the building control body. It is also a useful reference source for building control bodies.

4. The Guide has been revised to make it clearer to read and understand, and to bring it up to date. The key points and main stages summary pages (pages 5-8) have been given more prominence for the benefit of applicants/appellants. The main change is the introduction of forms to assist the processing of determination applications and appeals - see below.

5. In accordance with the Government's localism agenda, we have also included new text in the Guide (paragraphs 10 and 11) encouraging a developer to consider using *alternative local and industry-led building control dispute resolution procedures*, prior to referring the matter in dispute to the Secretary of State as this may achieve a quicker outcome.

### **Determination Application / Appeal forms**

6. The aim of the new determination application / appeal forms is to enable the information needed to be presented in a more succinct and orderly manner (including the supporting documents) to assist the Department's (on behalf of the Secretary of State) understanding of the matter in dispute and to save time. The forms ask the applicant/appellant to consider submitting the building control body's comments on the application/appeal at the same time, although this is not a requirement. Assuming neither party wishes to comment further, this will enable the Department to move directly to the decision-making process.

7. Determination applications or appeals can, alternatively, continue to be submitted by letter with the relevant attachments if the information requested in the forms is provided. However, the Guide strongly advises the use of the forms, and it would be helpful if building control bodies would direct potential applicants/appellants to these forms.

### **Website links**

8. The revised Guide and the new application/appeal forms can be found on the Department's website and on the Planning Portal via the following links. Please note that paper copies have not been published but a paper copy can be provided on request to the Department to anyone who does not have internet access:

<http://www.communities.gov.uk/planningandbuilding/buildingregulations/determinationsandappeals/>

<http://www.planningportal.gov.uk/buildingregulations/determinationsandappeals/guide>

### **Wales**

9. The revised Guide and the new application/appeal forms relate to England only. Contact should be made with the Welsh Assembly Government if the building work is being carried out in Wales (see contact details in paragraph 48 of the Guide or at the end of the application/appeal forms).

## **Enquiries**

10. Any enquiries on this Circular Letter or on the revised Guide should be addressed to Clare Farmer - e-mail: [enquiries.br@communities.gsi.gov.uk](mailto:enquiries.br@communities.gsi.gov.uk) or tel. 0303 444 4232.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Kevin Flanagan', is positioned above the printed name.

**Kevin Flanagan**  
**Sustainable Buildings Division**