



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/ooCZ/BTD/2025/0001**

Premises : **Enterprise Rent A Car
Formerly, Longley Park Motors
The Triangle
Huddersfield
HD1 4RU**

Applicant : **Integral Building Control Solutions Ltd**

Respondent : **Kirklees Council**

Type of Application : **Appeal against rejection of Initial Notice
Building Act 1984, section 55**

Tribunal : **Judge J Holbrook
Regional Surveyor N Walsh
Mr A Gee RIBA**

Hearing Date : **9 July 2025, in Manchester**

Date of Decision : **13 August 2025**

DECISION

DECISION

The local authority's rejection of the Initial Notice is confirmed and the appeal is dismissed.

REASONS

Introduction and hearing

1. To comply with the building regulations in relation to a non-higher risk building, a person may apply for approval from the relevant local authority building control department. Alternatively, approval may be sought from a private sector "registered building control approver", in which case the registered building control approver and the applicant must give a joint "initial notice" to the local authority under section 47(1) of the Building Act 1984 (the 1984 Act), notifying the local authority of the intended building works. Building work can start as soon as the initial notice has been accepted by the local authority and cannot be started if the initial notice is rejected. A notice will be treated as having been accepted unless it has been rejected within five days of being given.
2. This case concerns an appeal against rejection of an initial notice. A hearing of that appeal was held at the Tribunal's hearing centre in Manchester on 9 July 2025. The Applicant was represented at the hearing by Mr B Whittingham, and the Respondent by Mr B Williams, both of counsel, and we are grateful for their assistance. The hearing proceeded mainly by way of submissions from counsel, who also referred us to witness and documentary evidence in the agreed hearing bundle. In addition, we heard oral evidence on one particular issue from the Applicant's managing director, Darren Ettles. We make further reference to that evidence at paragraphs 19 and 20 below.
3. Judgment was reserved, and the Tribunal did not inspect the premises in question.

Facts

4. The Applicant, Integral Building Control Solutions Limited, is a registered building control approver. On 24 February 2025, the Applicant gave the Respondent local authority an initial notice (the Initial Notice) under section 47(1) of the 1984 Act. The Applicant gave the Initial Notice jointly with the person intending to carry out the work in question.
5. The Initial Notice was in the prescribed form. It was not accompanied by a plan, but it is agreed that there was no legal requirement for a plan in the circumstances. Paragraph 1 of the Initial Notice stated:

"This Notice relates to **demolition of the first floor office space, partial demolition of the building, installation of new steel framed wash bay and internal refurbishment to existing building at Enterprise Rent A car, formerly Longley Park Motors, The Triangle,**

Huddersfield, HD1 4RU, England. Use of the building to which this work relates: **Retail**"

6. The Respondent's building control department responded by email later the same day. They queried two aspects of the Initial Notice. One is not relevant to this appeal, but the other query concerned the description of the proposed works set out above. The email requested that a description of the internal refurbishments be provided, and commented that "Internal Refurbishment is too vague and can no longer be accepted as proposed works".
7. Darren Ettles replied on behalf of the Applicant. He did not elaborate on the description provided in the Initial Notice, but instead noted that the Respondent had allegedly accepted the term "internal refurbishment" as a description in numerous other cases. He asked why it was not being accepted in this case. The Respondent's building control manager, Russell Smith, responded to Mr Ettles. Mr Smith said that the other applications referred to had included plans to supplement the written descriptions, "providing a clear and transparent account of the activities covered by the application". Mr Ettles was invited to submit plans that identified the full extent of the works. Mr Smith stated that, while the submission of plans was not a requirement, the council would be happy to accept them to supplement "generic descriptions" of works.
8. Mr Ettles declined to do this and so, on 28 February, the Respondent issued a notice of rejection of the Initial Notice. The stated ground for rejecting the Initial Notice was:

"The description, 'internal refurbishment' used to describe proposed works without either plans or some further caveat as a description of the works is so inadequate as to amount to no description at all."

9. On 21 March 2025, the Applicant submitted its appeal to the Tribunal.

Law

10. Section 47(2) of the 1984 Act provides that a local authority may not reject an initial notice except on prescribed grounds, and shall reject the notice if any of the prescribed grounds exists. In certain cases, where the work to which the notice relates is of a particular description, the local authority may impose certain requirements as a condition of accepting the initial notice.
11. The grounds on which a local authority must reject an initial notice are prescribed in Schedule 2 to the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (the 2024 Regulations). The grounds include:

"Neither the notice nor the accompanying plans and documents include ... the location and a description of the work, including the use of any building to which the work relates" (paragraph 6(a) of Schedule 2).
12. The period within which a local authority may give notice of rejection of an initial notice is five working days beginning with the day on which the notice is given (regulation 6(4) of the 2024 Regulations).

13. Section 55(1) of the 1984 Act provides that a person aggrieved by the local authority's rejection of an initial notice may appeal to the Tribunal. By virtue of section 55(2), if the Tribunal determines on such an appeal that the notice was properly rejected, it shall confirm the rejection. The Tribunal must otherwise give a direction to the local authority to accept the notice.
14. Section 55 of the 1984 Act is supplemented by provisions in the 2024 Regulations. Regulation 29 provides that an appeal must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the approver of its decision, and that the Tribunal may allow an appeal only if it is satisfied that the notice was not properly rejected on one or more of the following grounds—
 - a) that the rejection was based on an error of fact,
 - b) that the rejection was wrong in law,
 - c) that the rejection was unreasonable,
 - d) that the rejection was made without following the procedures set out in the 1984 Act or regulations made under the 1984 Act.

Grounds of appeal

15. The Applicant asserted that the Respondent's rejection of the Initial Notice was wrong in law and was also unreasonable. In particular, it was argued that:
 - a) the 2024 Regulations require only a description of the works, and a description having been supplied, the rejection was unlawful; or
 - b) If the description to be supplied must be sufficient judged by some unstated qualification or caveat, the totality of the description provided in paragraph 1 of the Initial Notice was sufficient and so the rejection was unlawful.

Discussion

16. The Applicant's grounds for appeal were argued in the alternative. Ground a) can be dealt with quite shortly, because it is clearly misconceived.
17. The 2024 Regulations require an initial notice to include "a description of the work". That requirement must obviously serve some purpose, and whilst that purpose is not spelled out in the Regulations themselves, the parties readily accepted that it must be to enable the reader to understand the nature of the work being undertaken. The reader could be a subsequent purchaser of the premises, who wishes to know what works have been carried out. But it could also be a local authority building control officer who wishes to know whether the works engage the building regulations and whether they are of a description which entitles the local authority to impose requirements under section 47(2) of the 1984 Act as a condition of accepting the initial notice. The natural consequence of the Applicant's primary argument is that it would be enough for any initial notice to describe the works in question as "Building Work".

However, this clearly would not enable the reader to understand the nature of the work being undertaken, and so the argument cannot be correct: the 2024 Regulations implicitly require that an initial notice includes a description of the work which is sufficient for this purpose.

18. Turning, therefore, to the alternative ground of appeal, (ground b)), it is necessary to consider whether the description given in paragraph 1 of the Initial Notice is indeed sufficient to enable the reader to understand the nature of the work being undertaken. That description plainly provides an overview of the proposed project, but the issue is whether the reference to “internal refurbishment” introduces a degree of uncertainty about the nature and extent of the works which renders the overall description insufficient.
19. The Respondent accepts that the description of the works which is required need not amount to a comprehensive specification of those works – and clearly that must be correct. However, the description must identify with a reasonable degree of specificity those elements of the works which are subject to the building regulations. Conversely, it need not identify any elements to which the building regulations do not apply. The difficulty with the expression “internal refurbishment” (as both parties accepted) is that it is apt to cover a broad range of works, from minor painting and decorating works not subject to building regulations, to more major works (including structural works) which are subject to those regulations. By including mention of internal refurbishment in the Initial Notice, it is reasonable to assume that the Applicant intended the expression to cover works which are, or which may be, subject to the building regulations (else why mention it at all?). However, without more, these words offer no clue as to what this element of the works comprises. Indeed, even by the end of the hearing, we were unable to understand what the internal refurbishment in question actually amounted to, even after inviting Mr Ettles to address us directly on this question.
20. Although Mr Ettles confirmed that the works in question have commenced, he appeared unable or unwilling to explain the nature and extent of the internal refurbishment referred to in the Initial Notice, preferring instead to give hypothetical examples of what such works could entail and of the kinds of internal refurbishment works which would not be subject to the building regulations.
21. We find that, even though the words “internal refurbishment” formed part of a wider description of the overall scheme of works which was the subject of the Initial Notice, that wider description did not enable the reader to understand the nature of the works that expression was intended to cover. As such, taken as a whole, the description of the works was insufficient. To be clear, Mr Ettles’ unsatisfactory answers to the Tribunal’s questions about the nature of the internal refurbishment works are not the reason for this finding. Nevertheless, they underline our conclusion that the description given in the Initial Notice is insufficient.
22. Finally, turning to the argument that the Respondent’s rejection of the Initial Notice was unreasonable, we disagree. We note that this was not a case of the Notice being rejected in a perfunctory manner, without the Applicant being

given opportunity to address any perceived deficiencies. On the contrary, the Respondent informed the Applicant of its concerns and explained what the Applicant could do to address them. When the Applicant declined to do so, it was perfectly reasonable for the Respondent to reject the Initial Notice – indeed it was legally bound to do so.

Outcome

23. Based on the above findings, our conclusion is that the Initial Notice was properly rejected. Pursuant to section 55(2) of the 1984 Act, therefore, we must confirm the rejection. Accordingly, the appeal is dismissed.

Signed: J W Holbrook
Judge of the First-tier Tribunal
Date: 13 August 2025