Exemption from Building Regulations charges

Applications for Building Regulations are normally subject to a fee being paid on submission. Charges are not payable in respect of work that is carried out for the benefit of a disabled person in accordance with Regulation 4 of the Building (Local Authority Charges) Regulations 2010.

These regulations make it clear that the exemption only applies to building work in relation to existing dwellings where the disabled person is or will be a permanent resident or to existing buildings to which members of the public are admitted (e.g. public buildings, shops, banks etc). The exemption does not apply to the construction of a new building.

The exemption only applies where the whole of the work in question is either to provide means of access to enter or exit the building or to move to or from any part of it (e.g. through the installation of a lift or widening openings), or for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person. Where a larger building project comprises some work that falls within the exemption the LA may wish to consider treating that part of the work as exempt rather than requiring two separate applications.

In relation to existing dwellings, the type of building work that is considered to be “accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person” is set out in regulation 4(2). This also includes work to provide or extend a room which will be used for sleeping accommodation for a full time (i.e. 24 hours) carer.

The meaning of the reference to “building work solely required for disabled persons” needs to be demonstrated that the work is being carried out for the purpose of facilitating a person’s disability, regardless of whether others may also benefit from the work. For example, where an occupant is unable to use an upstairs bathroom (or can use it only with assistance), the provision of a downstairs bathroom would be considered as exempt even though other occupants of the dwelling will benefit from the facility. However, the fact that an occupant of the dwelling is deaf would be insufficient to justify the need for a downstairs bathroom on the grounds of disability.

In this regulation, "disabled person” means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948, applied, as that section was extended by virtue of section 8(2) of the Mental Health Act 1959, but not taking into account amendments made to section 29(1) by paragraph 11 of Schedule 13 to the Children Act 1989.

The following proof of entitlement as identified above must accompany any Building Regulations application being accepted without a charge.

- A letter confirming eligibility for receipt of disability living allowance.