

Commencement of Work

Due to changes made to the Building Regulations coming into effect for applications submitted after 1 October 2023, and Regulation 46A, the definition of commencement of work has been changed which affects the minimum amount of work that must be carried out so that the application does not lapse.

For the purposes of section 32(6) of the Act (lapse of building control approval), work is to be regarded as commenced in accordance with one of the following paragraphs.

- Where the work consists of the construction of a complex building, work is to be regarded as commenced in relation to that building or the first stage of building work for that building when the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are completed.
- Where the work consists of
 - the construction of a building which is not complex; or
 - horizontal extension of a building,work is to be regarded as commenced when the sub-surface structure of the building or the extension including all foundations, any basement level (if any) and the structure of the ground floor level is completed.
- Where the work consists of any other building work then work is to be regarded as commenced where a statement under required as part of a full plans application or an application under the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 sets out details of the work which the client considers amounts to 15% of the proposed work, when the work detailed in the statement is completed.

It will be necessary to notify us when the relevant commencement level has been achieved not more than 5 days afterwards. An inspection of the work will then be carried out and commencement either confirmed or rejected. Failure to notify us and/or to commence work within 3 years from the date of validation will result in the application ceasing to have effect.

You will still be required to advise us when work starts and to carry out our first inspection, usually at foundation/drainage stage.

Definitions

- **Complex building** means:
 - a building which is to be constructed on the same foundation plinth or podium as any other building or structure; or
 - a building which has more than one storey below ground level; or
 - a building where it is proposed use is primarily as a public building where the public or a section of the public has access to the building (whether or not on payment) provided that the building has a capacity for 100 or more visitors;
- **Public building** means:
 - a shop or shopping centre,
 - premises where food or drink are sold for consumption on the premises, including a nightclub, social club or dance hall;
 - a stadium, theatre, cinema, concert hall;
 - a sports ground;
 - an exhibition hall or conference centre;
 - a hospital or premises for the provision of health care.