

APPEAL TO WELSH MINISTERS UNDER SECTION 39 OF THE BUILDING ACT 1984 AGAINST A REFUSAL BY A LOCAL AUTHORITY TO RELAX OR TO DISPENSE WITH A REQUIREMENT OF THE BUILDING REGULATIONS

Notes:

The Building Act 1984 contains two procedures - determinations and appeals - which provide for Welsh Ministers to help resolve disputes arising between anyone carrying out building work subject to the Building Regulations and a building control body (i.e. either a local authority or a private approved inspector) in Wales. The Department for Communities and Local Government has issued a guide on the determination and appeal procedures (which has been adopted for use in Wales) to which you (i.e. the land/building owner or the builder or agent) should refer before deciding if one of these procedures is appropriate to help resolve your dispute. Further information on the determinations and appeals process is available in the [Guide to Determination and Appeals under the Building Act 1984](#). Although the guide indicates for use in England it has been adopted for use in Wales:

Should you believe that the particular requirement(s) of the Building Regulations in question is too onerous or inappropriate in the particular circumstances of your plans or building work, you have a right to apply to the local authority asking the authority respectively to either **relax or dispense** with the requirement(s). If the local authority refuses to do so, you can then appeal to Welsh Ministers within a month of the authority's decision by completing and returning this form (there is a separate form for determinations).

This appeal form has been designed to be completed electronically (all boxes will expand) and can be emailed or printed and sent by post to the Welsh Government, with the supporting documents requested (see addresses at the end of the form). Appeals will also be accepted in the form of a letter via e-mail or post if the information and supporting documents requested in this form are provided. However, by completing this form fully and accurately (paying attention to the footnotes), attaching the supporting documents requested in the checklist below - including the building control body's comments on your appeal - it will:

- make it easier for you to compile your appeal with the information and documents needed, saving you and the Welsh Governments time; and
- speed up the overall appeal process enabling you to receive a quicker decision.

SECTION 1: THE PARTIES INVOLVED AND ADDRESS OF THE BUILDING WORK

1.1 Appellant's details (i.e. either the land/building owner or the builder).

Title:

Name:

Address:

Tel:

Email:

1.2 Appellant's agents details (if applicable).

Title:

Name:

Address:

Tel:

Email:

1.3 Details of any other parties involved in the building work.

Name(s):

Role(s):

1.4 Local authority details.

Name:

Address:

Tel:

Email:

1.5 Address of building or site where the building work will be or has been carried out (where different from that stated in response to question 1).

SECTION 2: FULL PLANS OR BUILDING NOTICE AND RELAXATION OR DISPENSATION APPLICATION

2.1 Please state the following:

i. Whether the building work was the subject of a full plans application or building notice submitted to the local authority and the date of then application/notice:

ii. The date of the local authority's decision on your full plans application (if applicable):

iii. The date of your relaxation or dispensation application to the local authority.

iv. Date of the local authority's refusal to relax or dispense with the requirement(s) of the Building Regulations in question.

SECTION 3: THE BUILDING WORK AND THE MATTER IN DISPUTE

3.1 Please give a brief description of the building and/or site where the building work will be or has been carried out (e.g. type, scale and use of building, number of storeys and rooms on each floor, level or sloping site, etc.

3.2 Please give a brief description of the building work (indicating whether an erection of a new building, extension, alteration or change of use etc) and the matter in dispute between you and the local authority, stating which requirement(s) of the Building Regulations is in question.¹

3.3 Please give a brief statement explaining your case for appealing against the local authority's refusal to either relax or dispense with the particular requirement(s) of the Building Regulations in question.²

¹ If there is more than one matter in dispute, please use numbers to distinguish separate matter(s).

² Please make this as concise as possible. It would be particularly helpful if you could number or bullet point each point you make. You should also address the reasons given by the local authority for rejecting your relaxation or dispensation application.

SECTION 4: LOCAL AUTHORITY COMMENTS

4.1 Have you attached a copy of a letter (comprising a brief statement) from the local authority regarding your appeal, which provides its comments on the building/building work and the matter in dispute and explains why the authority is not prepared to relax or dispense with the applicable requirement(s) of the Building Regulations in question?³

SECTION 5: SUPPORTING DOCUMENTS REQUIRED CHECKLIST

Please attach one copy of the following with your appeal form and indicate where you have done so:

Documents required	Yes	No
Plans/drawings of the building work, particularly related to the matter in dispute. Please list the plan/drawing nos and dates below:	<input type="checkbox"/>	<input type="checkbox"/>
The local authority's comments on your appeal (NB: this is optional - see footnote 3)	<input type="checkbox"/>	<input type="checkbox"/>
Any previous key correspondence with the local authority which further clarifies the matter in dispute, including a copy of the authority's refusal notice relating to your relaxation or dispensation application and also a full plans rejection notice if one has been issued.	<input type="checkbox"/>	<input type="checkbox"/>
Any associated listed building consent or planning permission if relevant.	<input type="checkbox"/>	<input type="checkbox"/>
Any other relevant documentation which supports your case; if available, some photographs of the matter in dispute would be helpful. Please list below any additional documents you have attached:	<input type="checkbox"/>	<input type="checkbox"/>
NB: Please note that there is no fee payable for an appeal.		

³ The Welsh Government requires the local authority's comments on your appeal. This is in addition to a copy of the authority's refusal notice relating to your relaxation or dispensation application. Whilst you are not legally obliged to provide these additional comments, it will expedite your appeal if you contact and submit a copy of the authority's comments (which should be in the form of a letter addressed to the Welsh Government) with your appeal form. In this event, you should ensure that both parties have seen each other's comments and had regard to these as appropriate, prior to referring your appeal to Welsh Ministers. Please state here whether the authority's comments are attached to your form or whether you would prefer the Welsh Government to seek its comments.

Applicant's signature: (where form is submitted in hard copy)	
Name (in CAPITALS):	
Organisation (if applicable):	
Date:	

PLEASE EMAIL YOUR COMPLETED FORM AND ATTACHMENTS TO:

enquiries.brconstruction@wales.gsi.gov.uk

OR POST THEM TO:

**Building Regulations,
Welsh Government,
Rhydycar,
Merthyr Tydfil,
CF48 1UZ.**

Tel: 03000 628141