

APPLICATION TO WELSH MINISTERS FOR A DETERMINATION UNDER SECTION 16 (10) (a) or 50 (2) OF THE BUILDING ACT 1984

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:

A determination application may be made where there is an unresolved question between the parties as to whether **plans of the proposed building work** comply with the Building Regulations. If you decide that the **determination** procedure is appropriate to your circumstances, then you should complete and return this application form (there is a separate form for appeals). This form relates to **Wales only**.

This 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). Applications 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 application - it will:

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

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

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

Title:

Name:

Address:

Tel:

Email:

1.2 Applicant's agents details (if applicable).

Title:

Name:

Address:

Tel:

Email:

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

Organisation(s):

Role(s):

1.4 Building Control body detail's (either local authority or private sector approved inspector).

Name:

Company (if applicable)

Address:

Tel:

Email:

1.5 Address of building or site where the proposed building work will be carried out (where different from that stated in response to question 1.1 above).

SECTION 2 FULL PLANS PROCEDURE

2.1 If you are using the local authority building control service, please state the:

i. Date your plans were deposited (including re-submissions)

ii. Date your plans were rejected, if applicable (including re-submissions)

SECTION 3: THE PROPOSED BUILDING WORK AND MATTER IN DISPUTE

3.1 Please give a brief description of the building and/or site where the building work will be 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 proposed 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 building control body, stating which requirement(s) of the Building Regulations is in question.¹

3.3 Please give a brief statement explaining your case explaining the reasons why you consider the proposed building work complies with the applicable 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 you make in each point you make in relation to the matter (s) in dispute. You should also address the concerns of the building control body.

SECTION 4: BUILDING CONTROL BODY COMMENTS

4.1 Have you attached a copy of a letter (comprising a brief statement) from the building control body regarding your application, which provides its comments on the building/ proposed building work and the matter in dispute and explains why the building control body considers that all or part of the work does not comply 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:

5.1 Please attach one copy of the following with your application form as applicable and indicate where you have done so	Yes	No
Plans/drawings of the proposed 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 building control body comments on your application (NB: this is optional - see footnote 3)	<input type="checkbox"/>	<input type="checkbox"/>
Any previous key correspondence with the building control body which further clarifies the matter in dispute, including a copy of the 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"/>

³ The Welsh Government requires the building control body's comments on your determination. Whilst you are not legally obliged to provide these comments, it will expedite your application if you contact and submit a copy of the building control body's comments (which should be in the form of a letter addressed to the Welsh Government) with your application 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 application to the Welsh Government. Please state here whether the building control body's comments are attached to your form or whether you would prefer the Welsh Government to seek its comments.

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"/>
A cheque for the determination fee, i.e. half the local authority's plan charge, excluding VAT, subject to a minimum limit of £100 and an upper limit of £1,000. Cheques should be made payable to "Welsh Government". Please write your name and address of the building to which the determination relates on the reverse of the cheque.		

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 (excluding your cheque for the determination fee which you need to send via post):

enquiries.brconstruction@wales.gsi.gov.uk

OR POST THEM TO:

**Building Regulations,
Department of Natural Resources,
Welsh Government,
Rhydycar,
Merthyr Tydfil,
CF48 1UZ.**

Tel: 03000 628141

The Welsh Government will acknowledge receipt of your application and fee and will contact you if further information is needed.