

BUILDING ACT 1984 - SECTION 50 (2)

DETERMINATION OF COMPLIANCE WITH REQUIREMENT TO PROVIDE AN AUTOMATIC FIRE SUPPRESSIONS SYSTEM IN ACCORDANCE WITH REGULATION 37A OF THE BUILDING REGULATIONS 2010 (AS AMENDED), IN RESPECT OF THE CONVERSION OF A COACH HOUSE TO A HOLIDAY LET

The proposed work and question arising

1. The papers submitted indicate that the building work to which this determination relates is the proposed conversion of a coach house to a holiday let.
2. The proposed work was the subject of an initial notice application dated 2 December 2016. However, the applicant disagreed with the Approved Inspector's view that an automatic fire suppression system is required in accordance with regulation 37A of the Building Regulations 2010 (as amended) ('the Building Regulations'). It is in respect of this question that the applicant has applied for a determination.
3. The proposed conversion to a holiday let is a detached building consisting of an entrance hall, living/dining area and bedroom with en-suite on the ground floor and a further bedroom with en-suite on the first floor.

The applicant's case

4. The applicant enclosed a statement with application for determination on the 19 January 2017 to support their opinion that they have satisfied the relevant requirements of the Building Regulations in this case Regulation 37A (provision of automatic fire suppression systems).
5. The applicant considers that the building is similar to a hostel and does not agree with the Approved Inspector's interpretation that the building is not a hostel and should be treated as "rooms for residential purposes". The applicant therefore considers that in accordance with regulation 37A an automatic fire suppression system does not need to be installed in the holiday let.
6. The applicant stated that based on information provided within the frequently asked questions on the Welsh Government's website in relation to the requirements for automatic fire suppression systems, the proposed holiday let is of similar use to the exemption explained in the guidance namely " Hostels other than hostels intended for temporary accommodation for short term leisure purposes e.g. where those visiting have an alternative residence."

The Approved Inspector's case

7. The Approved Inspector contends that the applicant's proposals do not satisfy requirement 37A of the Building Regulations. The Approved Inspector states that the conversion of a Coach House to a holiday let is a material change of use

under Regulation 5(h) of the Building Regulations, as the building will contain a room for residential purposes where previously it did not.

8. They conclude that holiday lets are not excepted from the meaning of 'rooms for residential purposes' in Regulation 37A (1)(b) and so require a fire suppression system to be installed.

The Welsh Minister's consideration

9. The Welsh Ministers have given careful consideration to the particular circumstances of this case presented by the parties. They note that they have been asked to make a determination in respect of Regulation 37A of the Building Regulations relating to automatic fire suppression systems, in particular, the provision in relation to a holiday let. The applicant indicates that their proposals comply with Regulation 37A, whereas the Approved Inspector contends that they do not satisfy Regulation 37A in relation to the provision of an automatic fire suppression system.
10. When considering whether plans are in accordance with the requirements of the Building Regulations an understanding of the intended use of the building is necessary. In this case the dispute revolves around whether a holiday let accommodation is similar to the use of a room in a hostel.
11. The decision of a local planning authority on the classification of the building for planning purposes is not a material consideration for building regulation purposes.
12. The Welsh Ministers note that the Approved Inspector has considered the definition given in Regulation 37A where building work consists of the material change of use of a building in relation to rooms for residential purposes other than rooms in a hostel.
13. However, the Approved Inspector takes the view that the building has undergone a material change of use, as defined by Regulation 5(h) and the building work to create a holiday let is subject to the requirements of regulation 37A.
14. Each case should be considered on its own merits. The Welsh Ministers consider that, when deciding whether a room or a suite or rooms is/are a room for residential purposes, regulation 2(1) provides that the list of establishments in the definition *includes* a room in a hostel, hotel, boarding house, hall of residence or residential home. This does not preclude other types of rooms, or suite of rooms used for other residential purposes.
15. The Welsh Ministers take the view that a holiday let is a self contained unit occupied only by those who would be residing on a short term basis. A hostel is provided with in house management who would be trained in specific fire procedures should an emergency fire situation arise to alert and evacuate the occupants. The Welsh Ministers therefore take the view that the holiday let is not similar to the arrangements found in a hostel. It was also noted that holiday lets are not identified within the Building Regulations as having an exemption from the requirements of regulation 37A.

16. The Welsh Ministers for the reasons explained do not consider that there is a direct link between a holiday let and hostel accommodation.

The determination

17. The Welsh Ministers consider that the proposals submitted do not comply with Regulation 37A (provision of automatic fire suppression systems). They have therefore concluded and hereby determine that the plans of the proposed building work do not comply with Regulation 37A of the Building Regulations.

18. Please also note that the Welsh Ministers have no further jurisdiction in this case and that any matters that follow relating to the building work should be taken up with the Building Control Body. A copy of this letter is being sent to the approved inspector