

# Viewpoint

## Small detached buildings

### Building Regulation 9- Schedule 2 – Class

#### 6

#### Introduction

LABC Viewpoint – Small detached buildings

Building Regulation 9- Schedule 2 – Class 6

Introduction

This viewpoint sets out how LABC interprets the Building Regulations when determining if a small detached building, as defined in Building Regulation 9, Schedule 2, Class 6, is exempt from the application of the regulations.

Regulation 9 (Exempt buildings and work) states that, subject to paras (2) and (3) and regulation 21(1) the regulations do not apply to the erection of any building or extension described in Schedule 2, or the carrying out of any work to or in connection with such buildings.

A small detached building is defined in Schedule 2, Class 6, as;

1. A detached single storey building where the floor area does not exceed 30m<sup>2</sup>, no sleeping...

accommodation, which is:

- at least one metre from the boundary of its curtilage; or
- constructed substantially of non-combustible material.

2. A detached building specifically and solely for the shelter of people from the effects of nuclear,... chemical or conventional war if:

- its floor area is not more than 30m<sup>2</sup>; and
- the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.

3. A detached building, having a floor area not exceeding 15m<sup>2</sup>, which contains no sleeping... accommodation.

Paragraphs 2 & 3 of Regulation 9 tell us the above buildings are completely exempt from the requirement to comply with the Building Regulations with the exception of:

- Regulations G1 and G3(2) and (3) of Schedule 1 which relate to the quality of the water being appropriate for use and G3 additionally deals with the safety of pressurised HW systems.

Providing the cold or hot water supply comes from a source shared with or located inside any building other than a building or extension of a kind described in Schedule 2.

- Regulation P of Schedule 1 which deals with safety of electrical wiring to these 'exempt' buildings. This only requires an application to building control if the work is notifiable and has not been carried out a member of an approved Competent Persons Scheme.

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Providing the electricity comes from a source shared with or located inside a dwelling.

Section 61 Building Act 1984 deals with repair work or alterations to any drain that connects with a sewer, cesspool or other receptacle for drainage. Anyone who undertakes this type of work has to give notice to the local authority at least 24 hours before starting work. This is not controlled under the Building Regulations when related to small detached buildings.

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LABC is of the view any building described above is exempt from the requirements of the Building Regulations. The only parts of the regulations that may apply are Parts G1, G3 (2) (3) and where relevant Part P. Therefore an application is only required for those elements of the exempt building.

Any drainage associated or emanating from the exempt building is not controlled unless the building itself is subject to control under the Building Regulations by virtue of it not being specified in any of the exemptions in Schedule 2.

A substantially non-combustible building includes one with brick or concrete walls and a timber flat roof covered in a flexible sheet of approved material(s) that meets fire classification AA; AB; AC.

To illustrate how this works in practice a number of examples are given to illustrate the application of the regulations in different situations.

### Example 1:

A detached outbuilding of brick and block construction, flat roof with an AA; AB fire rating... with shower/WC, gas boiler for central heating and hot water – gas line taken from the house, cold water supply taken from the house. The outbuilding is located at the rear garden of the main house and will be used as a gym. The internal floor area is less than 30sqm, to be used by owners of the main house, the foul water drainage is to be connected to existing drainage which serves the main house.

### Response

The building is less than 30m<sup>2</sup> constructed substantially of non-combustible material with no sleeping accommodation. In this case regulation G1 and G3(2) and Part P will apply (if the electrical work is notifiable).

### Example 2:

An outbuilding as described above, but used as an office by the owners of the main house as they work from home/ run their business from there.

### Response

As above and as still no sleeping accommodation regulation G1 and G3(2) and Part P will apply (if the electrical work is notifiable). The office in this instance is

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considered for domestic use rather than commercial.

### Example 3:

A school wishes to install a less than 30sqm prefabricated building more than 1m from any boundaries to create additional office for their admin staff. The building will be expected to use the toilets in the main school and be only supplied with cold water supply, water heater and small sink to make teas and coffees.

### Response

The office in this instance is considered to be for commercial use and so subject to the Regulatory Reform (Fire Safety) Order. This is not a material consideration with regard to the Building Regulations and so it is still considered to be exempt and falling within class 6 of Schedule 2.

As the building is less than 30m<sup>2</sup> and does not contain any sleeping accommodation regulation G1 and G3(2) will apply, whereas Part P will not apply as it is a non-domestic building.