



Shetland Islands Council
Building Standards

*Building (Scotland) Regulations 2004
Regulation 3, Schedule 1*

Exempted Buildings and Services, Fittings and Equipment

*For applications for Building Warrant made on or after 1st May
2005*

Version 1 May 2005

The Building Standards (Scotland) Regulations 2004

Regulation 3, Schedule 1

The Building (Scotland) Act 2003 came into force on 1st May 2005 and introduced changes which offer greater freedom to persons wishing to alter their property.

This guidance note is intended to assist in establishing whether or not buildings or building work are exempt from the building standards. The various types are listed including any exceptions.

This responsibility falls entirely on the building owner, who must satisfy themselves whether the work is exempt or not. It is recommended that confirmation is obtained from the Building Standards service in writing.

A similar guidance note 'Building and Work Not Requiring a Building Warrant' is also available.

For further details or assistance visit www.sbsa.gov.uk, www.sabsm.co.uk

Alternatively, please contact –

Shetland Islands Council - Buildings Standards (01595 744800)

Buildings or work controlled by other legislation

1. A detached *building* the *construction* of which is subject to regulations made under the Explosives Act 1875 and 1923.

2. A *building* erected on a *site* which is subject to licensing under the Nuclear Installations Act 1965.

Except- • *A dwelling, residential building, office, canteen or visitor centre.*

3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

Except- • *A dwelling or residential building.*

Protective works

4. Protective *works* subject to control by Regulation 13.

Buildings or work not frequented by people

5. A *building* into which people cannot or do not normally go.

Except- • *A building within 6 metres or the equivalent of its height (whichever is the less) of the boundary.*

- *A wall or fence.*
- *A tank, cable, sewer, drain or other pipe above or below ground for which there is a requirement in these regulations.*

6. Detached fixed plant or machinery or a detached *building* housing only fixed plant or machinery, the only normal visits to which are intermittent visits to inspect or maintain the fixed plant or machinery.

Except- • *A building within 1 metre of a boundary.*

Agricultural and related buildings

7. An *agricultural greenhouse* or other building of mainly translucent material used mainly for commercial growing of plants.

Except-

- A *building* used to any extent for retailing (including storage of goods for retailing) or exhibiting.

8. A single-storey detached *building* used for any other form of *agricultural*, fish farming or forestry.

Except-

- A *building* used to any extent for retailing (including storage for retailing) or exhibiting.
- A *building* exceeding 280 square metres in area.
- A *building* within 6 metres or the equivalent of its height (whichever is the less) of a boundary.
- A *dwelling, residential building, office, canteen* or visitor centre.
- A *dungstead* or farm effluent tank.

Works of civil engineering construction

9. A *work* of civil engineering *construction*, including a dock, wharf, harbour, pier, quay, sea defence work, lighthouse, embankment, river work, dam, bridge, tunnel, filter station or bed, inland navigation, reservoir, water works, pipe line, sewage treatment works, gas holder or main, electricity supply line and supports, any bridge embankment or other support to railway lines and any signalling or power lines and supports, and a fire practice tower.

Except-

- A bridge or tunnel forming part of an *escape route* or an *access route* provided to meet a requirement of these regulations.
- A private sewage treatment works provided to meet a requirement of these regulations.

Buildings of a specialised nature

10. A *building* essential for the operation of a railway including a locomotive or carriage shed, or for the operation of any other work of civil engineering contained in type 9 and erected within the *curtilage* of such a railway or *work*.

- Except-
- A signalling and control centre for a railway or dock.
 - A *building* to which the public is admitted, not being a *building* exempted by type 11 of this schedule.
 - A *dwelling, residential building, office, canteen or warehouse*.

11. A single-storey detached road or rail passenger shelter or a telephone kiosk which in so far as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5.

- Except-
- A *building* having a floor area exceeding 30 square metres.
 - A *building* containing a fixed combustion appliance installation.

12. A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960, or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897.

- Except-
- Any wastewater disposal system serving a *building* of this type.

Small buildings

13. A detached single-storey building having an area not exceeding 8 square metres.

- Except-
- *A dwelling or residential building.*
 - *A building ancillary to and within the curtilage of a dwelling.*
 - *A building within 1 metre of a boundary.*
 - *A building containing a fixed combustion appliance installation or sanitary facility.*
 - *A wall or fence.*
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Construction and development buildings

14. A *building* used only by people engaged in the *construction*, demolition or repair of any *building* or structure during the course of that *work*.

- Except- • *A building containing sleeping accommodation.*

15. A *building* used in connection with the letting or sale of any *building* under *construction* until such time as the letting or sale of all related *buildings* is completed.

- Except- • *A building containing sleeping accommodation.*
-

Temporary buildings

16. A *building* which, during any period of 12 months, is either erected or used on a site –

- (a) for a period not exceeding 28 consecutive days; or
- (b) for a number of days not exceeding 60,

and any alterations to such buildings

Buildings ancillary to houses

17. A detached single-storey *building* ancillary to and within the *curtilage* of a *house*.

- Except-
- A *building* exceeding 8 square metres in area.
 - A **building** within 1 metre of the house unless it is at least 1 metre from any *boundary*.
 - A *building* containing sleeping accommodation.
 - A *building* containing a *flue*, a fixed combustion appliance installation or *sanitary facility*.
 - A wall or fence.

18. A single-storey building attached to an existing house, which is ancillary to the house and consists of a *conservatory* or *porch* which insofar as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5.

- Except-
- A *building* exceeding 8 square metres in area.
 - A *building* containing a *flue*, a fixed combustion appliance installation or *sanitary facility*.
 - A *building* within 1 metre of a *boundary*.

19. Any single-storey *building* which is detached, or is attached to an existing *house* and which is ancillary to the house and consists of a greenhouse, carport or covered area.

- Except-
- A *building* exceeding 30 square metres in area.
 - A *building* containing a *flue*, fixed combustion appliance installation or *sanitary facility*.

Buildings ancillary to flats and maisonettes

20. A detached single-storey building ancillary to and within the *curtilage* of a *flat* or *maisonette*.

- Except-*
- A *building* exceeding 8 square metres in area.
 - A *building* within 3 metres of the *flat* or *maisonette* or within 3 metres of any other part of the *building* containing the *flat* or *maisonette*.
 - A *building* containing a *flue*, fixed combustion appliance installation or *sanitary facility*.
 - A wall or fence.
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Paved areas

21. A paved area or hardstanding.

- Except-*
- A paved area or hardstanding exceeding 200 square metres in area.
 - A paved area forming part of an access to meet a requirement of these regulations.