



Shetland Islands Council  
Building Standards

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*Building (Scotland) Regulations 2004  
Regulation 5, Schedule 3*

# **Building and Work Not Requiring a Building Warrant**

*For applications for Building Warrant made on or after 1<sup>st</sup> May  
2005*

*Version 14 Sept 2005*

# **The Building Standards (Scotland) Regulations 2004**

## **Regulation 5, Schedule 3**

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 require a building warrant. The various types are listed with any exceptions.

At the end of the list there are examples of work to a house that require or do not require a warrant.

**However, in cases when a warrant is not required,**

- **work types 1 – 23 must meet the relevant requirements of the regulations**
- **work types 24 – 26 must be no worse than existing**

This responsibility falls entirely on the building owner, who must satisfy themselves that the work requires a warrant or not. It is recommended that confirmation is obtained from the Building Standards service in writing. The building owner must also ensure the work complies with the regulations

A similar guidance note 'Exempted Buildings and Services, Fittings and Equipment' is also available.

For further details or assistance visit [www.sbsa.gov.uk](http://www.sbsa.gov.uk), [www.sabsm.co.uk](http://www.sabsm.co.uk)

Alternatively, please contact –

**Shetland Islands Council - Buildings Standards (01595 744800)**

<p><b><u>Types 1 – 23</u>    Work that must meet any relevant requirement of the regulations</b></p>
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1. Any *work* to or in a house

- Except-
- Any *work* which increases the floor area of the house
  - Any demolition or alteration of the roof, *external walls* or *elements of structure*
  - Any work adversely affecting a *separating wall*
  - Any change in the *wastewater* disposal system
  - *Work*, not being *work* of types 3 to 26 below, to a *house* having a *storey*, or creating a *storey*, at a height of more than 4.5 metres

2. Any work to a non-residential building to which the public does not have access

- Except-
- A non-residential *building* within which there is a *domestic* or *residential building*
  - Any work which increases the floor area of the *building*
  - Any demolition or alteration of the roof, *external walls* or *elements of structure*
  - Any *work* adversely affecting a *separating wall*
  - Any change in the *wastewater* disposal system
  - *Work*, not being *work* of types 3 to 26 below, to a *building* having a *storey*, or creating a *storey*, at a height of more than 7.5 metres

**And, without prejudice to the generality of types 1 and 2 above,**

3. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 square metres.

- Except-
- A *dwelling or residential building*
  - A *building ancillary to, or 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 *swimming pool deeper than 1.2 metres*

4. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 metres, ancillary to and within the *curtilage* of a *house*.

- Except-
- A *building within 1 metre of the house unless it is at least 1 metre from any boundary*
  - A *building containing a fixed combustion appliance installation or sanitary facility*
  - A *swimming pool deeper than 1.2 metres*

5. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 metres, ancillary to and within the *curtilage* of a *flat* or *maisonette*.

- Except-
- 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 fixed combustion appliance installation or sanitary facility*
  - A *swimming pool deeper than 1.2 metres*

6. Any *work* associated with a fixed combustion appliance installation or other part of a heating installation not being *work* of types 7 or 8 below.

- Except-
- Any *work* associated with a solid fuel appliance having an output rating more than 50kW, an oil-firing appliance with an output rating more than 45kW or a gas-fired appliance having a *net input rating* more than 70kW
  - Any *work* associated with a *chimney, flue pipe or hearth*
  - An oil storage tank with a capacity of more than 90 litres, including any pipework connecting the tank to a combustion appliance providing space or water heating, or cooking facilities
  - Any *work* adversely affecting a separating wall

7. Any *work* associated with a balanced *flue* serving a *room-sealed appliance*.

- Except-
- Any *work* associated with a balanced *flue* which passes through combustible material

8. Any *work* associated with pipework, radiators, convector heaters and thermostatic controls for, or associated with, type 6 above.

9. Any *work* associated with installing a *flue* liner.

10. Any *work* associated with refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances used principally for providing space heating, water heating, or cooking facilities.

11. Any *work* associated with the provision of a single *sanitary facility*, together with any relevant branch soil or waste pipe.

- Except-
- Any *work* associated with a water closet, waterless closet or urinal

12. Any *work* associated with the relocation within the same room or space of any *sanitary facility*, together with any relevant branch soil or waste pipe.
13. Any *work* associated with the provision of an extractor fan.
14. Any *work* associated with a stairlift within a *dwelling*.
15. Any *work* associated with the provision of a notice or other fixture for which there is no requirement provided in these regulations.
16. Any *work* associated with an outdoor sign that is subject to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
17. Any *work* associated with thermal insulating material to or within a wall, ceiling, roof or floor.  
**Except-**
  - Any *work* associated with the application of thermal insulating material to the outer surface of an *external wall*
18. A wall not exceeding 1.2 metres in height, or a fence not exceeding 2 metres in height.
19. Any *work* associated with open raised external decking that does not form part of the access provided to comply with the requirement in regulation 9 and paragraph 4.1 of Schedule 5.  
**Except-**
  - Any decking at a height of more than 1.2 metres
20. A door, window, or rooflight when the *work* includes replacing the frame.
21. 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.

22. An electrical installation, including a circuit for telecommunication, alarm purposes or for the transmission of sound, vision or data, which operates at extra-low voltage (not exceeding 50 volts alternating current or 120 volts direct current, measured between conductors or to earth) and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than either of those specified above.
23. The construction of a ramp not exceeding 5 metres in length.

<p><b><u>Types 24 – 26</u>    Work must be carried out to a standard no worse that at present</b></p>
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24. Any *work* associated with the replacement of a fitting or equipment, in whole or in part, by another of the same general type, including a *sanitary facility* (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, solid fuel combustion appliance, electrical fixture, ventilation fan, *chimney* or *flue* outlet fitting or terminal, fire hydrant or main, lift or escalator, solid waste chute or container, *kitchen* fitments or other fitted furniture and ironmongery.
- Except-
- Any door, window or rooflight
  - Any oil-firing or gas fired boiler
25. Any *work* associated with the replacement in whole or in part, by material of the same general type, of flooring, lining, cladding, covering or rendering either internally or externally.
26. Any *work* to a door, window or rooflight, including *glazing* which is not a complete replacement falling within type 20 above.

## Examples

### **Work to a house where a warrant is not required**

- there is no structural alteration to the property,
- the floor area of the property is not increased,
- the roof line of the building is not altered in any way,
- the alterations do not include a change to the waste water system\*  
*\*eg replacing bathroom or shower room fittings; installing a new sink, bath or shower (but not installing a new wc, or below ground drainage)*

Other examples could include refitting a kitchen, replacing doors, windows and rooflights (see below) or installing a stairlift.

### **Work to a house where a warrant is required**

- alterations to a loadbearing wall,
- a loft conversion; a garage changed to habitable accommodation,
- forming a dormer window; installing new rooflights,
- installing a new wc; forming a new bathroom or en-suite; below ground drainage

### **Work to a door, window or rooflight**

- When the frame is replaced the work must comply with the relevant requirements\*\* (under Type 20)
- When the frame is not replaced the work must be carried out to a standard no worse than existing (under Type 26)

*\*\*The relevant requirements include emergency escape windows, thermal resistance, safety glazing, guarding, ventilation, daylighting, projections and safe cleaning of windows and rooflights.*