
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 192

The Building Regulations (Northern Ireland) 2012

PART A

Interpretation and general

Application to material change of use

8.—(1) For the purposes of these regulations a change in the purposes for which or the circumstances in which a building, or part of a building, is used shall only be regarded as a material change of use if after that change any one of the following cases applies—

Case I	the building is used as a dwellinghouse, where immediately prior to the change it was not;
Case II	the building contains a flat, where immediately prior to the change it did not;
Case III	the building is used as a hotel or boarding house, where immediately prior to the change it was not;
Case IV	the building is used as an institution, where immediately prior to the change it was not;
Case V	the building is used as a place of assembly or recreation, where immediately prior to the change it was not;
Case VI	the building is used as a shop, where immediately prior to the change it was not;
Case VII	the building is used as an office, where immediately prior to the change it was not;
Case VIII	the building is used as a store, where immediately prior to the change it was not;
Case IX	the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did immediately prior to the change;
Case X	the building contains a room for residential purposes, where immediately prior to the change it did not;
Case XI	the building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did immediately prior to the change;
Case XII	the building, by virtue of its change of use, is not an exempted building where immediately prior to the change it was.

(2) Where there is a material change of use to the whole or part of a building the provisions of the regulations set out in the Table to this regulation shall apply.

(3) Where a material change of use neither involves nor is accompanied by an alteration or extension, the provisions referred to in the Table to this regulation shall apply to the building or part of the building in which the change of use occurs as if it were a new building identical to the building as it exists and to be used for the same purpose or purposes as the building will have after the change of use.

(4) Where a material change of use involves or is accompanied by an alteration or extension—

(a) the provisions referred to in the Table to this regulation (other than regulation 6) shall apply to the building or part of the building in which the change of use occurs as if it were part of a new building identical to the building as altered or extended and to be used for the same purpose or purposes as that building will have after the change of use; and

(b) the application of regulation 7 by paragraph (2) shall apply any requirements of that regulation which are additional to those directly applied by the Table to this regulation.

(5) Where a change of use will result in an exempted building being put to a use as described in Cases I to XI, the provisions of those regulations applicable to Case XII shall apply in precedence to those of Cases I to XI.

Table to Regulation 8 (Application to material change of use)

Part		Cases											
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
A	Interpretation and general	*	*	*	*	*	*	*	*	*	*	*	*
B	Materials and workmanship	—	—	—	—	—	—	—	—	—	—	—	*
C	Site preparation and resistance to contaminants and moisture	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1	*1
D	Structure	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*2	*
E	Fire safety	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3	*3
F	Conservation of fuel and power	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4	*4
G	Resistance to the passage of sound	*5	*6	*6	—	*7	—	—	—	*6	*6	*6	*
H	Stairs, ramps, guarding and protection from impact	—	—	—	—	—	—	—	—	—	—	—	*
J	Solid waste in buildings	*	*	*	*	*	—	—	—	*	*	*	*
K	Ventilation	*	*	*	*	*	—	—	—	*	*	*	*
L	Combustion appliances and fuel storage systems	*8	*8	*8	*8	*8	—	—	—	*8	—	—	*8
N	Drainage	—	—	—	—	—	—	—	—	—	—	—	—
P	Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding	*9	*9	*9	*9	*9	—	—	—	*9	*9	*9	*9
R	Access to and use of buildings	—	—	*10	*10	*10	*10	—	—	—	—	—	*

Part		Cases											
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
A	Interpretation and general	*	*	*	*	*	*	*	*	*	*	*	*
V	Glazing	*	*	–	–	–	–	–	–	*	–	–	–

Notes to Table to Regulation 8 (Application to material change of use)

* Denotes Parts which apply.

– Denotes Parts which do not apply.

¹ All regulations except regulation 27 in Part C.

² Part D shall apply to those parts of the building affected by any increase in imposed loading resulting from the change of use.

³ In the application of Part E the requirements of regulation 36 in that part shall only apply, in relation to external walls, when the height of a building exceeds 20 m (such height shall be measured from the mean level of the ground adjoining the outside of the external walls of the building to the level of half the vertical height of the roof of the building, or to the top of the walls or of the parapet, if any, whichever is the higher).

⁴ Regulation 39 only in Part F.

⁵ Regulations 49 and 50 only in Part G.

⁶ Regulations 49, 50 and 51 only in Part G.

⁷ Regulation 52 in Part G in relation to school buildings only.

⁸ Regulations 70, 71, and 73 only in Part L.

⁹ All regulations except regulation 88 in Part P.

¹⁰ In the application of Part R—

- (a) when satisfying the reasonable provision requirements for access and that access is by means of stairs and/or ramps, such stairs and/or ramps shall also satisfy the relevant requirements of Part H;
- (b) where the change of use is only to part of a building—
 - (i) Part R shall apply to that part and any sanitary accommodation provided in or in connection with that part; and
 - (ii) access to that part shall be provided by making reasonable provision for either independent access or suitable access through the building.