
STATUTORY INSTRUMENTS

2023 No. 909

**The Building (Higher-Risk Buildings
Procedures) (England) Regulations 2023**

PART 2

Building control approval

CHAPTER 2

Existing HRBs

Building control approval applications for work to existing HRB

12.—(1) Subject to paragraphs (3) and (4), where a building control approval application for work to existing HRB is required by regulation 11 (building control approval for work to existing HRB), it must be made in writing, signed by the applicant, and must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the application is made under this regulation;
- (d) a description of the existing higher-risk building including—
 - (i) details of its current use, including the current use of each storey;
 - (ii) its height as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023⁽¹⁾;
 - (iii) the number of storeys it has as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
 - (iv) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
- (e) a description of the proposed work, including—
 - (i) where the use of any part of the higher-risk building is changing, details of the intended use of each storey;
 - (ii) where the height of any part of the higher-risk building is changing, the height of the building after the proposed work as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
 - (iii) where the number of storeys in the higher-risk building is changing, the number of storeys as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;

- (iv) where the number of flats or residential rooms in the higher-risk building is changing, the number of flats or residential rooms to be contained in the higher-risk building;
 - (v) the provision to be made for the drainage of the building or extension;
 - (vi) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes a requirement, the precautions to be taken in the building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
 - (vii) the steps to be taken to comply with any local enactment that applies;
 - (viii) a statement setting out—
 - (aa) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work) of the 2010 Regulations; and
 - (bb) except in cases where paragraph (2) or (3) of regulation 46A of the 2010 Regulations applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) A building control approval application for work to existing HRB must be accompanied by—
- (a) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the building and its relationship to adjoining boundaries;
 - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within the curtilage;
 - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
 - (b) such other plans as necessary to show that the work would comply with all applicable requirements of the building regulations;
 - (c) additionally, where work to existing HRB is category A work—
 - (i) a competence declaration;
 - (ii) a construction control plan;
 - (iii) a change control plan;
 - (iv) a mandatory occurrence reporting plan;
 - (v) a Building Regulations compliance statement;
 - (vi) a fire and emergency file;
 - (vii) where the applicant proposes occupation of part of the building before completion of the work, a partial completion strategy;
 - (d) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (3) For a building control approval application for work to existing HRB where the work consists of category B work, the application must—
- (a) be made in writing, signed by the applicant,
 - (b) subject to paragraph (4), include the matters mentioned in paragraph (1)(a) to (e),
 - (c) be accompanied by the plans referred to in paragraphs (2)(a) and (2)(b),
 - (d) where Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, include information setting out the fire safety design principles, concepts and

standards applied to the development including sufficient plans to show how the work would comply with Part B (fire safety) of Schedule 1 to the 2010 Regulations (“fire safety compliance information”), and

(e) such of the documents listed in paragraph (2)(c) as the applicant considers appropriate.

(4) Where the work consists only of category B work within a flat, the application does not need to include the matters mentioned in paragraph (1)(d).

(5) In relation to an application for work to existing HRB where the work consists of category B work, the regulator may at any time before determining the application, by notice in writing, additionally require the applicant to provide any of the following documents—

- (a) a competence declaration;
- (b) a construction control plan;
- (c) a change control plan;
- (d) a mandatory occurrence reporting plan;
- (e) a Building Regulations compliance statement;
- (f) a fire and emergency file;
- (g) a partial completion strategy.

(6) In this regulation—

“category A work” means work falling within any one or more of the following descriptions—

- (a) work which increases or decreases the external height or width of the higher-risk building;
- (b) work which changes the number of storeys the higher-risk building has (including adding or removing a mezzanine or gallery floor);
- (c) work which changes the number of flats or residential rooms contained in the higher-risk building;
- (d) work which changes the number of, or width of, the staircases in a higher-risk building or which changes the number of, or width of, any other escape route within the building;
- (e) work to the external wall of a higher-risk building excluding work or materials of a description specified in regulation 7(3) of the 2010 Regulations;
- (f) work which changes the internal layout of a higher-risk building;
- (g) work which affects the passive fire safety measures in the higher-risk building;
- (h) work which affects the active fire safety measures in a higher-risk building;
- (i) work which affects the common parts of a higher-risk building (including the external wall) not otherwise falling within category A;

“category B work” means work which does not fall within category A.

(7) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

Commencement Information

II [Reg. 12](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, Section 12. (See end of Document for details)

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