



BUILDING STANDARDS & PUBLIC SAFETY

PUBLIC GUIDANCE NOTE

Issue Date: 01.02.2023
(Re-Issued 01.04.2024 due to fee increases)

Title: Duration of Building Warrant/Applications to
Extend validity

BACKGROUND

In collaboration with neighbouring authorities in our Consortium, Fife Council Building Standards and Public Safety has taken the decision to reinforce the time periods relative to building warrant applications to establish a consistent approach to customers.

A building warrant is valid for 3 years, starting from the day it is granted. You must either finish the work within this period or apply for an extension of validity of your building warrant.

You must apply to extend the validity of your building warrant before your building warrant expires. However, in cases of hardship, we may accept late applications.

To prevent misuse of extensions of time, verifiers have the power to insist that work done after the expiry of the original warrant must meet the building regulations in force on the date of the application to extend the expired warrant.

For the purpose of this guidance note, the process of extending the period of validity of the Building Warrant has been split into two categories:

- *Single Plots (Domestic works, Alterations and extensions etc.)*
- *Multi-Plot (Housing Sites/Non Domestic Units/etc.)*

All changes are applicable from 1st February 2023 – *Please note from this date any fee's associated with an application to extend the validity of the Building Warrant will not be waived due to delays caused by the COVID Pandemic as the previous Scottish Government Guidance has now expired.*

SINGLE PLOTS

Expired Building Warrants

- Applications can be taken for expired Building Warrants where the original application was submitted after 1st May 2005 and **works have started**.
- First extension is issued for **9 months** for a fee of **£150**. (from date of original expiry)
- If required, a second fee of **£150** and warrant is extended for a further **9 months or to Extension Requested Date**. (This will bring warrant into date or bring warrant up to extension requested date i.e date of application)
- If required a third fee of **£150** and warrant extended for **9 months** from extension requested date.

(Please note - only one application form is required to cover extensions to warrant process along with appropriate fee as above)

As an example of the above process:

An application to extend the validity is received on the 1st February 2023.

The original warrant was granted on 25th January 2017, meaning it expires on 25th January 2020.

Building Standards will apply first extension which will extend the warrant for 9-months until 25th October 2020.

As the initial 9-month extension does not bring the application into date a second extension is required. This will bring the expiry up to 25th July 2021 (As this does not bring application into date the expiry is extended to date of application – 1st February 2023.

Therefore in this instance a third extension is required to allow any inspection and subsequent Completion paperwork to be considered and expiry date is extended for 9 months from application date – 1st November 2023.

In this example a single application form will be required along with a £450 fee.

Warrants that have not expired

- **£150** fee is required and **9 months** is applied past the due expiry date.

MULTI-PLOT

There is a significant change into how multi-plot/housing developments will be treated in regard to extending the validity of the Building Warrant. This is considered essential to allow all new properties constructed within Fife to comply with current standards and therefore meet the expectations of new homebuyers in Fife.

In the past, the time typically available for construction has, for various reasons and with the verifier's agreement, often extended well beyond the 3-year duration. Going forward, Fife Council Building Standards will utilise the following guidance for dealing with multi-plot housing sites:

- For any multi-plot building warrant application (including housing sites) that expire after 01 February 2023, Building Standards will grant an initial 9-month extension without requesting that the buildings/plots that are the subject of that building warrant be upgraded.
- Following this initial 9-month extension, Building Standards will then grant a further 6-month extension to any plots that have commenced. Note that to prevent misuse of extensions of time, Building Standards may carry out a site visit to check which plots have commenced.
- If any of the plots that are subject to the 6-month further extension are not completed within this period, then they will be subject to full upgrade to meet the standards in place at the time.
- Prior to Building Standards granting an extension to the warrant for the plots that have started, an amendment to the building warrant for the removal of the plots not started will need to be applied for and granted. This will obviously need to be applied for prior to the warrant expiring, to allow sufficient time to be processed. All other plots outwith this will be subject to a new building warrant.
- Effectively, the warrant will expire a maximum of 15 months from the initial expiry date. From submission, through granting (encompassing the typical maximum 9-months period to get the building warrant granted) to expiry, this approach will give a developer certainty and approximately five years to complete the dwellings within their building warrant application.
- The above position will help the industry to achieve the aim of reducing carbon emissions and ultimately net zero carbon targets.

As an example of the above process:

Consider a warrant granted on 24 March 2020, meaning it expires on 24 March 2023. Building Standards will extend the entire site for 9 months until 24 December 2023 (with no upgrades required).

During this 9-month period, an amendment to remove those plots that will not be completed by 24 June 2024 (24 December 2023 plus a 6-months further extension) should be made and be granted. When that amendment is granted, a further extension to warrant can be applied for to cover the houses that are under construction and will have completion certificates accepted by 24 June 2024. Any other plots outwith this will require a new building warrant application.

It should be noted that the above guidance may be subject to change in light of adjustments to Scottish Government policies.

As a consequence of the above, all developers should be aware that when submitting a building warrant application for a multi-plot site, the proposed plot numbers should realistically reflect the likely 3-year build progress on site. Where building warrant applications typically detail more than 250 plots, a detailed explanation of how these plots will be completed and signed off within 3 years, with reference to current and historical site build data, would need to be provided.