



West Lothian  
Council

## SERVICE STANDARDS

### BUILDING STANDARDS SECTION

'West Lothian Council is committed to providing the people of West Lothian with services which are reliable, courteous and effective'

## Applying For A Building Warrant

If you intend to do any alteration work to your property you are **STRONGLY** advised to consult with building standards first. Most types of alterations or extensions to property require a building warrant and it is an offence to carry out these works, however small, without first gaining the necessary permission.

### WHAT IS A BUILDING WARRANT?

- A building warrant is the statutory approval issued under the Building (Scotland) Act to allow your proposed works to be carried out.
- These works will be checked as necessary for structural strength and stability, structural fire precautions, means of escape, ventilation, provision of insulation, drainage, housing standards, etc. Please note that on no account should work start on site until your building warrant is issued.

### DO I NEED A BUILDING WARRANT?

- Most new buildings and alterations to any existing building regardless of how minor require building warrant approval.
- For details on exempt categories of building work, please telephone us on (01506) 775222, or e-mail [dbc@westlothian.gov.uk](mailto:dbc@westlothian.gov.uk) to obtain advice or request a copy of the guidance note "Do You Need a Building Warrant".

### HOW DO I APPLY?

- You will need an application form which can be obtained from any Council Information Services offices or from the Council website. <http://www.wlonline.org.uk/>
- The application form should be completed and sent to us along with a lodging fee and three copies of drawings showing the proposed works.
- If you have any difficulty completing the form do not hesitate to contact us for assistance.

### HOW MUCH WILL IT COST?

- Fees for lodging an application for building warrant are set by the Scottish Executive and are based on the estimated cost of the proposed works excluding VAT.
- The estimated cost should be a fair reflection of the current market value for the work.
- If we think the estimated cost of the work is too low, we may ask you to verify the estimated cost and if necessary pay an additional fee. The building warrant application form details the fees payable.
- If the proposed work involves altering or extending a building to provide facilities **SOLELY** for the benefit of disabled people, then no lodging fee is required. However, for a domestic property a letter is required from a doctor/occupational therapist.

### WHAT TYPE OF PLANS DO I NEED?

- The drawings should preferably be prepared by an architect, building surveyor, architectural consultant or other competent person experienced in preparing plans.
- Because they require to be technically correct and accurate, it is not advisable, unless you are competent to do so, to prepare the plans yourself.
- All the plans that you provide should be to a metric scale
- You should provide a block plan to a scale of not less than 1:1250, showing all boundaries and the position of the proposed building/extension in relation to the boundaries of the site.
- You should provide a location plan to a scale of not less than 1:2500 where the site is not readily identifiable from the block plan.
- Copies of Ordnance Survey plans can be purchased from the Strategic Planning Section of the Council in the County Buildings High Street Linlithgow ;Tel 01506 775280.
- You should provide other plans to a scale of 1:50 or 1:100 which include the following details:-
  - floor plans, elevations and sections through the buildings
  - all constructional details from foundations to roof
  - for an application involving the alteration of an existing building it is preferable if one set of the plans is coloured to show the new works.

### WHAT HAPPENS AFTER I APPLY?

- Your application will be checked against the building regulations by one of our building standards officers. (See Assessment of a Building Warrant leaflet)
- This will be done as quickly as possible after you have applied and the time taken to deal with your application will be determined by the section's workload.
- If your application is in order we will then issue your building warrant. If it is not, we will send you a letter asking that various technical queries be answered. Once these questions are answered satisfactorily your building warrant will then be issued.

### DO I NEED ANY OTHER PERMISSION?

- As well as requiring a building warrant there may be other consents required. Some of these are listed below:-
  - **Planning permission** - The Development Control Section will give you advice on whether Planning Permission is required or not (tel 01506 775222/e-mail dbc@westlothian.gov.uk). This is very important, for often you will require both Building Warrant and Planning Permission before you start work
  - **Disposal of effluent from septic tank/small sewage treatment works** -If your proposals include taking effluent from a septic tank to a watercourse, field drain or ditch then you should seek approval from:- SEPA at East Region, Clearwater House, Heriot-Watt Research Park Avenue North Riccarton EDINBURGH EH14 4AP Tel: 0131 449 7296
  - **Occupation of road to deposit building materials or erect scaffolding** - If it is necessary to occupy a public road or pavement to deposit building materials or erect scaffolding then you should contact the Highways section on (01506) 776200
  - **Superiors' consent** - If you intend to alter or extend your house and the Council or Livingston Development Corporation previously owned your house, then the consent of the Council as Feu Superior is required. You should seek this consent by writing to:- West Lothian Council, Legal Services, West Lothian House, Almondvale Boulevard, Livingston
  - **Utilities** - If you intend to carry out building work in close proximity to, or over, any plant or equipment owned by one of the utilities, i.e. British Telecom, Transco, Scottish Water, Scottish Power, etc., **it is your responsibility to inform these bodies of your proposals so that their comments and requirements can be obtained.**

### WHAT DO I DO ONCE THE WORK STARTS?

- You should notify us as soon as possible as to when the work will start so that the building standards officer for the area may make periodic visits to the site, (See Site Inspection leaflet)

- If at any time you decide to make changes to the approved drawings (layout or specification), then it is likely you will require a formal amendment to the warrant. In this instance please seek further advice from us.

#### **WHAT DO I DO ONCE THE WORK IS COMPLETE?**

- When work is complete you must obtain a certificate of completion before you can legally occupy or use your property (See leaflet Certificate of Completion)

Our address is

**Development Control and Building Standards  
County Buildings  
LINLITHGOW  
WEST LOTHIAN  
EH49 7EZ  
Telephone 01506 775222**

Monday to Thursday 8.30am – 5.00 pm  
Friday 8.30am – 4.00pm

**E-Mail:** [dbc@westlothian.gov.uk](mailto:dbc@westlothian.gov.uk)  
**WEB:** <http://www.wlonline.org.uk/>



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## The difference between Development Control and Building Standards

The Development Control and Building Standards unit is made up of two separate sections, development control and the building standards. Each of these sections may grant different permissions. Development control grants **planning permission** and building standards grants **building warrants**.

On some occasions sometimes you may need **both** these permissions, only **one** of them or occasionally **neither** of them.

We have observed that occasionally this causes confusion with our customers who are unaware of the difference between the development control and building standards sections and can get the two permissions mixed up.

The two services are entirely different and require separate applications, which are assessed under different criteria and procedures.

Because of this it is important that you always speak to both sections about any proposals you may have to alter your property or construct a new building.

Development control, generally, is primary involved in the appearance of the building and its effect on the environment and neighbouring properties (See leaflet "Obtaining Planning Permission").

Building standards are more interested in the details of construction to preserve minimum health and safety standards in conjunction with energy conservation.

The following are areas of interest to Building Standards:

structural stability, fire precautions, boilers/flues/stove/chimneys, rainwater disposal, sound transfer, thermal insulation, ventilation, drainage systems, toilet facilities, electrical installation, steam/hot water production, housing standards and internal access, ramps and stairs.

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### Certificate of Completion

You should be aware that it is an offence under Section 9 of The Building (Scotland) Act 1959 to occupy or use premises where work has been carried out without first obtaining a certificate of completion.

It is important for you to obtain a certificate of completion, as one will be required if the property is sold. Not having a certificate of completion may lead to complications and additional cost. (See Letter of Comfort leaflet).

Your warrant expires after three years and you should complete the work and apply for a certificate of completion within that period. Occasionally, if work has not been completed you can request an extension to the three year period by writing to the building standards section prior to the warrants expiry at the address below enclosing a £30 administration fee.

#### When Work Is Complete

- With the approved building warrant you will have received both an "Application for Certificate of Completion" form and a "Certificate of Compliance with Electrical Installation" form. You must complete these and return them to us to apply for **AND OBTAIN** a certificate of completion before you can legally use the property.
- It is advisable to make an appointment with the building standards officer for your area for a site visit at least 48hrs in advance. Officers are not on site in their area every day and allowances should be made for this. We can give a definite a.m. or p.m. and will ask if at all possible that a contact number be provided so that we may contact you if we are inadvertently held up for any reason.
- Upon receipt of an application for completion we will visit the property within 10 days although our average response time is only 3 days
- We will inspect the works to confirm compliance with the building regulations and the approved building warrant plans.
- If the works do not comply we will issue you a letter within 6 days of the visit, listing the aspect that need to be addressed.
- If we have asked for works to be rectified we will re-inspect them at a mutually convenient time after you notify us that they are ready for re-inspection.
- When all works are satisfactory completed we aim to issue a minimum 80% of "certificates of completion" within 6 days.

Additional guidance is available for inspections requirement and the necessary documentation required when an application for certificate of completion is made.

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LINLITHGOW  
WEST LOTHIAN  
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## Dangerous Buildings

**It is important that property owners maintain their properties for their own benefit and for the benefit of the general public.**

If we receive get a report of a dangerous building we will follow the following procedure;

- we will agree with the person reporting the suspected building an appropriate response period. This may vary from immediate action where there is an imminent danger to within 24 hours when it is decided that it is not critical that we attend immediately.
- we will visit the property and carry out a visual inspection of the reported danger.
- if the danger is imminent we will try to arrange with the owner to have the work carried out immediately.
- if this does not prove possible we will carry out the minimum work needed to remove the danger or keep the public at a distance from the danger (this may involve demolition)
- in all cases we will issue a notice under Section 13 of The Building (Scotland) Act 1959 on the owner giving them an opportunity to resolve the matter themselves.
- if the owner does not carry out the work within a set timescale we will carry the minimum work out on his/her behalf and recover the cost from them.

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## Letters of Comfort

When a property is being sold, there may be various items that a solicitor asks the building standards section to clear prior to concluding a sale. To assist solicitors and the public we issue letters of comfort to cover the following;

- confirmation that works did not require a building warrant.
- confirmation that works are exempt from the regulations.
- confirmation that works carried out without permission comply with the Regulations.
- confirmation that works carried out with permission but no completion comply with the Regulations.

**These letters are only issued when we are satisfied that the works carried out comply fully with the building legislation in force at the time the works were carried out.**

It should be noted at this point that we very often identify work that has to be rectified before issuing such a letter.

**These letters are in no way a means of by passing the correct procedure of obtaining a building warrant before starting work on site.**

Please bear in mind that we do take statutory legal action against unauthorised work. (See separate Unauthorised Alterations or Work leaflet)

### Procedure:

- You must complete an application form listing the items to be covered. You are also asked to confirm when the works were carried out. This is very important as it allows us to identify the regulations that were in force when the work was done. The application forms can be obtained from any council customer information service office or from the council web site.
- The application form and a fee based on the amount and type of works that you ask us to check, should be sent to us at the address below. Details of the fee payable are noted on the back of the form.
- Within 2 days of receipt your application a letter acknowledging receipt of the application will be sent indicating the reference number, the name of the case officer, telephone number and e-mail address should you wish to discuss any aspect of the application.
- We will contact you separately to arrange to inspect the works involved within 10 days.
- Inspections of all the works you asked for will be carried out as full inspections and this may require access to the following:
  - excavation of foundations
  - excavation of drainage
  - inspection of wall cavities
  - inspection of wall linings
  - inspection of floor and roof voids
  - inspection of or opening up of any area deemed necessary by officer
  - testing of equipment or appliances
  - issue of electrical compliance certificate to cover any electrical work

- There are two possible results of this assessment
  - your application will be granted if it complies with the building regulations (about 50% of applications are approved at this stage) OR
  - you will be advised in writing of aspects that do not comply with the building regulations.
- If we have asked for works to be fixed we will re-inspect them at a mutually convenient time when you notify us that they are ready for re-inspection.
- When all works are satisfactory we aim grant minimum 80% of “letters of comfort” within 6 days.

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## Site Inspection

With the approved building warrant you will receive a 'work start' slip to complete and return to us to allow our records to be kept up-to-date. This is important, as when work is being carried out to a property there are certain stages when we must inspect it. If you do not, then we can ask for work to be exposed to check that it has been completed in accordance with the approved building warrant plans.

For further details please consult the building standards officer for your area. You will have been notified of his/her direct dial number when you first applied. Alternatively telephone (01506) 775222 and ask for the officer for your area.

### When Work Starts

- The building standards officer for your area will make periodic visits to the site after receipt of the work start notice, the number of visits depending on the nature and complexity of the project.
- It is advisable to make an appointment for a site visit at least 48hrs in advance. Officers are not on site in their area every day of the week and allowances should be made for this.
- Due to the number and complexity of some of the visits we are unable to give specific times as to when an officer will arrive.
- We can give a definite a.m. or p.m. and ask if at all possible that a contact number be provided so that we may contact you if we are inadvertently held up.
- Your contractor should test all drainage work (including both new work and alterations to existing) and then have this test witnessed by a building standards officer before backfilling. If this is not done then we will instruct all covered drainage to be exposed so that it can be checked.
- Your contractor should test all drainage work again when it is totally complete and then have this test witnessed by a building standards officer.

### When Work Is Complete

**You should be aware that it is an offence under Section 9 of The Building (Scotland) Act 1959 to occupy or use premises where work has been carried out without first obtaining a certificate of completion. (See Certificate of Completion leaflet)**

- When all works are complete you must arrange for a site visit to check that they comply with the building regulations and the approved building warrant plans.

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## Unauthorised Alterations Or Works

If you intend to do any alteration work to your property you are **STRONGLY** advised to consult with building standards first. Most types of alterations or extensions to property require a building warrant and it is a criminal offence to carry out these works, however small, without first gaining the necessary permission.

If we get a report of work being carried out we will follow the following procedure;

- we will check the building warrant register for any applications at the address
- we have a note of a building warrant for that address we will visit the property to check the work being carried out complies with the approved plans.
- where no warrant has been obtained, we will stop the work on site and ask the owner to obtain a building warrant before continuing with the works.
- where the work is not in accordance with the approved plans, we will stop the unauthorised portion of work on site and ask the owner to obtain an amendment to building warrant before continuing with the works.
- where the owner does not obtain a building warrant or an amendment to the warrant, within a reasonable period we will issue a notice under Section 10 of the Building (Scotland) Act 1959 requesting removal of the unauthorised work.
- Failure to obtain the necessary warrants will result in the case being referred to the procurator fiscal for prosecution at the Sheriff Court.

This will require them to obtain the necessary warrants.

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## Assessment of a Building Warrant Application

The most important point to remember when making an application for building warrant is that the time taken to issue the building warrant depends entirely upon the standard and specification of plans lodged with the application. It is therefore highly advisable to use suitably qualified people to prepare your plans as this should speed up the process of obtaining a building warrant.

When a building warrant application is received (see Applying For A Building Warrant leaflet) and registered by us we will process it as follows.

- Within 2 days of receipt your application will be registered and at this time we will send you a letter acknowledging receipt of the application with the following information:
  - a reference number to assist you in finding the up to date position of your application (Please use this number in any future contacts with the section).
  - a note of the case officers name, telephone number and e-mail address if you wish to discuss any aspect of the application.
- The case officer will assess your application. We aim to assess minimum 80% of applications within 3 weeks and all applications within 5 weeks.
- There are two possible results of this assessment
  - your application will be granted if it complies with the building regulations (about 10% of applications are approved at this stage)
  - you will be advised in writing of any areas that do not comply with the building regulations or that we need further information provided to clarify matters.

**If you receive a letter requesting further information please remember that it takes time to reassessed your adjusted plans, before they can be sent back to you. This time should be allowed for when planning a start date for works.**

- Upon receiving your amended plans we will reassess them and either a building warrant will be issued or you will again be advised in writing of any areas that still do not comply (this process will generally be repeated until a building warrant can be issued)
- We will try to issue a minimum 80% of building warrants within 6 days of receiving all information.

**You may only start work on site when the building warrant has been issued. Please remember that obtaining the building warrant does not exempt you from obtaining any other necessary permission.**

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