



**SCHEME FOR THE RECOVERY
OF
BUILDING REGULATION COSTS
FOR
LUTON BOROUGH COUNCIL**

TO BE READ IN CONJUNCTION WITH
THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010

Effective Date: 1st April 2025

SCHEME FOR THE RECOVERY OF BUILDING REGULATION COSTS

Definitions

The following definitions apply to this Charging Scheme and should be read in conjunction with the other clauses which constitute the Charging Scheme:

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

“building notice” means a notice given in accordance with regulations 12(2)(a) and 13 of the Building Regulations 2010.

“building work” means:

- a) the erection or extension of a building;
- b) the provision or extension of a controlled service or fitting in or in connection with a building;
- c) the material alteration of a building, or a controlled service or fitting;
- d) work required by building regulation 6 (requirements relating to material change of use);
- e) the insertion of insulating material into the cavity wall of a building;
- f) work involving the underpinning of a building;
- g) work required by building regulation 23 (requirements relating to thermal elements);
- h) work required by building regulation 22 (requirements relating to a change of energy status);
- i) work required by building regulation 28 (consequential improvements to energy performance).

“Building Regulations” means The Building Regulations 2010.

“chargeable function” means a function relating to the following:

- a) the passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- b) the inspection of building work for which plans have been deposited with the council in accordance with the Building Regulations 2010 and with section 16 of the Building Act 1984 (as amended).
- c) the consideration of a building notice which has been given to the council in accordance with the Building Regulations 2010.
- d) the consideration of building work reverting to the council under the Building (Approved Inspectors etc) Regulations 2010.
- e) the consideration of a regularisation application submitted to the council under regulation 18 of the Building Regulations 2010.

“Charges Regulations” means the Building (Local Authority Charges) Regulations 2010.

“cost” does not include any professional fees paid to an architect, quantity surveyor or any other person.

“disabled person” means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959 applied, but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in Section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in Section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, Section 66(2), Schedule 10, as from a day to be appointed.

“dwelling” includes a dwelling-house and a flat.

“dwelling-house” does not include a flat or a building containing a flat.

“flat” means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

“floor area of a building or extension” is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

“Principal Regulations” means The Building Regulations 2010 (as amended).

“relevant person” means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of “chargeable advice”.

“Risk based inspection” an inspection of a stage of building work based on an assessment of the risk of breach of the Building Regulations if an inspection is not carried out of the work as defined in Regulation 16 of The Building Regulations 2010 as amended.

Principles of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the Local Authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the Local Authority.
- **A reversion charge**, payable for building work in relation to a building: -
 - a) which has been substantially completed before plans are first deposited with the Local Authority in accordance with Regulation 19(2)(a)(i) of the Approved Inspectors Regulations, or
 - b) in respect of which plans for further building work have been deposited with the Local Authority in accordance with the Regulation 19(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the Local Authority in accordance with regulation 18 of the Building Regulations.
- **A Whole Fee**, is a combined fee of the Plan charge and Inspection charge paid on deposit of a Full Plans application

Chargeable Advice,

Local Authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case), which is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (i.e. the charge has been confirmed in writing following an individual determination). This charge will be discounted from a subsequent application or notice received, for the work in question where the Building Control Team Leader considers it applicable.

The above charges are payable by the relevant person (see “Definitions”).

Any charge which is payable to the authority may, in a particular case, and with the agreement of the Local Authority, be paid by instalments of such amounts payable on such dates as may be specified by the Local Authority. If the applicant and Local Authority are agreeable, an inspection charge can be fully or partly paid in advance with the plans charge.

The charge for providing a chargeable function or for chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers’ average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:

1. The existing use of a building, or the proposed use of the building after completion of the building work;
2. The different kinds of building work described in Regulation 3(1)(a) to (i) of the Building Regulations;
3. The floor area of the building or extension;
4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
5. The estimated duration of the building work and the anticipated number of inspections to be carried out;
6. The estimated cost of the building work;
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6)(a), 20(1) or 20A of the Building Regulations (i.e. related to competent person/self certification/third party certification schemes);
8. Whether in respect of the building work a notification will be made in accordance with Regulation 41(4) of the Building Regulations (i.e. where design details approved by Robust Details Limited have been used);
9. Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
10. Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same Local Authority;
11. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

Principles of the Scheme in respect of the erection of domestic Buildings, Garages, Carports and Extensions

- Where the charge relates to an erection of a building(s), dwelling(s), garages(s), or carport(s) the charge will be individually determined, taking into account risk based inspections.
- Where any building work comprises or includes the erection of one or more extensions to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.
- Where any building work comprises or includes alterations as well as extension(s) to a building, the charge will be individually determined, taking into account risk based inspections.

Principle of the scheme in respect of the alteration or extension of a commercial building, or controlled service or fitting, and the change of use of existing buildings

- Where any building work comprises such work the charge will be individually determined, taking into account risk based inspections.

Principle of the scheme in respect of the Regularisation of building work

- Where there is a request to regularise any building work, the fee will be individually determined, taking into account risk based inspections.

Principle of the scheme in respect of the Reversion of building work to the Local Authority

- Where work is reverted to the local authority, the fee will be individually determined, taking into account risk based inspections.

Exemption from Charges

The Local Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely -

- a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of -

- (a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- (b) the provision of extension of a room which is or will be used solely -
 - i. for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - ii. for the storage of medical equipment for the use of the disabled person, or
 - iii. to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

- a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b) for the provision of facilities designed to secure the greater health, safety, welfare of disabled persons.

Note: '**disabled person**' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section

66(2), Schedule 10, as from a day to be appointed.

To qualify for a full or partial exemption of charges a supporting letter from an Occupational Therapist or GP to confirm the required building works are required to support the disabled person following an assessment of their individual needs, will be required at the time of the Building Regulation Application submission.

Information required to determine Charges

If the Local Authority requires additional information to enable it to determine the correct charge, the authority can request the information under the provisions of regulation 9 of the Building (Local Authority Charges) Regulations 2010.

The standard information required for all applications is detailed on the Local Authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work.

Any or all of the following information may be taken into account when determining the relevant charge;

- The floor area of the building or extension
- The estimated duration of the building work and the sequence of construction.
- The use of a person registered with a relevant competent person self-certification scheme.
- The use of accredited standard details.
- The relevant skills of the builder or other members of the design team.
- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge, the "estimate" is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

Establishing the Charge

The Local Authority will individually determine all charges taking into account factors identified within this scheme under the Building (Local Authority Charges) Regulations 2010 and Building Regulations 2010 as amended. Standard charges are detailed in the tables set out later in this document. In the tables, any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative. If the building works are not listed as a standard charge, the charge will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulation 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the Local Authority shall calculate the charge by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in Regulation 7(5) of the Charges Regulations of The Building (Local Authority Charges) Regulation 2010).

Individually determined charges will be confirmed in writing specifying the amount of the charge and the key factors that have been taken into account in determining the charge.

Other Matters relating to Calculation of Charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of **£99.00** (applicable for financial year 2025/26) has been used.
- Any charge payable to the Local Authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- Charges are not payable for the first hour when calculating an advice charge.
- The Local Authority accepts payment by instalment in respect of all building work where the total charge exceeds £2500.00. The Local Authority will on request specify the amounts payable and dates on which instalments are to be paid.
- Charges for LABC Partner Authority Scheme projects handled through the LABC Partnering Scheme agreement, and registered with LABC, will be negotiated individually between this Authority and other local authorities. Fees and costs will vary according to the scale and complexity of the project, category of work and whether this authority is in the Plan Checking Authority role or the Inspecting Authority role. Negotiations will follow the current LABC published guidelines.

Reductions

Reduced charges may be made in relation to individually assessed charges when work, or the relevant part of the work, has been, or intends to be carried out by a person mentioned in regulation 6(a), 20(1) or 20A of the Principal Regulations in respect of that part of the work, (i.e. competent person/self-certification schemes/third party certification schemes or other defined non-notifiable work).

The Authority may make a reduction in an individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed building work, which the Service Manager - Building Control Consultancy considers likely to result in less time being taken by the Local Authority to perform the chargeable function for that work.

Where in accordance with Regulation 7(5)(j) of the Charges Regulations a Full Plans application is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited and rejected, a 75% reduction in the plan charge will be made for the first resubmission where the Council considers it appropriate. Thereafter all further resubmissions will be individually determined.

No charge will be made for the first re-submission following a rejection if submitted within 4 weeks from the date of rejection. If the re-submission is outside of this 4 week period, a new Full Plans Application will be required and charged accordingly.

Where the Plan Charge and Inspection Charge are made as a single payment (“Whole fee”) on deposit of a Full Plans Application a discount of £30 can be applied.

Refunds and Additional Charges

If the basis on which the individually determined charge has been set or determined alters, the Local Authority will refund a proportionate amount of the original charge, or request an additional charge and provide a written statement setting out the basis of the refund/additional charge and also state how this has been calculated.

Where an application is submitted and the work will no longer proceed, the following will apply at the discretion of the Council:-

Building Notice – on discretion and in exceptional circumstances, an element of the fee will be retained which will be equal to the cost incurred by the authority, plus the cost of providing a refund. Please note that in this situation the application will be made invalid.

Full Plans – where an application has been deposited and the application determined, there will not be any refund of the application charge. Any underpayment of an application charge will need to be paid to the authority.

Full Plans – where an application has been deposited, but not determined, a partial refund may be offered if it is economic for the authority to do so. The authority will retain an amount equal to the time incurred in processing the application, including any refund costs it would incur. Please note that in this situation the application would be made invalid.

Full Plans – where work has commenced on site, but stops due to unforeseen circumstances, the authority will require payment of an inspection fee based on the actual number of inspections incurred.

Supplementary charges: If the details of the application have changed further than when the application was submitted, and/or greater time spent on inspections an additional charge of the published hourly rate plus VAT will be charged for the anticipated additional input.

Abortive costs: A fee charge of £50 will be made per inspection that has been requested, booked and attended by a Registered Building Inspector but which is abortive.

Elapsed applications: Where an inspection is requested against an application where more than 3 years have elapsed since the previous inspection, an additional minimum charge of £200 (inc VAT) will apply. Further charges may be charged at published hourly rate plus VAT if the works have not completed or additional inspections are required to achieve compliance with Building Regulations. In certain circumstances an additional charge for a Completion Certificate will be made if this was not part of the original fee charge.

Dangerous structures: Call out to dangerous structures may be charged at the published hourly rate of £99.00 Monday to Friday 07.30 to 18.30, outside of standards hours may be charged at £150 per hour from 18.30 to 07.30 Monday to Friday, all Saturday, Sunday and bank holidays and any call outs attended during out of hours will also incur a £200 initial call out fee. Any external costs from contractors engage to assist the building control team will be recharged at cost.

A refund will not be offered where key stages for inspection as outlined in the local authority's inspection plan have not been requested by the person carrying out the work.

Demolition: A standard fee charge will be made on both domestic and commercial buildings to carry out an inspection during demolition to ensure the works comply with the S81 notice served.

Administration Fee charges: A standard fee charge of £50 (inc VAT) will be made for administration letters or formal written replies required for legal or other purposes. Electronic copies of Completion or Regularisation Certificates and copies of Decision Notices will be charged at £75 (inc VAT).

Non-Payment of a Charge

Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010 explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The authority's Debt Recovery team will pursue non-payment of a charge and the Authority reserve the right to withhold a completion certificate where the full charge payable has not been received.

Complaints about Charges

Complaints about the determination of any charge should initially be brought to the Council's Service Manager - Building Control Consultancy. In addition, the Council has a comprehensive complaints handling process, details of which are available on request and can be viewed on the Council's web site: www.luton.gov.uk.

STANDARD CHARGES

These standard charges have been set by the authority on the basis that the building work is on a domestic dwelling and does not consist of, or include, innovative or high risk construction techniques (details available from the authority) and/or the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables, that they are undertaking. If not, the work may incur supplementary charges. If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the authority then a reduction to the standard charge will be made.

Luton Building Control Standard Fee Charges 2025/26

Domestic Properties up to 11m in height

Fee Code	Type of work/application	Fees inc VAT*			Fees Exempt VAT Regularisation/ Reversion
		Full Plans Combined Payment*	Full Plans Split Payment*	Building Notice*	
1	single storey extension - under 100m2	£920	£350 + £600	£1,150	£1,600
2	two storey extension - under 100m2	£955	£350 + £635	£1,185	£1,630
3	first floor extension - under 40m2	£845	£350 + £525	£1,050	£1,415
4	loft conversion - under 60m2	£920	£350 + £600	£1,150	£1,600
5	garage conversion	£770	£350 + £450	£950	£1,300
6	installation of up to 2 steel beams	£605	£350 + £285	£765	£999
7	installation of up to 10 replacement windows	n/a	n/a	£400	£600
8	Part P electrical works or heat producing appliances	n/a	n/a	£400	£600
9	alterations up to £10,000 (inc chimney breast removal, re-roof)	£605	£350 + £285	£765	£999
10	provision of drainage and/or heating connection to an outbuilding under 30m2	n/a	n/a	£400	£600
11	outbuilding (non residential) over 30m2	£845	£350 + £525	£1,050	£1,415
12	outbuilding/annex (residential) over 30m2	£920	£350 + £600	£1,150	£1,600
13	single storey garage - up to 60m2	£770	£350 + £450	£950	£1,300
14	single dwelling house - under 300m2	£1,220	£350 + £900	£1,500	£2,015
15	conversion of a single dwelling to flats/hmo (charge per flat/hmo bedroom)	£350	£175 + £200	£420	£630
16	All multiple works or other types not listed will be determined on application				

Domestic Property Between 11m - 18m in height

Fee charge to be calculated on an individual determined fee

All Commercial Properties

Fee charge to be calculated on an individual determined fee

OTHER CHARGES

Demolition Notice

(prices are exempt from VAT)

Commercial

£475

Domestic

£250

Dangerous Structures

(prices are exempt from VAT)

initial call out charge

£200

additional working hours 7.30am – 6.30pm Mon-Fri

£99p.h.

additional working hours 6.30pm – 7.30am and weekends and bank holidays

£150p.h.

Luton Building Control Standard Fee Charges 2025/26

Admin Charges

(prices are including VAT)

missed appointments / abortive costs	£50
initial completion certificate	inc in application fee
additional copy completion certificates	£75
copies of decision notices	£50
refund of fees (only in exceptional circumstances)	£75

Written replies to enquires

(prices are including VAT)

solicitors enquiries	£50
exemption letter	£50
all other letters to solicitors or legal bodies	£50