# SCHEME FOR THE RECOVERY

# OF

# BUILDING REGULATION COSTS

# FOR

## LUTON BOROUGH COUNCIL

TO BE READ IN CONJUNCTION WITH

The Building (Local Authority Charges and Amendments Relating to Charging) (England) Regulations 2026

Effective Date: 6th November 2026

# SCHEME FOR THE RECOVERY OF BUILDING REGULATION COSTS

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# Definitions

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

"**the 1984 Act**" means the Building Act 1984;

"**application charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(a);

"**building**" has the same meaning as given in regulation 2 of the Principal Regulations;

"**building notice**" has the same meaning as given in regulation 2 of the Principal Regulations;

"**building notice charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(c);

"**building work**" has the same meaning as given in regulation 3 of the Principal Regulations;

"**chargeable function**" means a function set out in regulation 4(1);

"**charging scheme**" has the meaning given in regulation 3(2);

"**financial** year" is the period of 12 months beginning with 1st April;

"**inspection charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(b);

"**officer**" includes a person contracted by the local authority or a person employed by such a contractor, to perform a chargeable function or provide chargeable advice;

"**the Principal Regulations**" means the Building Regulations 2010(1);

"**RBCA charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(d);

"**the RBCA Regulations**" means the Building (Registered Building Control Approvers etc.) (England) Regulations 2024(2);

"**regularisation charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(f);

"**reversion charge**" means a charge for or in connection with the chargeable function set out in regulation 4(1)(e).

# Principles of this Scheme

Under The Building (Local Authority Charges and Amendments Relating to Charging) (England) Regulations 2026,

(1) A local authority may recover charges for or in connection with the performance of their chargeable functions.

(2) The amount of any charge that is payable under these Regulations must be determined by a local authority in accordance with a scheme made and published by the local authority in accordance with these Regulations ("charging scheme")

## Chargeable Functions

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 and Amendments Relating to Charging) (England) Regulations 2026 (4), (referred to as the chargeable functions), namely:

- **the granting or rejection of an application for building control approval**, - *payable by a person when the application is made to the Local Authority.*

- **the inspection of**,

  (i) a site in relation to building work for which an application for building control approval has been made in accordance with the Principal Regulations (whether determined or not);

  (ii) building work for which an application for building control approval has been granted in accordance with the Principal Regulations

  *payable by a person on demand after the Local Authority have given notice of that charge*.

- **A building notice charge,** *payable by a person when the notice is given to the Local Authority*.

- **the accepting or rejecting of**—

  (i) an initial notice,
  (ii) an amendment notice,
  (iii) a plans certificate,
  (iv) a final certificate,
  (v) a relevant transfer certificate and a transfer report,

  which has been given to the local authority in accordance with the RBCA Regulations – *payable by a person when the notice or certificate is given to the local authority*

- **the consideration of building work reverting to local authority control** – *payable by a person when the plans are or have been given under Reg 22 RBCA Regulations*

- **A regularisation charge -** *payable by a person at the time of the application to the Local Authority in accordance with Regulation 18 (Unauthorised Building Work) of the Principal Regulations - payable by the client on demand by the Local Authority*

- **The consideration of an application for relaxation of building regulations –** payable at the time of the application to the Local Authority in accordance with Section 8 of the 1984 Act - *payable by the client on demand by the Local Authority*

- **any action taken by the local authority under section 19(2), (3) or (5)(a) of the 1984 Act** (Use of Short-Lived Materials) - *payable by the client on demand by the Local Authority*

- **any action taken by the authority under section 22(1) or (3) of the 1984 Act** (Drainage of Buildings in Combination) - *payable by the client on demand by the Local Authority*

- **any action taken by the authority under section 25(3) of the 1984 Act** (Provision of Water Supply) - *payable by the client on demand by the Local Authority*

- **the exercise by the authority of their powers under section 33(1), (2) or (4) of the 1984 Act** (Tests for conformity with Building Regulations) - *payable by the client on demand by the Local Authority*

- **the exercise by the authority of their powers under section 51C (**Change of person intending to carry out the work**), 52** (Cancellation of Initial Notice**), 52A (**Variation of Work to which an Initial Notice relates)**, 53** (Effect of Initial Notice being in force**), 53A** (Lapse of Initial Notice) **(including consideration of a completion notice under regulation 22A of the RBCA Regulations), 53B** (New Initial Notice: change of registered building approver) **or 53D** (Cancellation of Initial Notice: change of registered building approver) **of the 1984 Act; -** *payable by the client on demand by the Local Authority*

- **any action taken by the authority under section 59, 60, 64, 65, 66 or 68 of the 1984 Act** (Drainage or Provision of Sanitary Conveniences) - *payable by the client on demand by the Local Authority*

- **any action taken by the authority under section 70, 72, 73 or 74 of the 1984 Act;** (Buildings including Means of Escape) – *payable by the client on demand by the Local Authority*

- **the exercise by the authority of their powers under section 76, 79, 80 or 81 of the 1984 Act**; (Defective premises and demolition) – *payable by the owner of the building on demand by the Local Authority*

- **the exercise by the authority of their powers in relation to seeking an order under section 77 of the 1984 Act;** (Dangerous Building) – *payable by the owner of the building*

- **any action taken by the authority under section 84 or 85 of the 1984 Act;** (Yards and Passages) – *payable by the owner of the building*

- **the exercise by an authorised officer of the powers conferred by section 95 of the 1984 Act** (Power to enter premises) – *payable by the person the local authority believes has contravened, contravening or will contravene the 1984 Act or Regulations made under that Act.*

- **any action taken by the local authority with a view to or in connection with**—
  (i) securing compliance with a requirement imposed by the Principal Regulations or the 1984 Act, or
  *(ii)* the imposition of a sanction in respect of a contravention of a requirement imposed by the Principal Regulations or the 1984 Act; - *payable by the person the local authority believes has contravened, contravening or will contravene the 1984 Act or Regulations made under that Act.*

- **the conduct of an appeal against a decision or action of a local authority under the 1984 Act or regulations made under that Act –** *payable by the person who has made the appeal even if it is withdrawn*

- **any action taken in order to respond to an appeal against a decision of the local authority** - *payable by the person who has made the appeal even if it is withdrawn*

- a request for advice as regards any particular case (in these Regulations called "**chargeable advice**") where such a charge is made in anticipation of the future exercise of their chargeable functions in relation to that case – *payable by the person requesting that advice on demand by the Local Authority*

- **a transfer certificate and a transfer report given in accordance with section 53B of the 1984 Act and considered under section 53C of that Act**

# Charging Scheme

The Local Authority will each financial year review, the charges payable under a charging scheme as far as possible equate to the costs incurred by the local authority in performing their chargeable functions and providing chargeable advice.

The Local Authority may amend the Charging Scheme from time to time, which will be published on its website, not less than 7 days of the Charging Scheme or Amendment to the Charging Scheme coming into effect.

The costs incurred by a local authority in performing their chargeable functions and providing chargeable advice may include a reasonable proportion of the authority's overheads, depreciation and the cost of capital

The Local Authority will publish a statement, approved by the S151 Officer, within 6 months of a Financial Year End, stating the costs incurred, income received and any amount of surplus or deficit.

# Exemption from Charges

1. 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.

2. Building work does not fall within paragraph 1(b) above, unless the local authority are satisfied that the 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 or 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,
        (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.

Note: '**disabled person'** means a person who has a disability within the meaning given by section 6 of the Equality Act 2010(**1**)

**"dwelling**" includes a dwelling-house and a flat; and "dwelling-house" and "flat" have the same meanings as in the Principal Regulations

To qualify for a full or partial exemption of charges a supporting letter from an Occupational Therapist following an assessment of their individual needs, to confirm the required building works are required under 1(a) or 1(b) will be required at the time of the Building Regulation Application submission.

# Other Matters relating to Calculation of Charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of **£112.00** (applicable for financial year 2026/27) has been used and is subject to VAT when applicable.
- 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.
- The Local Authority will consider payment by instalment in respect of all domestic building work where the total charge exceeds £4000.00 and if agreed, 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.

# Reductions

Where the Plan Charge and Inspection Charge are made as a single payment ("**Whole fee**") on deposit of a Application for Approval a discount of £30 can be applied.

# Refunds and Supplementary Charges

If the basis on which the determined charge has been set or determined alters, the Local Authority will refund a proportionate amount of the original charge, or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and 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, including the cost of processing a refund. Please note that in this situation the application status will be changed to 'Withdrawn'.

**Application for Approval** – 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 on demand.

**Application for Approval** – 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. Please note that in this situation the application status will be changed to 'Withdrawn'.

**Application for Approval** – 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 or determining compliance with Building Regulations, an additional charge of the published hourly rate (*plus standard rate VAT)* will be charged.

**Abortive costs**: A fee charge of £50 (*plus standard rate VAT*) 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 £250 (*outside scope of VAT*) will apply. Supplementary charges will be charged at published hourly rate (*plus standard rate VAT*) if the works have not completed or additional inspections are required to achieve compliance with Building Regulations. In certain historical 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 £112.00 Monday to Friday 07.30 to 18.30, outside of standards hours may be charged at £250 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 (*these charges are outside scope of VAT*). Any external costs from contractors engage to assist the building control team will be recharged at cost and standard VAT charges may apply.

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

**Demolition:** A standard fee charge will be made on both residential 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 charge of £75 (*plus standard rate 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 (*plus standard rate VAT*).

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 third party engagements shall be made known as far as reasonably possibly when setting the charge, and included if the costs are known or recovered prior to the Completion Certificate issue.

# Non-Payment of a Charge

- An application for building control approval which is made without payment of the application charge is not validly made for the purposes of the Principal Regulations.
- A building notice given without payment of the building notice charge is not validly given for the purposes of the Principal Regulations.
- An application under regulation 18 of the Principal Regulations which is made without payment of the regularisation charge is not validly made for the purposes of the Principal Regulations.
- Plans given under regulation 22 of the RBCA Regulations without payment of the reversion charge are not validly given for the purposes of the RBCA Regulations.
- A notice given to a local authority under section 80(2) of the 1984 Act without payment of the charge referred to in paragraph (6)(h) is not validly given for the purposes of section 80.

In other words, applications are not deemed valid until the agreed payment has been made and therefore relevant time limits do not apply. Applications for building control approval and building notice applications will be withdrawn if the relevant fee charge has not been paid within 12 weeks of submission and the application is not validly made for the purposes of the Principal Regulations. An application will have to be resubmitted accordingly.

Regularisation or reversion applications that are considered not validly made for the purposes of the Principal Regulations due to the fee charge not paid within 4 weeks of submission, an invoice for the fee charge will automatically be sent to the client and subject the local authority's Debt Recovery process.

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. In certain circumstances, non payment of debt will result in the Local Authority placing a Legal Charge on the property to which the building works apply, and will be shown within any property deed which may affect the sale of a property.

# Complaints about Charges

Complaints about the determination of any charge should initially be brought to the Council's Service Manager Building Control. In addition, the Council has a comprehensive complaint 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

Where possible, we have set standard fee charges as below:

Please note: These standard charges have been set by the authority on the basis that the building work is on a residential 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 to which they have been appointed by the client. If not, the work may incur supplementary charges.

**Luton Building Control Standard Fee Charges 2026/27**

**Residential Properties up to 11m in height**

*Plans for Approval and Building Notice Fee (*includes standard rate VAT* )

Regularisation and Reversion Fee (*outside scope of VAT*)

| Fee Code | Type of work/application | Plans for Approval Combined Payment* | Plans for Approval Split Payment* | Building Notice* | Regularisation/ Reversion |
|---|---|---|---|---|---|
| 1.1 | single storey extension - under 100m2 | **£1,045** | **£375 + £700** | **£1,290** | **£1,935** |
| 1.2 | two storey extension - under 100m2 | **£1,245** | **£375 + £900** | **£1,530** | **£2,295** |
| 1.3 | first floor extension - under 40m2 | **£945** | **£375 + £600** | **£1,170** | **£1,755** |
| 1.4 | loft conversion - under 60m2 | **£1,045** | **£375 + £700** | **£1,290** | **£1,935** |
| 1.5 | garage conversion as part of main dwelling | **£795** | **£375 + £450** | **£990** | **£1,485** |
| 1.6 | garage conversion as separate dwelling (annex / self contained flat) | **£1,045** | **£375 + £700** | **£1,290** | **£1,935** |
| 1.7 | single storey garage - up to 60m2 | **£795** | **£375 + £450** | **£990** | **£1,485** |
| 1.8 | outbuilding over 30m2 (for purpose of sleeping accommodation / annex / self contained flat) | **£1,045** | **£375 + £700** | **£1,290** | **£1,935** |
| 1.9 | outbuilding over 30m2 (no sleeping accommodation) | **£795** | **£375 + £450** | **£1,002** | **£1,503** |
| 1.10 | provision of drainage and/or heating connection to an outbuilding under 30m2 | **£645** | **£375 + £300** | **£810** | **£1,215** |
| 1.11 | installation of up to 2 steel beams | **£645** | **£375 + £300** | **£810** | **£1,215** |
| 1.12 | Installation of up to 10 replacement windows | **n/a** | **n/a** | **£400** | **£600** |
| 1.13 | Part P electrical works or heat producing appliances | **n/a** | **n/a** | **£450** | **£675** |
| 1.14 | alterations up to £10,000 (inc chimney breast removal, re-roof) | **£645** | **£375 + £300** | **£810** | **£1,215** |
| 1.15 | new build single dwelling house - under 300m2 | **£1,570** | **£450 + £1150** | **£1,920** | **£2,880** |
| 1.16 | conversion of single dwelling to a hmo (**charge per hmo bedroom**) | **£350**** | **£150 + £200** | **£420** | **£630** |
| 1.17 | conversion of single dwelling to self-contained flats (**charge per flat**) | **£475**** | **£175 + £300** | **£570** | **£855** |

***Total combined fee to be calculated first before deduction of £30 from total fee*

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 or Other Type Properties**

Fee charge to be calculated on an individual determined fee

**RBCA Charge – (***charges outside scope of VAT***)**

| | | |
|---|---|---|
| 2.1 | processing an Initial Notice | **£56** |
| 2.2 | processing an Amendment Notice | **£56** |
| 2.3 | processing an Extension of Time Request | **£28** |

**Luton Building Control Standard Fee Charges 2026/27**

| | | |
|---|---|---|
| 2.4 | processing a Plans Certificate | **£28** |
| 2.5 | processing a Final Certificate | **£28** |
| 2.6 | processing a Cancellation Notice | **£28** |
| 2.7 | processing the Change of person intending to carry out the work | **£28** |
| 2.8 | processing the Lapse of an Initial Notice | **£28** |
| 2.9 | processing of a new Initial Notice for change of RBCA | **£56** |
| 2.10 | processing of Cancellation Notice to appoint a new RBCA | **£28** |

**Enforcement Notices** – (*charges outside scope of VAT*)

| | | |
|---|---|---|
| 3.1 | Section 35 Compliance Notice | **£85** *per notice* |
| 3.2 | Section 35 Stop Notice | **£85** *per notice* |
| 3.3 | Section 36 Notice | **£85** *per notice* |
| 3.4 | Section 95 Notice | **£85** *per notice* |

**OTHER CHARGES**

| | |
|---|---|
| **Demolition Notice** | *(charges outside scope of VAT)* |
| Commercial | **£475** |
| Residential | **£250** |
| **Dangerous Structures** | **(***outside scope of VAT***)** |
| initial call out charge | **£200** |
| additional working hours 7.30am – 6.30pm Mon-Fri | **£112p.h.** |
| additional working hours 6.30pm – 7.30am and weekends and bank holidays | **£250p.h.** |
| **Admin Charges** | |
| missed appointments / abortive costs | **£50** *(plus standard rate VAT*) |
| initial completion certificate | inc in application fee |
| additional copy completion certificates | **£75** *(plus standard rate VAT*) |
| copies of decision notices | **£75** *(plus standard rate VAT*) |
| Process charge for refund of fees (only in exceptional circumstances) | **£75** *(outside scope of VAT*) |
| **Written replies to enquiries** | |
| solicitors enquiries | **£50** *(plus standard rate VAT*) |
| exemption letter | **£50** *(plus standard rate VAT*) |
| all other letters to solicitors or legal bodies | **£50** *(plus standard rate VAT*) |