

APPEALS

You have the right to appeal against any decision by the District Council Building Control Department. This leaflet describes how to make an appeal against a Notice of Contravention.

The guidance in this leaflet is for Applicants, Designers and Builders where they are involved with building projects and have received a Notice of Contravention.

OUR OBLIGATIONS

When works on site are undertaken those works are evaluated against the Building Regulations. Article 18 of the Building Regulations Order (NI) 1979 states that where works contravene any of the Building Regulations, a council shall serve a notice on the owner requiring the owner to pull down or remove the work or carry out such work that would make it comply.

Our first notification about observed contraventions of the Building Regulations is usually through a BR14 Letter (a letter listing observed contraventions). This letter should be regarded as a warning and should be taken seriously. It is normally used to allow reasonable time for works to be carried out to remove the contravention. However, there may be occasions that due to the severity of the contravention, a BR14 letter may not be sent and a Contravention Notice is sent in the first instance.

CONTRAVENTION NOTICE

If the contravention is not resolved a Contravention Notice will be served on the owner. As the

Contravention Notice is enforced through the magistrate's court we consider this formal notification a last resort.

Article 18 of the Building Regulations Order (N.I.) 1979 (as amended) also permits the council to serve a Contravention Notice on other persons including the occupier; the builder; the person causing the work to be done; or any other person appearing to have control over the work.

If after 28 days following the serving of the notice the person fails to comply with the notice, the council has the right to carry out works that remove the contravention and recover from that person reasonable costs incurred by the council. Alternatively the council can action the Contravention Notice through the courts.

The council can at any time withdraw the Contravention Notice without prejudice to serve another. If the council withdraws a notice it will give notification of the withdrawal to the person on whom the Contravention Notice was served.

LIMITATIONS

The Council cannot issue a Contravention Notice: -

- After 18 months from the date the work was completed; or
- Where plans for proposed work were submitted and approved and the work has been executed in accordance with the plans.

Although the Council cannot serve a Contravention Notice on work carried out 18 months after that work was completed, this does not affect its right to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any Building Regulation.

OBTAINING A REPORT

Upon receiving a Contravention Notice the person served with the Notice can notify the Council of their intention to submit a written report from a suitably qualified person concerning work to which the Contravention Notice relates.

- The Council must be notified in writing of the intention to submit a written report within 28 days of the Contravention Notice being served.
- The Council must receive the written report within 56 days of the Contravention Notice having been served.
- The Council must notify in writing as a result of its consideration of the report if it intends to: -
 - Withdraw the Contravention Notice (the Council may pay reasonable expenses incurred as a result of having served the notice including, in particular, the expense incurred in obtaining the report); or
 - Proceed with the Contravention Notice.

HOW TO APPEAL

Upon receipt of a Contravention Notice you have 28 days within which to lodge a written appeal against our decision. Where a report has been obtained the 28 days period is extended to 70 days from serving the notice.

The written appeal must clearly indicate the grounds of the appeal and be sent to: The Department of Finance and Personnel, Building Regulations Unit, 9th Floor, River House, 48 High Street, Belfast BT1 2AW.

An additional copy should also be sent to us.

