

Demolition

Demolition is dealt with under section 80 of the Building Act 1980. Persons wishing to demolish a building are required to notify West Lindsey District Council in advance of the intended date.

There is also a requirement under other legislation to notify:

- The water authority
- The gas network authority
- The electricity network authority
- The occupier of any building that adjoins the site

There are a few exemptions that apply. Formal approval under the Building Act 1984 is not required for:

- A demolition order made under the Housing Act 1985
- The demolition of an internal part of a building that remains occupied
- The demolition of a building that is not more than 1750 cubic feet (just under 50 cubic metres) in volume
- The demolition of a greenhouse, conservatory, shed or prefabricated garage
- Most agricultural buildings

Where West Lindsey District Council has required the demolition of the building under other legislation (this could be the Housing Acts, Town and Country Planning Acts, Building Acts or under powers of compulsory purchase or regeneration) the developer is not required to give notice under the Building Act 1984.

These exemptions are quite complex and it is always advisable to speak to one of the building control surveyors in cases of doubt.

Demolition often requires planning permission under the Town and Country Planning Act 1990 and the exemptions are different from those that apply under the building acts. No demolition should be undertaken without obtaining advice on the need for planning permission from the development management team at West Lindsey District Council.

Developers must give six weeks prior notice to West Lindsey Building Control before demolition begins. This can be done using an online notice of intended demolition form or a standard notification form. The notice must be accompanied by:

- A location plan (minimum Scale 1:1250) indicating the buildings to be demolished and all adjacent properties
- A copy of the demolition contractor's method statement indicating safe methods of demolition for this building.

It will be helpful and speed the process if the following information could accompany the form:

- A copy of the planning permission for the demolition works or formal confirmation that planning permission is not required
- A copy of the notices submitted to the statutory undertakers (Water, Gas and Electric)
- A copy of the Notice provided to owners of adjacent properties

- A plan of the site showing the location of existing drains and services and the points at which they are to be disconnected or sealed

West Lindsey Building Control will issue a demolition notice under section 81 of the Building Act 1984 within six weeks on receipt of the notification, setting out conditions that have to be complied with during the demolition works. These will all relate to public safety and public amenity. The full list of available conditions is given in section 81 of the Building Act 1984 and the council may use some or all of these. A copy of this notice will be sent to any adjoining owners and to the statutory undertakers. The council may also send a copy to the fire authority and the health and safety executive.

The developer has a right of appeal against the conditions attached to a Section 81 notice and the appeal procedure is outlined in Section 82 of the Building Act 1984.

Demolition work must also comply with the Construction (design and management) Regulations 2015, the health and safety plan produced by the contractor and any conditions imposed by the planning permission, the statutory undertakers or the adjacent owners.

Building regulations relating to site preparation and resistance to contaminants and moisture must also be complied with once the preparation work starts on the site.

The contractor is required to give West Lindsey Building Control notice of commencement and further notice when drains are exposed and sealed and when the site is levelled and considered safe. The statutory undertakers may impose their own requirements for notification and inspection.

West Lindsey District Council will inspect the demolition works and ensure that the conditions attached to the Section 81 Building Act notice have been satisfied.

If there are issues during the course of the demolition work West Lindsey building control will endeavor to resolve these through discussion and a collaborative approach. If this is unsuccessful or if there is an immediate danger to the public the council may use its powers under Section 81 of the Building Act to take direct remedial action. This will be done in partnership with the fire authority, the emergency services, the health and safety executive and the statutory undertakers and in full consultation with the site owner and the owner of adjoining land.