



## Introduction

This Fact sheet is about complaints about Building Control. It should be read together with the general information booklet about our service.

Building control refers to the requirement for supervision and control of building work, and services carried out by a local authority or approved inspectors. The main function of building control is to ensure compliance with the Building Regulations under the Building Act 1984. The purpose is to make certain that minimum building standards are met to protect the health and safety of persons in and around buildings. The Ombudsman can only look at a council's role in Building Regulation applications and Building Control issues. He cannot consider complaints about the work of approved inspectors who can be employed by developers to carry out the building control function (although only a council, as the Building Control Authority, can issue a completion certificate).

## What the Ombudsman can do

He can look at:

- Whether or not a council has taken reasonable steps to assess plans and inspect building work at its various stages to determine whether the development complies with the Building Regulations;
- A complaint that a council made an error in approving Building Regulations and issuing a completion certificate for work which should not have been the subject of approval;
- Whether or not a council has considered taking enforcement action in a proper manner in connection with building work which does not comply with Building Regulations and which affects a third party.

## What the Ombudsman cannot do

He cannot look at:

- A decision made by a council where there is a right of appeal to the Welsh Government. Such a right exists where a Building Regulations application is refused. An applicant is expected to exercise that right of appeal. An applicant can also request a determination to resolve an issue in dispute or dispensation in connection with an onerous requirement;
- A complaint about damage caused by a neighbour's building work which has been approved in an appropriate manner by the council. This would constitute a private dispute between the complainant and neighbour;
- Complaints about a defect to a property which existed before purchase and which could have been identified in a survey;
- Complaints involving a property which has a current National House Building Council (NHBC) warranty.

## Issues to bear in mind

The landowner or developer has the ultimate duty to ensure that the structure built complies with Building Regulations.

Any approval notice or completion certificate issued by a council is not a guarantee or warranty. They reflect the reasonable steps it should have taken to inspect the works.

The courts have held that local authorities undertaking their Building Control function are not responsible for any economic loss resulting from their actions.

The site inspection function of a council is not a substitute for the supervision of the project. In other words, it does not act as a Clerk of Works and it is advisable to employ an agent to oversee a development, particularly as the council is not responsible for the standard of work of the builder.

## Further information

**Information on Building Regulations** can be obtained at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The Council's own website may also contain information on Building Control matters.

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do. Examples of cases that the Ombudsman has looked at can be found on our website. Please see [www.ombudsman.wales](http://www.ombudsman.wales).

## Contact us

If you are unsure whether the Ombudsman would be able to look into your complaint, please [contact us](#).

# Easy Read

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Building Control

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