

Rejected plans – appeals procedure to the Department of Finance and Personnel

Guidance notes: 7

We issue a notice of rejection when plans do not meet the standards set in the Building Regulations. The following notes explain what will happen if you have made a full plans application for Building Regulation approval and have received a notice of rejection.

Notice of rejection

Under Article 17 of the Building Regulations Order, you can appeal to the Department of Finance and Personnel (DFP) against our decision to reject your application. Regulation 18A of the Building Regulations (NI) Order gives more guidance about what we must do.

To help you, we give a summary of regulations below.

The back page of the notice of rejection tells you:

- that you can appeal to the DFP;
- the time period in which you must make your appeal;
- that your appeal must set out the reasons for the appeal; and
- that you must send us a copy of the appeal.

Time limits

By law, we have 56 days in which to deal with your application. We will always try to solve any problems, where possible, within these 56 days by issuing either an approval notice or a rejection notice. Under our current service-response targets, we aim to deal with applications for domestic properties within 21 days and applications for business properties within 35 days. We consider notices of rejection to be a last resort.

For applications involving large or complicated buildings, you can ask us to extend this 56-day period.

If you receive a notice of rejection and you disagree with our decision, you have 56 days, from the day you receive the notice, to make your appeal.

If you have not received a notice, either approval or rejection, from us after 56 days, you can assume that we have rejected your application. This is known as 'deemed rejected' and you can then make an appeal.

Appeal

As we have said, once you receive a notice of rejection, or it is deemed rejected, you have 56 days to make a written appeal against our decision. The appeal must show the reasons for the appeal, and you must send a copy of your appeal to us.

Where do I send my appeal to?

You should send your appeal to:

Department of Finance and Personnel (NI)
Building Regulations Unit
Level 5, Causeway Exchange
1-7 Bedford St
Belfast
BT2 7EG
T:028 9051 2703

What will happen when you receive my appeal?

Once we receive the copy of your appeal, we will send the DFP:

- a copy of your original application;
- any documents you gave to us as part of your application; and
- our case in writing.

We will also send you a copy of our case.

Hearing the appeal

When the DFP has received all the documents, they will decide on the appeal. You can ask for a member of the DFP to hear your case (we can also do this.) The DFP can also ask both of us to appear before them.

Decision

The DFP will make one of the following decisions.

- Cancel our decision
- Confirm our decision
- Change our decision.

The DFP's decision is final, unless there is a dispute about a point of law (see below).

Points of law

If there is a dispute about a point of law, the DFP can refer the matter to the Court of Appeal. There may be times when the meaning of a part, or parts, of the Building Regulations is not clear, or they may seem to give different solutions to the same problem. When this happens a decision is needed that explains clearly what the law actually meant. This decision is called a 'point of law' and is made by the Court of Appeal. It deals only with the law or legal issues and does not take into account any facts in the dispute. If this happens, the DFP will tell both you and us.

If you, or we, are not satisfied with the DFP's decision and the DFP has not referred it to the Court of Appeal, then either of us can do this if on a point of law.

The Court of Appeal's decision on a point of law is final.

Our commitment to you

As you will see from the guidance given in this leaflet, the appeals procedure can be a long drawn-out affair which can lead to contract delays, added cost and so on. As we have already said, we only issue notices of rejection as a last resort. If amendments, clarification and so on are needed, it is much easier to discuss these points and settle them informally.

If you do receive a notice of rejection, please contact us to discuss it. We aim to approve your plans as quickly as we can.