



the **moray** council

THE MORAY COUNCIL

BUILDING STANDARDS

LETTER OF COMFORT

**(Regularisation of
Unauthorised Works
and works where no
Certificate of Completion
has been Granted)**

**THE MORAY COUNCIL
ENVIRONMENTAL SERVICES
COUNCIL OFFICE
HIGH STREET
EIGIN
IV30 IBX**

Information Leaflet No. - 2

Introduction

The term Letter of Comfort has been adopted by the Legal profession when referring to a letter providing confirmation by a local authority that no enforcement action will take place in particular circumstances.

The issue of a Letter of Comfort will be considered where:

- works have been undertaken without Building Warrant approval or;
- a Certificate of Completion has not been obtained in respect of a Building Warrant granted more than three years ago.

These are known as "Property Inspection" and "Confirmation of Completion" respectively.

Property Inspection

It is a statutory requirement that a Building Warrant is granted prior to any building work being undertaken. However, the Building Standards Service often finds itself being requested to assist owners who are having difficulty selling their property due to unauthorised alterations having being carried out, often by previous owners.

Acceptance of such works will only be considered where:

- no health and safety risk to the building occupants is involved;
- major Building Regulations have been complied with to the satisfaction of the Building Standards Officer;
- work was carried out more than 10 years prior to the application being made.

The Building Standards Officer will then carry out a non-disruptive inspection of the work to ensure that the above criteria has been met prior to issuing the Letter of Comfort.

In extreme cases it may be necessary to expose certain areas for a more detailed inspection, however where this is not the case no responsibility for the condition of any concealed elements of structure can be accepted. You should also note that on occasionally remedial works may be required prior to final acceptance and failure to initiate these works can result in enforcement proceedings being necessary.

Confirmation of Completion

A Certificate of Completion can only be issued during the lifetime of your Building Warrant (normally 3 years unless an extension to this period has been formally approved).

You may apply for Confirmation of Completion if a Certificate of Completion was not obtained within this validity period.

The issue of a Confirmation of Completion will be considered where:

- work is in accordance with the plans which formed part of the Building Warrant approval and;
- Building Regulations have been complied with to the Building Control Officers' satisfaction and;
- any deviations from the approved plans are of a relatively minor nature.

Please note however that occasionally remedial works may be required prior to final acceptance and failure to initiate these works can result in enforcement proceedings being necessary.

Dependent upon the nature of work involved, it may be necessary to expose areas of work for further inspection, where this is not the case no responsibility for the condition of any concealed elements of structure can be accepted.

Acceptance of Letters of Comfort

The issue of a Letter of Comfort by a Local Authority normally satisfies parties involved in conveyance and re-mortgaging transactions. Before applying for a Letter of Comfort however, you should check this with your solicitor.

How do I apply for a Letter of Comfort?

In both cases application must be made by completion of the prescribed form giving details of the property in question and the exact nature of the work carried out.

A degree of priority is given to all applications Letter of Comfort as the sale of a property is often dependent on the successful outcome.

Is there a fee for a Letter of Comfort?

A fee is payable when lodging your application in order to offset the cost of visiting the site, carrying out a search of records and the preparation and issue of the letter.

The service is limited to a maximum of two inspections. Further inspections, if required, will be carried out at an additional cost per visit.

Are detailed drawings required?

Generally no drawings are required in regard to obtaining a Letter of Comfort.

In the case of Confirmation of Completion a record of the Building Warrant approval will be held by the local authority and this will be used in the assessment of the works carried out.

In the case of a Property Inspection, it may be necessary in certain circumstances to provide a drawing to allow structural checks, calculations and assessments to be made.

Further information

A Building Control Charter is available which provides a commitment to the service which you may expect of the Building Standards Section.

If you wish to discuss any of the matters raised in this leaflet, or require further information, or would like a copy of the Charter, you may contact the Building Standards Section at any of the Council Offices listed below:

High Street
ELGIN
01343 563243

13 Cluny Square
BUCKIE
01542 837200

The Institute
Mid Street
KEITH
01542 885500

Auchernack
High Street
FORRES
01309 672277

Commitment

The Building Standards Section of the Moray Council is committed to Best Value in the services which it provides.