

THE DECISION

The Department of Finance and Personnel's determination of the appeal can take the form of one of the following options: -

- Revoke the Service's decision
- Vary the Service's decision
- Confirm the Service's decision

In all cases the Department of Finance and Personnel's decision is final and conclusive, the only exception being on a point of law.

COURT OF APPEAL

The Department of Finance and Personnel can refer any question of law relating to the appeal to the Court of Appeal. When it does this the Department of Finance and Personnel will notify both parties of its intention to refer.

Where either party is aggrieved by the Department's decision and the Department has not referred it to the Court of Appeal, then either party has the right to do so on a point of law.

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

Building Control

For further information and advice contact the Building Control department at your local Council offices. Please ask if you would like this information in large print, Braille, another language, or on audio tape.



Armagh (028) 3752 9616
buildcon@armagh.gov.uk
www.armagh.gov.uk



Banbridge (028) 4066 0603
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Craigavon (028) 3831 2500
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Newry (028) 3031 3000
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Southern Group Building Control
www.sgbc-ni.gov.uk

Building Control
How to Make
an Appeal against
our Decision to
Reject your Plans



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(SG-9 Sept 2003)



OUR OBLIGATIONS

When an application has been submitted and accepted, the details of the submission are evaluated against the Building Regulations. Article 13 of the Building Regulations Order (NI) states that a council shall either approve or reject plans. The Building Control Service considers that a formal Notice of Rejection is a last resort. A BR Letter (a letter outlining observed contraventions and omissions) can be regarded as a Notice of Rejection to establish your right to appeal against any item or items noted as a contravention in the letter.

NOTICE OF REJECTION

Under Article 17 of the Building Regulations Order (N.I.) (as amended) the applicant has a right of appeal to the Department of Finance and Personnel against the Council's decision to reject an application. Regulation A18 of the Building Regulations (NI) 2000 gives further guidance in this respect.

The BR Letter and a Notice of Rejection issued by us provides the following information:

- That there is a right of appeal
- The period within which the appeal must be made

- To whom you should appeal, ie: The Department of Finance and Personnel, Building Regulations Unit, 9th Floor, River House, 48 High Street, Belfast BT1 2AW.
- A copy of the appeal, setting out the grounds for your appeal, is to be sent to the Council
- Details of where guidance can be obtained

For the purposes of Article 17 the period within which the appeal must be made is 56 days from receipt of the notice. The Article also states that following a period of 56 days from having made an application, and we have not notified you of any decision. You may then assume, for the purposes of an appeal, that this application has been rejected, whether or not you have received a Notice of Rejection i.e. "Deemed Rejected".

Article 17 also allows us to agree, in writing, with the applicant or designer to extend this 56 day period e.g. in the case of a large complex building. It also sets down the rule for making an appeal against the Council's decision to reject the plans.

HOW TO APPEAL

Upon receipt of the BR Letter or formal Notice of Rejection or a "Deemed Rejection" you have 56 days within which to lodge a written appeal against the Service's decision.

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. A copy must also be sent to the Council.

THE COUNCIL'S ACTIONS

Once we are notified of the appeal we will forward a copy of the application details to the Department of Finance and Personnel. We will include all documents given to us, by you, as part of your application. At the same time we will make a written submission regarding the appeal to the Department. A copy of this submission will also be sent to you.

THE DEPARTMENT'S ACTIONS

The Department of Finance and Personnel upon receipt of all documentation will decide upon the appeal. The Department before determining the appeal may if it thinks fit or if requested by either party, allow in-person discussions involving the Department and those concerned.

