

LABSS INFORMATION PAPER INFOP17 - 2017 Version 3 – 21 March 2017

Building (Scotland) Regulations 2004
INTERPRETATION OF STAND-ALONE ANNEXES TO DWELLINGS

Applicable to New Accommodation within the curtilage of Domestic Buildings only in relation to
Appendix A Defined Terms

Definitions and explanation of terms used in the Technical Handbooks

BACKGROUND**Appendix A Defined Terms****Definitions and explanation of terms used in Technical Handbooks.**

Stand-alone building means a building, other than a dwelling, but includes an ancillary building or a part of a building, that is either:

- a. detached or
- b. thermally divided from the remainder of the main building and incorporates shut-down control of any heating or cooling system which is linked to any main system, and includes a conservatory.

Note – the definition of 'stand-alone building' was added on 1 May 2007.

Dwelling means a unit of residential accommodation occupied (whether or not as a sole or main residence):

- a. by an individual or by individuals living together as a family; or
- b. by not more than six individuals living together as a single household (including a household where care is provided for residents)

and includes any surgeries, consulting rooms, offices or other accommodation, of a floor area not exceeding in the aggregate 50 square metres, forming part of a dwelling and used by an occupant of the dwelling in a professional or business capacity.

Residential building means a building, other than a domestic building, having sleeping accommodation including

- **Shared residential accommodation** means a unit of residential accommodation, other than a dwelling, having an occupancy capacity not exceeding 10, entered from the open air at ground level and having no storey at a height exceeding 7.5m.

LABSS AIMS ON THIS ISSUE

Following a consultation exercise carried out by LABSS on two distinct cases of proposals to erect new buildings, or to extend existing buildings, within the curtilage of existing dwelling houses, the question arose;

Should these “new buildings” be treated as:

- i. a stand-alone building,
- ii. a dwelling, or
- iii. a residential building (including shared residential accommodation)

Given the evidence gathered during these consultations (see attached papers), there is clearly considerable inconsistency in how such buildings should be treated and consequently on the face of it mixed messages are being given sometimes to the same architect operating in different geographical areas and therefore dealing with more than one verifier. LABSS would aim to put forward an agreed protocol for such cases in the future to allow a degree of understanding between verifiers and applicants to eliminate, as far as possible any perception of “mixed messages in interpretation”.

DECISION

The following is predicated on three options as described below the case for each which must be made by the applicant:

OPTION 1:

The applicant clearly stipulates that the building to be provided, whether fully detached or not, is for use by the main house family members to provide additional family space for the family unit, such as a “granny flat” or for juvenile family members (student accommodation type but solely for own family members);

- a. the additional accommodation is detached or attached;
- b. is provided with fixtures and fittings equivalent to that for a complete dwelling, or not so provided; and

In such cases, it is deemed that the additional accommodation would be treated as a **domestic building ancillary to the main dwelling** but not a separate dwelling. In such circumstances, the ancillary accommodation could be determined as a **“stand-alone building”**.

OPTION 2:

The applicant clearly stipulates that the building to be provided, whether fully detached or not, is for use falling within the definition of a dwelling but by other than main house family members (excluding use for intermittent holiday occupancy), such as short or long term rental accommodation;

- a. the additional accommodation is detached or attached;
- b. is provided with fixtures and fittings equivalent to that for a complete dwelling; and

In such cases, it is deemed that the additional accommodation would be treated as a **domestic building – a dwelling**. In such circumstances, the ancillary accommodation could not be determined as a **“stand-alone building”**.

OPTION 3:

The applicant clearly stipulates that the building to be provided, whether fully detached or not, is for use by other than main house family members, such as intermittent holiday occupancy;

- a. the additional accommodation is detached or attached;
- b. is provided with fixtures and fittings equivalent to that for a complete dwelling, or not so provided.

In such cases, it is deemed that the additional accommodation would be treated as

- where occupant capacity is not exceeding 10 – then it is a **non-domestic “shared residential unit”**,
- where occupant capacity is more than 10 – then it is a **non-domestic residential building**,

In such circumstances, the ancillary accommodation could be determined as a **“stand-alone building”**. However, given that this is deemed to be a non-domestic building the guidance under the Non-Domestic Handbook is applied.

BACKGROUND PAPERS

Please refer to the LABSS Consultation Papers associated with the West Lothian Case reference LIV/15/1158/BW and the Argyll and Bute Case reference 16/011298/dom1