

# BOSTON BOROUGH COUNCIL

## INFORMATION

### SHEET

## DEMOLITION OF BUILDINGS OR STRUCTURES

The provisions of Section 80 of the Building Act 1984 requires that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control section beforehand, and work shall not commence until the local authority have given Notice under Section 81, or the relevant period of six weeks has expired.

### NOTICE OF DEMOLITION

The notice shall specify the building to which it relates to be carried out, and it is the duty of a person giving such a notice not only to supply information to the local authority but also to send or give a copy to:

- (a) the occupier of any building adjacent to the building;
- (b) British Gas; and
- (c) East Midlands Electricity.

Failure to comply renders the person who is carrying out the work liable to a fine on conviction of up to £2500.00.

### LOCAL AUTHORITY REQUIREMENTS

The local authority are empowered to serve notice about demolition under the provisions of Section 81 (1) (a), (b) and (c) of the Building Act 1984.

It is the duty of the local authority to send or give a copy of a notice to the owner and occupier of any building adjacent to the building to which the notice relates.

Any notice issued by the local authority under Section 81 (1) of the Act may require the person to whom it is given:

- (a) To shore up any building adjacent to the building to which the notice relates,
- (b) to weatherproof any surfaces of an adjacent building that are exposed by the demolition,
- (c) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it,
- (d) to remove material or rubbish resulting from the demolition and clearance of the site,
- (e) to disconnect and seal, at such points as the local authority may reasonable require, any sewer or drain in or under the building,
- (f) to remove any such sewer or drain, and seal any sewer or drain with which the sewer or drain to be removed is connected,
- (g) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or (f) above,
- (h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building,
- (i) to make such arrangement with regard to the burning of structures or materials on the site as may be reasonably required:
  - (i) if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority, and
  - (ii) in any other case, by the fire authority and
- (j) to take such steps relating to conditions subject to which the demolition is to be undertaken, and the condition in which the site is to be left on completion of the demolition, as the local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.

No one shall be required under paragraphs (c) (e) or (f) above to carry out any work in land outside the premises which the works of demolition are being carried out if he has no right to do so. However, subject to the provisions of Section 101 of the Act the person undertaking the demolition, or the local authority acting in default, may break open any street of the purpose of complying with any such requirement.

Before a person complies with a requirement under paragraphs (e), (f) or (g), he shall give the local authority:

- (i) of at least 48 hours notice in the case of (e) or (f), or
- (ii) at least 24 hours notice, in the case of (g).

Failure to comply renders the person liable to a fine not exceeding £500.00.

## **APPEALS**

Section 83 of the Building Act deals with the provisions for appeal against Notices served under Section 81, and the matters for consideration are covered in both Sections 83 and 102 of the Act.

## **DEFINITIONS**

For the purposes of definition "building" means any permanent or temporary building, including any other structure or erection of whatever kind or nature (whether permanent or temporary).

## **EXEMPTIONS**

Certain buildings are exempt from the provisions of Section 80, namely:

- (a) a demolition in respect of any order made under the Housing Act 1957.
- (b) a demolition of an internal part of an occupied building which will continue to be occupied.
- (c) a building with a cubic content less than 1750 cubic feet, or buildings such as a greenhouse, conservatory, shed, etc.
- (d) an agriculture building.

This guidance note does not purport to cover all relevant matters and should further information be required, reference needs to be made to the respective Sections of the Building Act 1984.

Application forms to cover demolition works are available on request.

Applications and any correspondence should be addressed to:

Boston Borough Council  
Building Control Section  
Municipal Buildings  
West Street  
Boston  
Lincolnshire  
PE21 8QR

If you wish to discuss a proposal with one of the staff, please phone to make an appointment.

Telephone: 01205 314295  
Fax: 01205 314297  
E-mail: [buildingcontrol@boston.gov.uk](mailto:buildingcontrol@boston.gov.uk)