APR 2025

Argyll and Bute Council

Comhairle Earra-Ghàidheal agus Bhòid

Building Standards

Letters of Comfort

Building works without statutory consent
The Building (Scotland) Act 2003 and its predecessor, the Building (Scotland) Act 1959 both contain a requirement that a Building Warrant is granted prior to any building or demolition work being undertaken. However, the Local Authority often finds itself being requested to assist owners, who are having difficulty selling their property due to unauthorised works having been carried out, often by previous owners. The process for dealing with such circumstances is known as a "Letter of Comfort"

Inspection of unauthorised works
The consideration of unauthorised works is categorised by date. Works completed between June 1964 and April 2005.

Applications for "Letters of Comfort"
Only works completed between June 1962 and April 2005 will be considered for a "Letter of Comfort". However, an application f alling within this category is only accepted at the discretion of the Authority, as there are cases that may not be appropriate for the "Letter of Comfort" process. When accepted, a non-disruptive inspection of the work will be carried out with regard to the Health and Safety of people in and around the building. If considered appropriate, a letter stating that the department does not intend to take statutory action in respect of the unauthorised works will be issued.

Please note that the inspection may result in the need for remedial works to be undertaken prior to the "Letter of Comfort" being issued. Failure to do the remedial works may result in statutory action being taken by the Local Authority.

For works completed after 1 May 2005, or rejected as inappropriate for a 'letter of comfort' a Completion Certificate where no Building Warrant was Obtained, should be submitted.

This form of documentation normally satisfies all parties involved in conveyancing and mortgaging transactions.

Who can apply for an inspection?
Anyone with an interest in a property can apply for a "Letter of Comfort". This includes owners, prospective owners, conveyancing solicitors etc., provided that the owner has given their permission to allow access for inspection.

How do I apply for an inspection?
Application can be made by yourself or your agent on the appropriate "Letter of Comfort" Property Inspection Application Form, available from our website www.argyll-bute.gov.uk or from any of our area offices.

The form requests the following information:

- Your name, address and daytime contact telephone number and the same details of agent (if applicable)
- Address of building where works have been carried out
- Specific details of nature of completed works e.g. extension to rear of dwelling house to form an additional bedroometc.
- The date when the works were completed (if unknown then estimate)

A declaration then has to be signed agreeing to the inspection of works and acknowledging that you may have to expose any necessary elements of the work. Please note that if information supplied is found to be false any 'letter of comfort' issued will be rendered void.

After your application has been registered, a Surveyor from Building Standards will contact you within 20 days to arrange an inspection of the property.

Are all building works covered by this inspection?
The majority of building works, whether it is to a domestic or commercial property are covered by this procedure and examples include: Internal alterations, extensions, loft-conversions, removal of walls etc.

It should be noted however, an application relating to the sub-division of a dwelling house is an example where drawings may be required to be submitted and processed at the applicant's expense.

How long does the process take?
Building Standards recognises that, due to the nature of property sales / purchases, a "Letter of Comfort" is often not requested until the very last minute. To assist our customers, Argyll and Bute Council Building Standards has performance targets for responding to a request for an inspection of works carried out without the necessary consent. These targets, and performance against targets, are available on request. On completion of a satisfactory inspection, including where remedial works have been requested, a "Letter of

Comfort" will be issued. Again, targets and performance against these targets are available on request.

Charges

A fee of £443.00 plus an additional surcharge based on the cost of works at current day prices, as noted on the Building Standards Statutory Fee Guidance, is charged for each application for a property inspection.

The application should be accompanied by the appropriate fee for the required amount. Cheques should be made payable to Argyll & Bute Council.

The Service is limited to a single inspection. A further fee of £220.00 is required for each additional inspection. It is therefore important that any works identified following the first inspection are correctly implemented.