

Insights

IMPROVING THE BUILDING CONTROL PROCESS FOR CATEGORY A AND B WORK ON HIGHER-RISK BUILDINGS

Apr 30, 2026

SUMMARY

In this article, first published in PLC Construction, Katharine Tulloch considers the government's consultation on proposals to improve the proportionality of the building control process for Category A and Category B building work on existing higher-risk buildings.

This article contains links which are only accessible by PLC subscribers

The higher-risk building (HRB) regime has been in operation since October 2023. While industry gradually adapts to its requirements, one of the major problems so far has been the time it takes for building control applications for HRBs to pass through gateway two (the building control approval stage controlled by the Building Safety Regulator (BSR)).

Several changes have been introduced to try and reduce the backlog with a reported degree of success, although a backlog remains. The government has now launched two consultations in recent months to attack the delays from a different angle, this time focusing on whether there is scope to reduce the type of work subject to the full HRB gateway requirements.

The first consultation, published in February, focused on telecommunications work. The second more recent consultation, "Improving proportionality and building safety outcomes in building control: categorisation of higher-risk building work", was published at the end of March 2026 and explores whether there is scope to reduce gateway information requirements for certain types of work to existing buildings. It also seeks views on improving gateway guidance, introducing a new Competent Persons Schemes (CPS) for certain types of work, and, in the longer term, whether there may be merit in moving certain "small scale works" out of the HRB regime entirely. It closes on 28 May 2026.

This article takes a closer look at these proposals.

For more information, see:

- *Legal updates, Government consults on relaxing building regulations procedures for telecommunications work and Government consults on reforming the categorisation of building work to existing HRBs.*
- *Article, Streamlining building control for telecoms: key takeaways from the government's consultation.*

BACKGROUND

The crux of the problem is that small scale, simple low risk work to HRBs is subject to the stringent and onerous HRB gateway requirements that were set up to deal with the most complex of cases. This means that landlords or even residents of HRBs, trying to carry out some simple internal works on their properties or homes, are subject to the same documentary requirements as major complex commercial developments; and it is this mismatch that is clogging up the gateway system. As the consultation notes:

"As of February 2026, the BSR has received 1,944 non-cladding remediation Category A work applications. This represents roughly 46% of the total applications for non-cladding remediation. This is roughly 5 times the number than the BSR expected to fall into Category A which was intended to represent more complex, major work...".

The tricky bit is that although such minor works arguably do not require such stringent oversight, they do still count as works to a HRB and so do carry some degree of risk. To address this, the consultation makes clear that such minor works will remain under the remit of the BSR. In addition, the BSR will retain the right to investigate the works more thoroughly if it thinks it is appropriate to do so. Finally, while the gateway requirements may be less onerous, the other protections introduced by the HRB regime, such as the dutyholder roles, will remain in place.

PROPOSALS

The consultation proposes to:

- Change the legal definition of Category A works to exempt works to residential units only and "small-scale" works in communal areas. This would reduce the amount of documentation required for these types of work at gateway two.
- Improve gateway guidance around categorisation of works to existing HRBs.
- Seek views on introducing new CPSs for Category B works.
- Seek views in the longer term on transferring certain "small-scale" works to another building control authority.

This article explores each of these proposals below.

CATEGORY A AND B WORK

The consultation notes that the HRB regime already recognises that construction works vary in scale and complexity and that more complex, major work requires more scrutiny by the BSR than other work of a minor nature. This is why work to existing HRBs has been categorised as Category A and Category B work. Category A work tends to be of a complex nature and requires more BSR oversight for example, changing the height of a building or changing the number of residential units. Category B work is all work which is not Category A work.

The consultation sets out two options (not mutually exclusive) to recategorise Category A work:

OPTION 1: EXCLUDE BUILDING WORK IN INDIVIDUAL FLATS FROM CATEGORY A

For this option, only work which has wider implications for the safety of residents and the entire building will remain Category A work. This means that internal works to residential units would not be subject to the onerous requirements of gateway two. Having said this, it is important to flag that the work would still need to pass through gateway two (with less strict requirements) and be subject to BSR oversight. Other elements of the HRB regime would still be required such as the dutyholder roles.

However, this exclusion:

- Would only apply to HRBs that include residential units. It would not apply to, for example, hospitals or care homes.
- Would **not apply** in the scenario where a landlord wanted to carry out refurbishments to multiple residential units in a HRB. The BSR would pick this up at application stage and because works across several units could present more risk, the BSR might require further documentation in this instance.

In addition, where Part B of Schedule 1 to the Building Regulations 2010 imposes additional fire safety requirements then the gateway two application must include the additional information.

The BSR would also retain the right to request more documentation if it thinks it is appropriate to do so.

OPTION 2: AMEND CATEGORY A WORKS TO EXCLUDE SMALL SCALE WORKS ON COMMUNAL AREAS

Option 2 proposes that all "small-scale" work is excluded from the onerous requirements of gateway two. This exclusion would apply to all HRBs, although, as with option 1, the BSR could require further information if it considers it appropriate.

"Small-scale" work is proposed as:

"work that can typically be undertaken by a team of 3 or fewer people... or completed within 5 working days (that is, 40 hours) [and] does not impact active fire safety measures (for example, fire alarm, CO detectors, sprinkler systems), load-bearing walls, or external walls (excluding building work to windows)..."

Note that to be deemed "small-scale", work needs to meet all of the above criteria. Also, any work that impacts the structural integrity of the building would remain Category A.

COMPETENT PERSONS SCHEME

A CPS allows self-certification by a registered installer of certain types of Category B work, for example installation of a boiler, so that it does not have to pass through gateway two.

The consultation asks for views on whether a CPS could be established for more Category B work, noting that only views are sought at this stage because the creation of a new CPS takes considerable time and resources.

SCOPE FOR WIDER REFORM IN FUTURE?

Finally, the consultation seeks views on whether there is scope to remove small-scale building work inside flats and building work from the HRB regime, with those types of building work being overseen by building control bodies outside of the BSR.

As such change would require primary legislation and much careful consideration, at this stage, responses will be used to inform ongoing work on wider options for reform.

THOUGHTS

The government has a delicate balancing act to perform here: how to make sure that the highest safety standards are adhered to when carrying out works to HRB against how to reduce the BSR's workload so that it can effectively concentrate on the projects that pose the most risk and need the most oversight.

The reality (so far) has been that the BSR simply does not have the capacity to deal with all the work which falls within its remit. It may be that with more resourcing and as industry becomes familiar with what is required for successful gateway applications this will change, but for now, the system is failing and this benefits no-one. The proposals in this consultation adopt a careful, proportionate approach to this conundrum but it remains to be seen how industry will respond and what the government will decide to do with those responses.

A version of this article was published in PLC Construction on 29 April 2026

RELATED CAPABILITIES

- Commercial Construction

MEET THE TEAM



Katharine Tulloch

Knowledge & Innovation Counsel,
London

katharine.tulloch@bclplaw.com

[+44 \(0\) 20 3400 3056](tel:+442034003056)

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon (kathrine.dixon@bclplaw.com) as the responsible attorney.