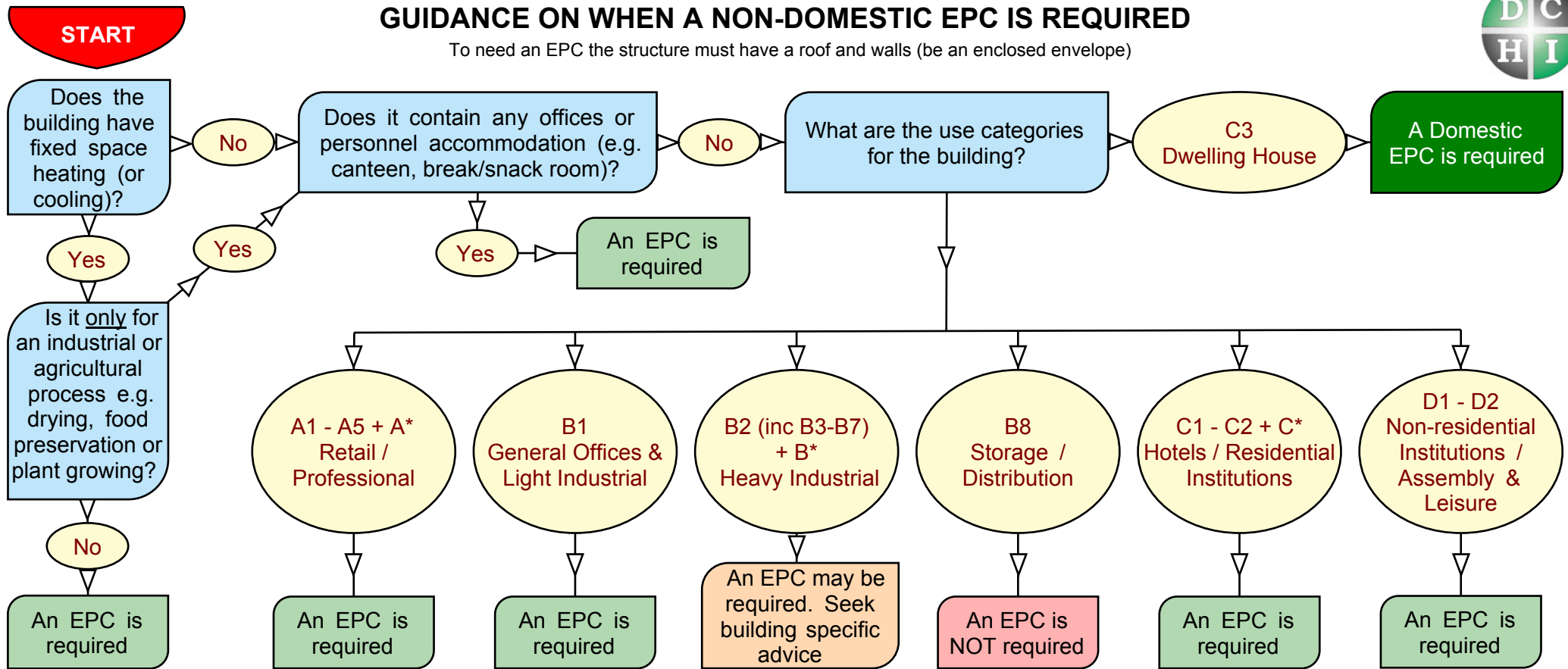


GUIDANCE ON WHEN A NON-DOMESTIC EPC IS REQUIRED

To need an EPC the structure must have a roof and walls (be an enclosed envelope)



This guidance from **DCHI** is to clarify the process for deciding whether a non-domestic building requires an EPC under The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

Critical to the decision is the requirement for an EPC “*Where a building is expected to have heating, mechanical ventilation or air conditioning installed*”. That expectation arises from the legal requirement for an employer that “*the temperature in all workplaces inside buildings shall be reasonable*”. This is required by several legislative documents including Regulation 7 of The Workplace (Health, Safety and Welfare) Regulations 1992.

There are always possible exceptional circumstances which will deviate from any standard guidance and where the above may not be consistent with the regulations for a particular building it is the regulations which must be followed. For the majority of buildings however the above will form a suitable basis for deciding whether an EPC is required.

This guidance will be a point of reference for DCHI members advising on the need for Non-Domestic EPCs. It is anticipated that Solicitors and Agents will also refer to this guidance to decide on the need for an EPC and will show due diligence in doing so (*refer to notes overleaf*).

No fixed heating

When an EPC is required for a building without fixed heating the assessor will treat all areas having a potential use category requiring space heating as being conditioned by fanned electric room heaters with manual controls unless:

- a) there is existing disconnected fixed heating which could reasonably be reconnected, or
- b) there is conclusive evidence of alternative heating to be installed e.g. A purchase order supported by a detailed specification, or
- c) there is existing heating which is suitable to use but is not fixed, or
- d) the building is being built / refurbished under building regulations (shell and core) in which case a heating and control system which conforms to the minimum relevant building regulations will be assumed. This will be gas fired where there is a gas supply to the building or electric where there is no gas supply.

Exceptions which do not require an EPC

Places of worship, temporary buildings with a planned time of use of less than two years (includes those scheduled for demolition) and any building that is free standing i.e. entirely detached AND less than 50 square meters useful floor area.

GUIDE TO USE CLASSES REFERRED TO OVERLEAF

A1 (Class 1) - Shops

Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, dry cleaners, Internet Cafes etc. Pet shops, Cat-meat shops, Tripe shops, sandwich bars, Showrooms, domestic hire shops, funeral directors.

A2 (Class 2) - Financial and Professional Services

Banks, Building societies, estate and employment agencies, Professional and Financial Services, betting offices

A3 (Class 2) - Restaurants and Cafes

Restaurants, snack bars, cafes

A4 (Class 2) - Drinking Establishments

Pubs and bars

A5 (Class 2) - Hot Food Takeaways

Hot Food Takeaway

A* - Sui Generis

(A type use not falling within a specific class)

Shops selling and/or displaying motor vehicles, retail warehouse clubs, laundrettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations

B1 (Class 2) - Business

Offices (not within A2), Research and development, studios, laboratories, high technology

B1 (Class 3) - Business

Light Industry

B2 (Class 4 - 9) - General Industry

General Industry

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NOTE - B2 now includes all types previously designated as B4 - B7

B8 (Class 10) - Storage or Distribution

Wholesale warehouses, distribution centres, repositories

B* - Sui Generis

(B type use not falling within a specific class)

Works registerable under the Alkali, etc. Works Regulation Act 1906

C1 (Class 11) - Hotels

Hotels, boarding and guest houses (*where no significant element of care is provided*)

C2 (Class 12) - Residential Institutions

Residential schools and colleges

C2 (Class 14) - Residential Institutions

Residential schools and colleges

C3 - Dwelling Houses

Dwellings, small businesses at home, communal housing of elderly and handicapped

People (Six or less residents unless living together as a family)

NOTE - Domestic EPC applicable

C* - Sui Generis

(C type use not falling within a specific class)

Hostel

D1 (Class 13) - Non-residential Institutions

Places of worship, Church Halls

NOTE - Specifically excluded from requiring EPCs

D1 (Class 15 - 16) - Non-residential Institutions

Clinics, health centres, crèches, day nurseries, consulting rooms, Museums,

public halls, libraries, art galleries, exhibition halls, Non - residential education and training centres

D2 (Class 17 - 18) - Assembly and Leisure

Cinemas, music and concert halls, Theatres, night-clubs, Dance, Sports halls, Swimming baths, skating, rinks, gymnasiums, Other indoor and outdoor sports and leisure uses, bingo halls, casinos

NOTE - Specific guidance may be required in the case of certain sports and leisure uses

IMPORTANT NOTES

The list of use types within classes is representative and not intended to be exhaustive. If a use type is not listed the nearest equivalent should be sought.

If a building is not exempt from the regulations and is suitable for more than one use type, and any one of those requires an EPC then an EPC is required for the building. If any one of those use types requires a commercial EPC then a commercial EPC is required for the building.

Use classes A - D refer to the definitions within the Use Classes (Amendment) Order 2005. Use classes 1 - 18 refer to the definitions within the Town and Country Planning Act 1990.

There has been a lack of clarity and consistency concerning interpretation of the regulations. The guidance within this document is provided in good faith by Devon & Cornwall Home Inspectors Association from a consensus among members accredited with a range of

different bodies to provide the framework for a consistent approach by all.

This document is intended for general guidance only. Where any doubt exists or there is potential for the guidance to conflict with actual regulation for a specific building the regulation must be adhered to.

It is believed that due diligence will apply if a property professional has correctly based their decision on this guidance even if subsequently shown to be incorrect. You are advised however to seek guidance from a solicitor or your own professional body before choosing to do so. Due diligence may not be sufficient to avoid liability in all cases.

This document is based on regulations and guidance versions believed to be current at the date of issue. These can change. Always check the website at www.dchi.org.uk for the latest version of this document.

Main stakeholders are asked to advise of any errors in this guidance and should any be identified this guidance will be updated.

DCHI will not in any event be held liable should anyone choose to rely solely on this guidance and not confirm it by other means.

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