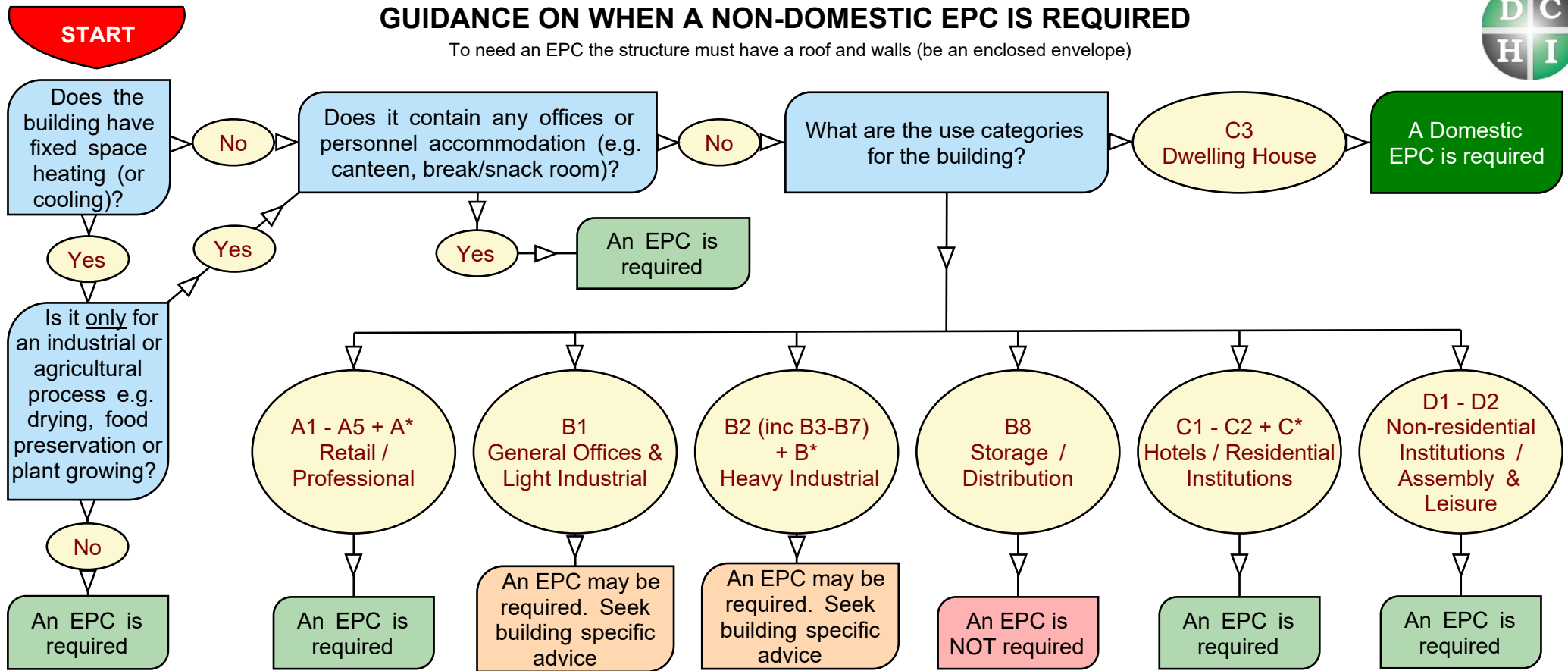


GUIDANCE ON WHEN A NON-DOMESTIC EPC IS REQUIRED

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



This document 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 2012 (as amended).

According to the official DCLG (now MHCLG) guidance publication A guide to energy performance certificates for the construction, sale and let of non dwellings "Where a building is expected to have heating, mechanical ventilation or air conditioning installed, it will require an EPC based on the assumed fit-out".

The 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 forming an opinion on whether an EPC is likely to be required.

This document is a reference for DCHI members advising on the need for Non-Domestic EPCs. It is anticipated that Solicitors and Agents may also refer to this document to inform their opinion on the need for an EPC as part of their due diligence (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:

- there is existing disconnected fixed heating which could reasonably be reconnected, or
- the building is new build and being offered for sale or rental before fit out (shell and core) in which case a heating and control system which conforms to the minimum relevant building regulations will be assumed.

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 non-domestic EPC then a non-domestic 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 opinion within this document is provided in good faith by DCHI from a consensus among members and accreditations scheme representatives.

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

It is believed that due diligence should generally apply if a property professional has correctly based their decision on this document 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 the regulations and official 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 or omissions in this document and should any be identified this document will be updated.

DCHI will not in any event be held liable should anyone choose to rely solely on this document and not confirm it by other means. It is an opinion only and not definitive guidance.

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