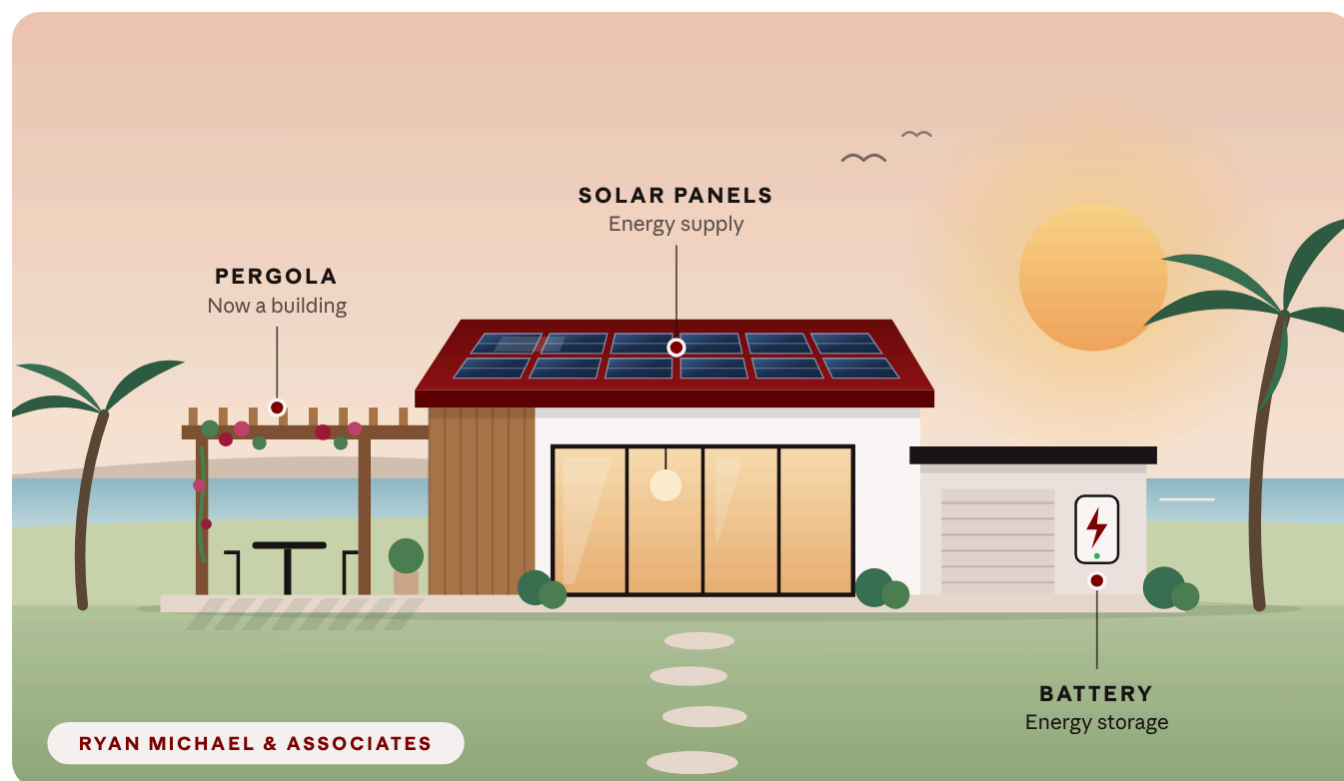




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Solar panels, pergolas and plans: what South Africa's new Building Bill means for you

24 October 2026



Solar panels, battery rooms and pergolas: under the proposed Bill, each may need municipal approval.

The government wants to update the law that controls building plans in South Africa. If the new Bill is passed, more home improvements will need municipal approval, and the rules on refusals, appeals and penalties will change. The Bill is not law yet, so there is still time to get your property in order.

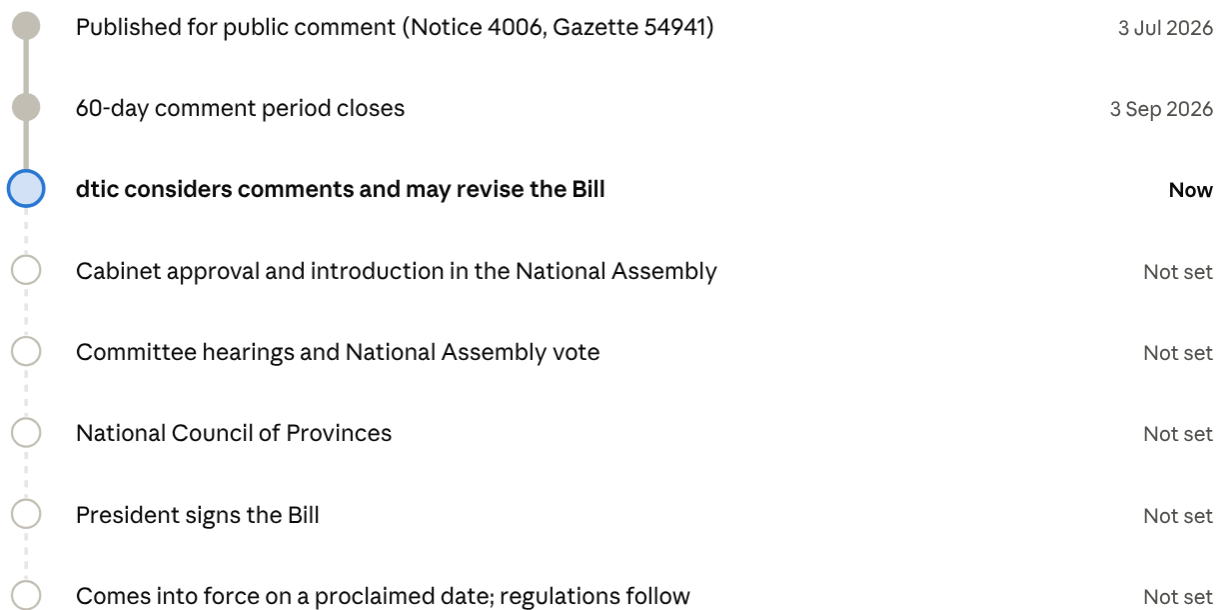
Where the Bill stands

The National Building Regulations and Building Standards Amendment Bill, 2026 (“the Bill”) is a draft proposal to change the National Building Regulations and Building Standards Act of 1977 (“the Act”). The Act is the law that every municipality uses when it approves building plans.

The Department of Trade, Industry and Competition published the Bill for public comment on 3 July 2026, and comments closed on 3 September 2026. The Department is now considering the comments it received. After that, the Bill still has to go to Cabinet and Parliament, be signed by the President and be given a start date.

The Bill is at stage 3 of 8: the dtic is reviewing comments

Path to becoming law; future dates are not yet set



Legislative path · 8 stages, 2 complete

Until the Bill becomes law, nothing changes and the current rules still apply. The Bill also does not say what will happen to building work that already exists when it starts, so it is not yet clear whether older structures will be affected.

What would change: the six main points

1. More things would need plan approval

At the moment the Act covers houses, walls, swimming pools and similar structures. The Bill adds pergolas, water features, advertising signs, cellphone masts and earthworks such as terraces, trenches for pipes and services, and landfill sites. It also replaces the

words “electricity supply” with “energy supply”, which brings solar panels, batteries and other energy systems serving a building clearly within the definition. Even small “minor works” are expressly included.

Covered areas such as carports and verandas would also count towards a building’s size. Where a building’s area is 500 m² or more, the municipality has 60 days to decide instead of 30, so more projects may wait longer for a decision. A Hillcrest family that adds solar panels, a battery room and a pergola would need municipal approval for each of them, or at least the building control officer’s written authorisation where the work qualifies as minor building work.

2. Plans could no longer be refused just because of how a building looks

Municipalities can currently turn down plans if a building would be unsightly or would lower the value of the neighbours’ homes. The Bill removes these reasons, so plans could only be refused if they do not comply with the Act, its regulations or other applicable laws such as the town-planning scheme, or if the building would be dangerous to life, property, health, the safety of its occupants or the environment.

A neighbour in Umhlanga who simply dislikes the look of your new room would therefore no longer be able to block it on that basis, although estate rules and title deed conditions would still apply. Similar wording does remain in other parts of the Act, so some objections may simply take a different route.

3. Appeals would go to your own municipality

If your plans are refused, or you disagree with a municipal prohibition notice or the way the building regulations have been applied, you can currently appeal to a review board whose chairperson is designated by the national Minister. The Bill scraps that board, and you would instead appeal to your own municipality’s appeal authority within 21 days of being told about the refusal. If that appeal fails, you could still ask the High Court to review the decision.

Appealing locally may be quicker and cheaper. The drawback is that the appeal would be decided by the same municipality that refused the plans, and the Bill itself sets no time limit for a decision, although a municipality’s planning by-laws may do so.

4. A court order would be needed before demolition or eviction

At present a municipality can order people to demolish or leave a dangerous building simply by sending a written notice. Under the Bill, it would first need a court order, except in a genuine emergency where immediate steps are needed to protect life, property or the environment. A municipality could still, without a court order, require an owner to have a

dangerous building investigated by an architect or engineer, and order that dangerous work stop. This protects people living in run-down buildings, such as some in the Durban CBD, although it may slow down action against buildings that are truly unsafe.

5. Heavier penalties, and trustees can be held responsible

The Act’s general penalty clause currently refers to a fine of up to R4 000 or up to 12 months (one year) in prison. The Bill removes the R4 000 figure, leaving the court to set the fine within the limits of its jurisdiction, and increases the longest possible prison sentence to two years. The penalties table further on explains these terms in more detail.

The Bill also spells out who counts as the “owner” of a property. The Act already treats executors, curators and liquidators as owners in certain cases. The Bill adds the trustees of a trust, the owner of a sectional title unit for its interior, the trustees or administrator of a body corporate for common property, business rescue practitioners and the former members of a deregistered close corporation. If a family trust owns a house in Ballito, the trustees would be the “owner” for the purposes of the Act, so municipal notices would be addressed to them and they would be responsible for compliance.

6. Government buildings would have to follow the rules

The Act does not currently bind the State, which only has to lodge its plans with the municipality for information. Under the Bill the Act would bind the State, so schools, clinics and government offices would have to comply like any other building. Buildings on the surface of mining land would also be covered, with only underground mine buildings remaining exempt.

The Bill also creates a new national advisory committee on building matters and gives the Minister wider powers to make building regulations on sustainability and resource efficiency, and on universal access for people with disabilities. No regulations under these new powers have been published yet.

At a glance: the Act today and the Bill

Topic	The Act today	Under the Bill
What needs approval	Houses, walls, pools and services	Also pergolas, water features, signs, masts, earthworks and all energy systems, including solar panels and batteries

Topic	The Act today	Under the Bill
Reasons to refuse plans	Does not comply, is dangerous, is unsightly or lowers neighbours' values	Does not comply with the Act or other laws, or is dangerous to people, property, health or the environment
Where to appeal	A national review board	Your municipality, within 21 days
Unsafe buildings	Demolition or eviction by written notice	Court order needed first, except in an emergency
General penalty	Fine of up to R4 000, or up to 12 months in prison	Fine set by the court, or up to 2 years in prison
Who counts as the owner	The registered owner, and in some cases an executor, curator, liquidator or agent	Also trustees of trusts, body corporate trustees, unit owners and business rescue practitioners
Government buildings	Not bound; plans lodged for information only	Must comply
Occupancy certificates and decision times	14 days for certificates; 30 or 60 days for plans	No change

Penalties

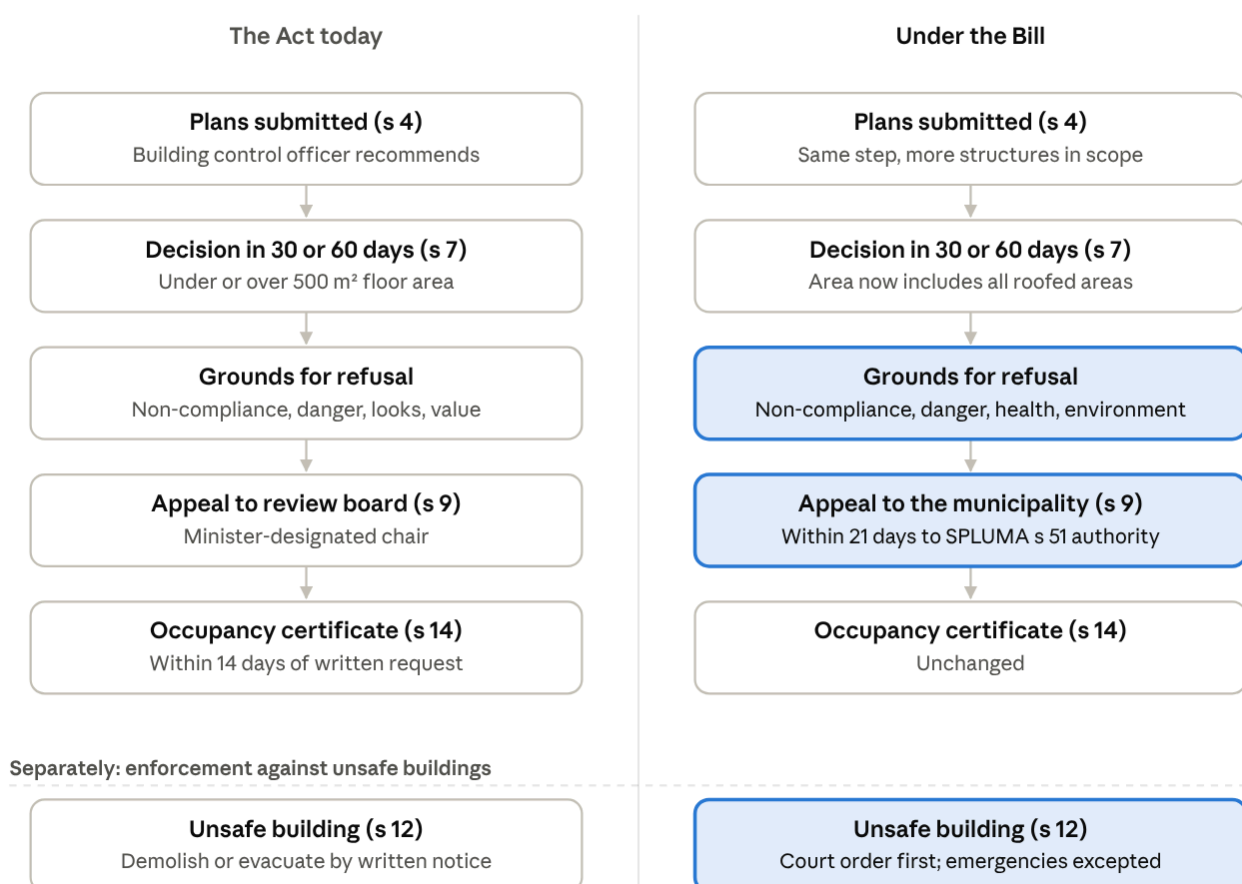
Offence	The Act today	Under the Bill
General offences under the Act	Fine of up to R4 000, or up to 12 months (1 year) in prison	Fine set by the court, or up to 2 years in prison
Staying in a building after a safety notice	R100 for each day	Fine set by the court, or up to 12 months (1 year) in prison
Building without approved plans	R100 for each day	No change: R100 for each day
Ignoring a municipal notice prohibiting building work	R100 for each day	No change: R100 for each day

The prison terms in the table are maximum sentences, meaning the longest period a court is allowed to impose. Twelve months and one year are the same length of time, and the Bill would double the longest possible sentence for general offences to two years. A court looks at the facts of each case and may impose a much lighter sentence, or a fine on its own. Where the table says “fine set by the court”, the Bill no longer states a maximum amount, so the court decides what is appropriate within the limits of its jurisdiction. Older fixed amounts such as R4 000 may, in any event, already be increased in practice by the Adjustment of Fines Act 101 of 1991. Building without approved plans would, however, still carry the 1977 penalty of R100 for each day the work continues.

How plan approval would change

The diagram compares the approval process today with the process under the Bill. Only the three highlighted steps would change; submitting plans, decision times and occupancy certificates stay as they are.

Three steps change: refusal grounds, appeals and unsafe buildings



Plan approval and enforcement · Act vs Bill, 6 steps, 3 changed

Who is affected

Municipalities, developers, contractors and homeowners would carry the heaviest load under the Bill, while people living in unsafe buildings and persons with disabilities would gain new protection.

Six groups face high impact; two gain protection

High impact

- Municipalities, BCOs**
Sole appeal body; court orders
- Developers**
More approvals; uncapped fines
- Contractors**
Earthworks covered; 2-year term
- Homeowners**
Solar and pergolas now in scope
- The State**
Now bound by the Act
- Trustees, bodies corporate**
Expressly the owner at law

Medium impact

- Buyers and sellers**
More plan disputes at sale
- Conveyancers, agents**
Warranties and disclosure
- Architects, engineers**
New duties by regulation
- Banks and insurers**
Valuation and claims risk

Better protected

- Unsafe-building occupiers**
Court order before eviction
- Persons with disabilities**
Universal-access regulations

Impact of the Bill by group · 12 groups in 3 tiers

Buying and selling property

Sale agreements

Most sale agreements include a promise by the seller that everything on the property has approved plans. Under the Bill that promise would also cover solar systems, battery rooms, pergolas and similar features, so these should be named in the agreement and in the mandatory disclosure form that is completed when an estate agent is involved.

Selling voetstoots

Selling voetstoots means the buyer accepts the property as it is, faults and all. It does not protect a seller who knew about an unapproved structure and kept quiet about it.

Trusts and sectional title

The trustees of a trust would be treated as the owner in their own right. In a sectional title scheme, each owner is responsible for the inside of their unit and the body corporate trustees for the common property, so a patio roof on common property would need an application by the trustees.

Bonds, insurance and occupancy certificates

Banks and insurers look closely at approved plans, so unapproved additions can lower a valuation or complicate an insurance claim. Occupancy certificates, which confirm that a finished building may be used, are not changing, and the municipality must still decide whether to issue one within 14 days of a written request.

Title deed conditions and estates

The Minister would lose the power to remove restrictive title deed conditions by notice, so owners would need to use the procedures under the Spatial Planning and Land Use Management Act and their municipality’s planning by-laws instead. Executors and liquidators already count as owners under the Act, and the Bill adds business rescue practitioners, so anyone acting in these roles should check the plan status of a property early when selling it.

Our view

Overall, the Bill is a sensible step towards fairer and more modern building rules, but some details are still unclear and the final version may look different.

What works well	What raises concern
Ends refusals based on looks or neighbours’ property values	Similar wording survives elsewhere in the Act
Court protection before demolition or eviction	Action on dangerous buildings may be slower
The same rules for government buildings	Appeals are decided by the municipality that refused the plans
Clear rules on who counts as the owner	Trustees and practitioners may carry risk for problems they did not cause
Modern scope, including solar and masts	More small projects will need approval

What works well	What raises concern
New rules on energy use and disability access	Penalties are uneven, and some rules await regulations

What to do now

If you are a homeowner or seller

- ☐ Check that every structure has approved plans: solar panels, battery rooms, pergolas, water features, outbuildings and earthworks.
- ☐ If anything is missing, start the approval process now.
- ☐ Disclose plan status honestly when you sell.

If you are buying property

- ☐ Ask for approved plans for every structure before you sign.
- ☐ Check your bank's valuation and bond conditions for unapproved improvements.

If you are a trustee or serve on a body corporate

- ☐ Audit trust property and common property for unapproved or unsafe work.
- ☐ Make sure plan applications for common property are trustee-led.

If you are a developer or contractor

- ☐ Budget time and cost for approvals of earthworks, signage and masts.
- ☐ Plan programmes around the 60-day decision period for larger projects.

For any applicant once the Bill becomes law

- ☐ Diarise the 21-day appeal deadline from the date you are notified of a refusal.
- ☐ Note the Act's new short name, the "National Building Act, 1977", in contracts and forms.

How we can help

If you are planning to build, buy or sell, it is worth checking the plan status of your property before the law changes. We can review your plans, prepare and negotiate sale agreements, advise trustees and bodies corporate, and assist with municipal appeals and court reviews.

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Sources

- [National Building Regulations and Building Standards Amendment Bill, 2026 — Government Gazette 54941, Notice 4006 of 2026](#)
- [National Building Regulations and Building Standards Act 103 of 1977 \(SAFLII\)](#)
- [gov.za notice and comment date](#)
- [dtic notice page](#)

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