



PLANNING

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REFERENCE

GN14-12

PERMITTED DEVELOPMENT RIGHTS FOR THE INSTALLATION ON
NON-DOMESTIC MICROGENERATION EQUIPMENT - WALES

1. INTRODUCTION

This Guidance Note explains Part 43 of the Town & Country Planning (General Permitted Development) Order 1995 (GPDO) which confers permitted development rights for the installation of specified types of micro-generation equipment on or within the curtilage of buildings, other than dwellinghouses and blocks of flats, subject to certain criteria. This Guidance Note reflects the contents of the Welsh Government regulations (SI 2012/2318) which came into force on 5 October 2012.

The link to Statutory Instrument (SI) 2012/2318 is as follows:

http://www.legislation.gov.uk/wsi/2012/2318/pdfs/wsi_20122318_mi.pdf

Permitted development rights already exist for the installation of domestic microgeneration equipment and these are described in GPDO Part 40. It allows the installation, alteration and replacement of solar PV or solar thermal equipment on a dwellinghouse or a building situated within the curtilage of a dwellinghouse.

2. WHAT IS 'PERMITTED DEVELOPMENT?'

'Permitted development' is development which has been granted planning permission by Government through the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).

The amount of permitted development which may be allowable in any particular case may depend on some or all of the following: area of land; location; position on the site; size; height; height in relation to existing structures; extent of any previous development on the site.

It should be remembered that permitted development rights can be made subject to conditions and permitted development rights can be withdrawn by a condition on a planning permission or by an Article 4 Direction imposed by a local planning authority. An Article 4 Direction is a means whereby a planning authority can restrict permitted development rights over an area or over a specific planning unit.

3. THE NEED FOR PLANNING PERMISSION

Most new buildings, including alterations to existing buildings, engineering works and fundamental change of use of buildings or land are developments controlled by the planning system and will in many cases, require planning permission.

Certain developments are permitted by the GPDO, and it may not be necessary for planning applications to be made for such development. However, these 'Permitted Developments' do in many instances need to be notified to the local planning authority **before** the development takes place including in National Parks and Areas of Outstanding Natural Beauty. This is known as the Prior Notification procedure whereby proposals must be submitted for a determination as to whether details of siting, design or external appearance will be required.

However, permitted development set out in GPDO Part 43 does not require any prior notification approval from the local planning authority. Rather there will be a requirement for planning permission for all proposed developments that will affect a listed building or scheduled monument.

GPDO Part 43 summarised

GPDO Part 43 allows the installation, alteration or replacement of the specific microgeneration equipment on non-domestic buildings i.e. buildings other than dwellings or blocks of flats subject to conditions, limitations and exclusions:

Class A - Solar PV or solar thermal equipment on a building, other than a dwellinghouse or block of flats

Class B – Stand-alone solar within the curtilage of a building, other than a dwellinghouse or block of flats

Class C – Ground source heat pump within the curtilage of a building, other than a dwellinghouse or block of flats

Class D – Water source heat pump within the curtilage of a building, other than a dwellinghouse or block of flats

Class E – A flue forming part of a biomass heating system on a building other than

- a dwellinghouse or block of flats; or
- a building situated within the curtilage of a dwellinghouse

Class F – A flue forming part of a combined heat and power system on a building other than

- a dwellinghouse or block of flats; or
- a building situated within the curtilage of a dwellinghouse

4. CONDITIONS, LIMITATIONS AND EXCLUSIONS

There are a number of conditions, limitations and exclusions specific to each of the above Classes.

For ease of reference GPDO Part 43 is copied into this guidance note below. Members must take these conditions, limitations and exclusions into account if they are to avoid enforcement action by the local planning authority.

Of general note, none of the above microgeneration equipment can be installed within the curtilage of a listed building or on sites designated as a scheduled monument without planning permission.

Part 43 Permitted development rights and conditions, limitations and exclusions

“Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

(b) the solar PV or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV or solar thermal equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;

(d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building;

(e) in the case of a building on article 1(5) land, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

(f) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(g) the solar PV or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or thermal equipment no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement of stand-alone solar within the curtilage of a building other than a dwellinghouse or a block of flats.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) in the case of the installation of stand-alone solar, the development would result in the presence within the curtilage of more than one stand alone solar;
- (b) any part of the stand-alone solar—
 - (i) would exceed four metres in height;
 - (ii) would, if installed on any article 1(5) land, be installed so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway;
 - (iii) would be installed within five metres of the boundary of the curtilage;
 - (iv) would be installed within the curtilage of a listed building; or
 - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

B.2. Development is permitted by Class B subject to the following conditions—

- (a) stand alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

Conditions

C.1. Development is permitted by Class C subject to the following conditions—

- (a) the total area of excavation must not exceed 0.5 hectares;
- (b) the development must not result in the presence within the curtilage of more than one ground source heat pump; and
- (c) a pump which is no longer needed for microgeneration must be removed as soon as reasonably practicable and the land shall, as far as reasonably practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

Conditions

D.1. Development is permitted by Class D subject to the condition that the total surface area covered by the water source heat pump (including any pipes) must not exceed 0.5 hectares.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a building other than—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

E.1. Development is not permitted by Class E if—

(a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;

(b) the height of the flue would exceed either—

(i) the highest part of the roof by one metre or more, or

(ii) the height of an existing flue which is being replaced, whichever is the highest;

(c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;

(d) the flue would be installed on a listed building, within the curtilage of a listed building or on a site designated as a scheduled monument; or

(e) in the case of a building on article 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.

Class F

Permitted development

F. The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a building other than—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

F.1. Development is not permitted by Class F if—

(a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;

(b) the height of the flue would exceed either—

(i) the highest part of the roof by one metre or more, or

(ii) the height of an existing flue which is being replaced, whichever is the highest;

(c) the installation of the flue would result in the installation on the same building of more than one flue forming part of either a biomass heating system or a combined heat and power system;

(d) the flue would be installed on a listed building, within the curtilage of a listed building, or on a site designated as a scheduled monument; or

(e) in the case of a building on article 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.”

Interpretation of Part 43

G. For the purposes of Part 43—

“block of flats” means a building which consists wholly of flats;

“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004(a);

“solar PV” means solar photovoltaics;

“stand alone solar” means solar PV or solar thermal equipment which is not installed on a building; and

“water source heat pump” means a heat pump where the collecting medium is water.”

Article 1(5) Land is land within National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, World Heritage Sites

Members are asked to note. This guidance note does not preclude a CLA member from taking their own professional advice.

5. OTHER CONSENTS

You should be aware that permitted development rights provided under the GPDO do not obviate the need to obtain other consents (e.g. Natural England, Forestry Commission, Environment Agency, Highways Agency etc) where appropriate.

Indeed, if a local authority considers it necessary that an environmental impact assessment is required for a particular development then permitted development rights are withdrawn and a full planning application will be required.

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