

2008 No. 675

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008

<i>Made</i> - - - -	<i>10th March 2008</i>
<i>Laid before Parliament</i>	<i>13th March 2008</i>
<i>Coming into force</i> - -	<i>6th April 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and shall come into force on 6th April 2008.

(2) This Order applies in relation to England only.

Amendment of the Town and Country Planning (General Permitted Development) Order 1995

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(b) shall be amended in accordance with paragraphs (2) and (3).

(2) In article 1(2) (interpretation) in paragraph (a) of the definition of “building”, for “25 and 33” substitute “25, 33 and 40”.

(3) In Schedule 2 after Part 39 (temporary protection of poultry and other captive birds) add—

“PART 40

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

(a) a dwellinghouse; or

(a) 1990 c.8; to which there are amendments not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672: see the entry in article 2 of and Schedule 1 for the Town and Country Planning Act 1990 (c.8). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(b) S.I. 1995/418. Relevant amendments were made by S.I. 2007/406.

- (b) a building situated within the curtilage of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—

- (a) the solar PV or solar thermal equipment 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) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed—
 - (i) on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or
 - (ii) on a wall or roof slope of a building within the curtilage of the dwellinghouse and would be visible from a highway; or
- (d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.

Conditions

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

- (a) solar PV or solar thermal equipment installed on a building shall, 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 shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment no longer needed for microgeneration shall 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 dwellinghouse.

Development not permitted

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

- (a) it would result in the presence within the curtilage of more than one stand alone solar; or
- (b) any part of the stand alone solar—
 - (i) would exceed four metres in height above ground level;
 - (ii) would, in the case of land within a conservation area or which is a World Heritage Site, be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway;
 - (iii) would be situated within five metres of the boundary of the curtilage;
 - (iv) would be situated within the curtilage of a listed building; 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 shall, 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 shall 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 dwellinghouse.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

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

- (a) the height of the flue would exceed the highest part of the roof by one metre or more;
- (b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from 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 dwellinghouse.

Development not permitted.

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

- (a) the height of the flue would exceed the highest part of the roof by one metre or more;
- (b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway.

Interpretation of Part 40

G.1 For the purposes of Part 40—

“dwellinghouse” includes a building which consists wholly of flats or which is used for the purposes of a dwellinghouse;

“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;

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.”

Signed by authority of the Secretary of State

Iain Wright

Parliamentary Under Secretary of State

Department for Communities and Local Government

10th March 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development Order 1995 (“the 1995 order”). Part 2 of Schedule 2 confers permitted development rights in respect of certain development. Where such rights apply, no specific application for planning permission is needed.

Article 2(3) inserts new Part 40 of Schedule 2 into the 1995 Order. It provides permitted development rights for the installation of specified types of microgeneration equipment including solar PV and solar thermal equipment on or within the curtilage of dwellinghouses (defined so as to include a building which consists wholly of flats or which is used for the purposes of a dwellinghouse) subject to certain criteria. Article 2(2) makes a consequential change.

An impact assessment has been prepared in relation to this Order. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Bressenden Place, London, SW1E 5DU (Telephone 020 7944 8716).

(a) 2004 c.20.