

SCHEDULE 2

Permitted development rights

PART 14

Renewable energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development

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

- (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

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

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres 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 on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats 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 is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Status: This is the original version (as it was originally made).

Class B - installation or alteration etc of stand-alone solar equipment on domestic premises

Permitted development

B. *The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of 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 1 stand-alone solar;
- (b) any part of the stand-alone solar—
 - (i) would exceed 4 metres in height;
 - (ii) would, in the case of land within a conservation area or which is a World Heritage Site, be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;
 - (iii) would be installed within 5 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 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

Conditions

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

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

Class C – installation or alteration etc of ground source heat pumps on domestic premises

Permitted development

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

Class D – installation or alteration etc of water source heat pumps on domestic premises

Permitted development

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

Class E – installation or alteration etc of flue for biomass heating system on domestic premises

Permitted development

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

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 1 metre or more; or
- (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 which fronts a highway.

Class F – installation or alteration etc of flue for combined heat and power on domestic premises

Permitted development

F. *The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.*

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 1 metre or more; or
- (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 which fronts a highway.

Class G – installation or alteration etc of air source heat pumps on domestic premises

Permitted Development

G. *The installation, alteration or replacement of a microgeneration air source heat pump—*

- (a) *on a dwellinghouse or a block of flats; or*
- (b) *within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.*

Development not permitted

G.1 Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

G.2 Development is not permitted by Class G if—

- (a) in the case of the installation of an air source heat pump, the development would result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building or block of flats;
- (b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats;
- (c) in the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats;

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- (d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres;
- (e) any part of the air source heat pump would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats;
- (f) the air source heat pump would be installed on a pitched roof;
- (g) the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof;
- (h) the air source heat pump would be installed on a site designated as a scheduled monument;
- (i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;
- (j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—
 - (i) would be installed on a wall or a roof which fronts a highway; or
 - (ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or
- (k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—
 - (i) that wall fronts a highway; and
 - (ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.

Conditions

G.3 Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump is used solely for heating purposes;
- (b) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (c) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (d) the air source heat pump is removed as soon as reasonably practicable when no longer needed.

Class H – installation or alteration etc of wind turbine on domestic premises

Permitted Development

H. *The installation, alteration or replacement of a microgeneration wind turbine on—*

- (a) *a detached dwellinghouse; or*
- (b) *a detached building situated within the curtilage of a dwellinghouse or a block of flats.*

Development not permitted

H.1 Development is not permitted by Class H unless the wind turbine complies with the MCS Planning Standards or equivalent standards.

H.2 Development is not permitted by Class H if—

- (a) in the case of the installation of a wind turbine the development would result in the presence of more than 1 wind turbine on the same building or within the curtilage;
- (b) in the case of the installation of a wind turbine, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or the block of flats;
- (c) in the case of the installation of a wind turbine, an air source heat pump is installed on the same building or within its curtilage;
- (d) the highest part of the wind turbine (including blades) would either—
 - (i) protrude more than 3 metres above the highest part of the roof (excluding the chimney); or
 - (ii) exceed more than 15 metres in height,whichever is the lesser;
- (e) the distance between ground level and the lowest part of any blade of the wind turbine would be less than 5 metres;
- (f) any part of the wind turbine (including blades) would be positioned so that it would be within 5 metres of any boundary of the curtilage of the dwellinghouse or the block of flats;
- (g) the swept area of any blade of the wind turbine would exceed 3.8 square metres;
- (h) the wind turbine would be installed on safeguarded land;
- (i) the wind turbine would be installed on a site designated as a scheduled monument;
- (j) the wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the wind turbine would be installed on a wall or roof slope of—
 - (i) the detached dwellinghouse; or
 - (ii) a building within the curtilage of the dwellinghouse or block of flats,which fronts a highway; or
- (l) the wind turbine would be installed on article 2(3) land other than land within a conservation area.

Conditions

H.3 Development is permitted by Class H subject to the following conditions—

- (a) the blades of the wind turbine is made of non-reflective materials;
- (b) the wind turbine is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (c) the wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (d) the wind turbine is removed as soon as reasonably practicable when no longer needed.

Class I – installation or alteration etc of stand-alone wind turbine on domestic premises

Permitted Development

I. *The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats.*

Status: This is the original version (as it was originally made).

Development not permitted

I.1 Development is not permitted by Class I unless the stand-alone wind turbine complies with the MCS Planning Standards or equivalent standards.

I.2 Development is not permitted by Class I if—

- (a) in the case of the installation of a stand-alone wind turbine, the development would result in the presence of more than 1 stand-alone wind turbine within the curtilage of the dwellinghouse or block of flats;
- (b) in the case of the installation of a stand-alone wind turbine, a wind turbine is installed on the dwellinghouse or on a building within the curtilage of the dwellinghouse or the block of flats;
- (c) in the case of the installation of a stand-alone wind turbine, an air source heat pump is installed on the dwellinghouse or block of flats or within the curtilage of the dwellinghouse or block of flats;
- (d) the highest part of the stand-alone wind turbine would exceed 11.1 metres in height;
- (e) the distance between ground level and the lowest part of any blade of the stand-alone wind turbine would be less than 5 metres;
- (f) any part of the stand-alone wind turbine (including blades) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand-alone wind turbine plus 10% of its height when measured from any point along the boundary of the curtilage;
- (g) the swept area of any blade of the stand-alone wind turbine exceeds 3.8 square metres;
- (h) the stand-alone wind turbine would be installed on safeguarded land;
- (i) the stand-alone wind turbine would be installed on a site designated as a scheduled monument;
- (j) the stand-alone wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the stand-alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or
- (l) the stand-alone wind turbine would be installed on article 2(3) land other than land within a conservation area.

Conditions

I.3 Development is permitted by Class I subject to the following conditions—

- (a) the blades of the stand-alone wind turbine is made of non-reflective materials;
- (b) the stand-alone wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (c) the stand-alone wind turbine is removed as soon as reasonably practicable when no longer needed.

Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

J. The installation, alteration or replacement of—

- (a) *microgeneration solar thermal equipment on a building;*
 - (b) *microgeneration solar PV equipment on a building; or*
 - (c) *other solar PV equipment on the roof of a building,*
- other than a dwellinghouse or a block of flats.*

Development not permitted

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

- (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;
- (b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- (c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;
- (d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;
- (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

J.2 Development is not permitted by Class J(a) or (b) if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- (b) the solar PV equipment 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; or
- (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Conditions

J.4.—(1) Class J development is permitted subject to the following conditions—

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

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

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- (3) The application must be accompanied by—
 - (a) a written description of the proposed development;
 - (b) a plan indicating the site and showing the proposed development;
 - (c) the developer’s contact address; and
 - (d) the developer’s email address if the developer is content to receive communications electronically;together with any fee required to be paid.
- (4) The local planning authority may refuse an application where, in the opinion of the authority—
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,any conditions, limitations or restrictions specified in Class J applicable to the development in question.
- (5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (6) The local planning authority must give notice of the proposed development—
 - (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
 - (b) by serving a notice in that form on any adjoining owner or occupier.
- (7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.
- (8) The local planning authority must, when determining an application—
 - (a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
 - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012⁽¹⁾, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (9) The development must not begin before the occurrence of one of the following—
 - (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (10) The development must be carried out—

(1) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3),
- unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Class K – installation or alteration etc of stand-alone solar equipment on non-domestic premises

Permitted development

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

Development not permitted

K.1 Development is not permitted by Class K 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 1 stand-alone solar;
- (b) any part of the stand-alone solar—
 - (i) would exceed 4 metres in height;
 - (ii) would, if installed on any article 2(3) 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 5 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 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

Conditions

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

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

Class L – installation or alteration etc of ground source heat pump on non-domestic premises

Permitted development

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

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Conditions

L.1 Development is permitted by Class L 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 1 ground source heat pump; and
- (c) a pump is removed as soon as reasonably practicable when no longer needed and the land is, as far as reasonably practicable, 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 M – installation or alteration etc of water source heat pump on non-domestic premises

Permitted development

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

Conditions

M.1 Development is permitted by Class M 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 N – installation etc of flue for biomass heating system on non-domestic premises

Permitted development

N. *The installation, alteration or replacement of a flue, forming part of a microgeneration 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

N.1 Development is not permitted by Class N 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 1 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 1 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 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

Class O – installation etc of flue for combined heat and power on non-domestic premises

Permitted development

O. The installation, alteration or replacement of a flue, forming part of a microgeneration 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

O.1 Development is not permitted by Class O 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 1 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 1 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 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

Interpretation of Part 14

P. For the purposes of Part 14—

“aerodrome”—

- (a) means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft; and
- (b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but
- (c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“air traffic services licence holder” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000⁽²⁾;

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

“detached dwellinghouse” or “detached building” means a dwellinghouse or building, as the case may be, which does not share a party wall with a neighbouring building;

“MCS Planning Standards” means the standards specified in the Microgeneration Certification Scheme for air source heat pumps (being MCS 007⁽³⁾) and for small and micro wind turbines (being MCS 006⁽⁴⁾);

(2) 2000 c. 38. See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

(3) Version 2.4 dated 16th December 2013, an electronic copy of which can be found here: <http://www.microgenerationcertification.org/mcs-standards/product-standards/10-mcs-standards/126-product-standards-2> and a

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“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004⁽⁵⁾;

“safeguarded land” means land which—

- (a) is necessary to be safeguarded for aviation or defence purposes; and
- (b) has been notified as such, in writing, to the Secretary of State by an aerodrome operator, an air traffic services licence holder or the Secretary of State for Defence for the purposes of this Part;

“solar PV” means solar photovoltaics;

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

“stand-alone wind turbine” means a wind turbine which is not fixed to a building; and

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

copy of the MCS Planning Standards may be inspected at the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2HH.

(4) Version 2.1, dated 15th January 2014, an electronic copy of which can be found here: <http://www.microgenerationcertification.org/mcs-standards/product-standards> and a copy of the MCS Planning Standards may be inspected at the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2HH.

(5) 2004 c. 20.