



Microgeneration Equipment Permitted Development Rights

The Government has laid the Statutory Instrument in Parliament which will mean microgeneration equipment on or within the curtilage of dwellinghouses will no longer require express planning consent, subject to meeting certain criteria.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 will come into force on **6 April 2008**.

The Order applies to England only.

The Order introduces a new part 40 into the Town and Country Planning (General Permitted Development) Order 1995.

Part 40 creates 6 new classes each relating to differing forms of microgeneration equipment and each class enables the installation, alteration or replacement of such equipment:

- **Class A** relates to solar photovoltaics or solar thermal equipment installed on a dwellinghouse or other building within the curtilage of a dwellinghouse
- **Class B** relates to stand alone solar photovoltaics or solar thermal (i.e. not installed on a building as with Class A)
- **Class C** relates to ground source heat pumps
- **Class D** relates to water source heat pumps
- **Class E** relates to flues forming part of a biomass heating system
- **Class F** relates to flues forming part of a combined heat and power system

The permissions under Classes C and D are unrestricted whilst those granted by Classes A, B, E and F are subject to restrictions and conditions.

For the purposes of Part 40 a dwellinghouse will include a building which consists wholly of flats or which is used for the purposes of a dwellinghouse.

The changes follow a consultation paper issued on 4 April 2007 entitled "Changes to Permitted Development – Consultation Paper 1: Permitted Development Rights for Householders", which sought views on the extension of householder permitted development rights for microgeneration.

That consultation paper also included the possibility of extending permitted development rights to include wind turbines and air source heat pumps. However, following responses to the consultation paper raising concerns about the potential impacts of noise and vibration, wind turbines and air source heat pumps have not been included in this Order. The Government has indicated that rights will be implemented as soon as standards and safeguards have been drawn up and received clearance from the European Commission under the EC Technical Standards Directive

Further Information

For further information on this topic or any local government law related matter please contact:

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This briefing note is intended merely to provide a summary of the law in this area and is not a comprehensive guide. It is not intended to provide legal advice for specific cases.