SCOTTISH STATUTORY INSTRUMENTS

2016 No. 126

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2016

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2016 and comes into force on 24th March 2016.

Application

2.—(1) The amendments made by article 3 do not apply to development begun before 24th March 2016.

(2) For the purposes of this article development is to be taken to be begun on the earliest date on which any material operation (within the meaning of section 27(4) of the Town and Country Planning (Scotland) Act 1997) comprised in the development begins to be carried out.

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

3.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**1**) is amended in accordance with paragraph (2).

(2) For class 6H(**2**) of Part 1A (installation of domestic microgeneration equipment) of Schedule 1 (classes of permitted development) substitute—

"**Class 6H**

(1) The installation, alteration or replacement of an air source heat pump on a dwelling or within the curtilage of a dwelling.

(2) Development is not permitted by this class—

(a) if it would result in the presence on the same building or within the curtilage of a building of more than one air source heat pump;

(b) in the case of an installation, alteration or replacement of an air source heat pump on a dwelling if—

(i) any part of the development would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwelling; or

(ii) the air source heat pump would be within a conservation area, unless the air source heat pump would be—

(aa) at ground floor level; and

(bb) on the rear elevation;

(**1**) S.I. 1992/223 was relevantly amended by S.S.I. 2009/34, S.S.I. 2010/27 and S.S.I. 2011/357.
(**2**) Class 6H was inserted by S.S.I. 2009/27.

(c) in the case of the installation, alteration or replacement of an air source heat pump within the curtilage of a building if—

(i) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road; or

(ii) any resulting structure would exceed 3 metres in height; or

(d) the air source heat pump would be within—

(i) a World Heritage Site; or

(ii) the curtilage of a listed building.

(3) Development is permitted by this class subject to the following conditions—

(a) the air source heat pump must be used only for the purpose of providing domestic heating or hot water;

(b) where the air source heat pump is no longer needed for, or capable of, providing domestic heating or hot water it must be removed as soon as reasonably practicable;

(c) the air source heat pump must comply with MCS Planning Standards or equivalent standards.

(4) In this class—

"MCS Planning Standards" means the product and installation standards for air source heat pumps specified in the Microgeneration Certification Scheme MCS 020(**3**);

"principal elevation" is a reference to the elevation of the original dwelling which by virtue of its design or setting, or both, is the principal elevation;

"rear elevation" means the elevation of the original dwelling that is opposite its principal elevation; and

"side elevation" means the elevation of the original dwelling linking the principal elevation with the rear elevation.".

St Andrew's House,
Edinburgh
23rd February 2016

ALEX NEIL
A member of the Scottish Government

(**3**) Issue 1.2 dated 1st May 2015 at http://www.microgenerationcertification.org/images/MCS_020_Planning_Standards_Issue_1.2.pdf