
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 27

The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010

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

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

(2) In Part 1A of Schedule 1 (installation of domestic microgeneration equipment)—

(a) after class 6F insert—

“Class 6G

(1) The installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling.

(2) Development is not permitted by this class if—

- (a) it would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine; or
- (b) the wind turbine would be situated less than 100 metres from the curtilage of another dwelling.

(3) Development is not permitted by this class in the case of land within—

- (a) a conservation area;
- (b) a World Heritage Site;
- (c) a site of special scientific interest; or
- (d) a site of archaeological interest.

(4) Development is not permitted by this class if the wind turbine would be within the curtilage of a listed building.

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

- (a) the developer must before beginning the development apply to the planning authority for—
 - (i) the approval of the authority in respect of the design and size of the proposed wind turbine; and
 - (ii) a determination as to whether the prior approval of the authority will be required in respect of the siting and external appearance of the proposed wind turbine;
- (b) the application is to be accompanied by—

- (i) a written description of the proposed development, including details of the design and size of the proposed wind turbine; and
- (ii) a plan indicating the site;
- (c) the development is not to be commenced before—
 - (i) the applicant has received written approval from the planning authority in respect of the size and design of the wind turbine; and
 - (ii) the occurrence of one of the following—
 - (aa) the receipt by the applicant from the planning authority of a written notice of their determination that prior approval in respect of the siting and external appearance of the proposed wind turbine is not required;
 - (bb) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
 - (cc) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;
- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) to the extent to which prior approval is required, in accordance with the details approved;
 - (ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application;
- (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this paragraph have been given.
- (6) Development is permitted by this class subject to the conditions that a free standing wind turbine—
 - (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and
 - (b) is used only for the purposes of domestic microgeneration; and
 - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

Class 6H

- (1) The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.
- (2) Development is not permitted by this class if—
 - (a) it would result in the presence within the curtilage of a dwelling of more than one air source heat pump; or
 - (b) the air source heat pump would be situated less than 100 metres from the curtilage of another dwelling.
- (3) Development is not permitted by this class in the case of land within a conservation area if the air source heat pump would be visible from a road.

- (4) Development is not permitted by this class if the air source heat pump would be within—
- (a) a World Heritage Site; or
 - (b) the curtilage of a listed building.
- (5) Development is permitted by this class subject to the following conditions—
- (a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority will be required to the siting and external appearance of the air source heat pump;
 - (b) the application is to be accompanied by a written description of the proposed development and a plan indicating the site;
 - (c) the development is not to be commenced before the occurrence of one of the following—
 - (i) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
 - (iii) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;
 - (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application;
 - (e) the development is to be carried out—
 - (i) where approval has been given by the planning authority, within a period of three years from the date on which approval was given; or
 - (ii) in any other case, within a period of three years from the date on which the application under paragraph (a) above was made.
- (6) Development is permitted by this class subject to the conditions that an air source heat pump—
- (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area;
 - (b) is used only for the purposes of domestic microgeneration; and
 - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.”; and
- (b) in the interpretation section of Part 1A—
- (i) after the definition of “Air Quality Management Area” insert—
 - ““dwelling” means a dwellinghouse, a building containing one or more flats or a flat contained within such a building;”;
 - (ii) after the definition of “free-standing solar” insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“free standing wind turbine” means a wind turbine which is not installed on a building;”.