
STATUTORY INSTRUMENTS

2023 No. 1279

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023

Insertion of Class OA in Part 14 of Schedule 2

8. After Class O (installation etc of flue for combined heat and power on non-domestic premises) of Part 14 of Schedule 2, insert—

“Class OA - installation etc of a solar canopy on non-domestic, off-street parking

Permitted development

OA. The installation, alteration or replacement of a solar canopy within an area lawfully used as off-street parking other than for a dwellinghouse or a block of flats

Development not permitted

OA.1. Development is not permitted by Class OA—

- (a) if any part of the development—
 - (i) exceeds 4 metres in height above ground level;
 - (ii) is within 10 metres of the curtilage of a dwellinghouse or a block of flats;
- (b) within the curtilage of a dwellinghouse or a block of flats;
- (c) on a site designated as a scheduled monument or on land within the curtilage of a scheduled monument;
- (d) within the curtilage of a listed building;
- (e) for the display of an advertisement; or
- (f) if the off-street parking area is in use by virtue of Class B (temporary use of land) of Part 4 (temporary buildings and uses).

Conditions

OA.2.—(1) Development is permitted by Class OA subject to the following conditions.

(2) In the case of development above a permeable surface, provision is made to direct run-off water from the solar canopy to a permeable or porous area or surface within the off-street parking area.

(3) Before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to—

- (a) the solar canopy’s siting, design and external appearance, in particular the impact of glare on the occupiers of neighbouring premises; and

- (b) in the case of a solar canopy on article 2(3) land, the impact of the appearance of the solar canopy on that land.
- (4) Paragraphs J.4(3) to J.4(12) of this Part apply in relation to an application under sub-paragraph (3) as if “Class OA” substitutes the reference to “Class J” in paragraph J.4(4).
- (5) Development must be completed within a period of 3 years starting with the date on which—
 - (a) prior approval is given; or
 - (b) a determination that such approval is not required is given or the period for giving such a determination set out in paragraph J.4(9)(c) of this Part has expired without the applicant being notified whether prior approval is required, given or refused.
- (6) Where the solar canopy is no longer needed, it is removed as soon as reasonably practicable and the land is restored to its condition before the development took place so far as reasonably practicable.”.