

SCHEDULE

Article 4

“PART 43

INSTALLATION OF NON-DOMESTIC MICROGENERATION

EQUIPMENT

*Class A*

**Permitted development**

**A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than 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 be installed on a wall or pitched roof and would protrude more than 20 centimetres 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) the solar PV or solar thermal equipment would be installed on a flat roof and would protrude more than 1 metre above the plane of the roof;
- (c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;
- (d) the solar PV 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;
- (e) in the case of a building on article 1(5) land or on land within a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;
- (f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building; or
- (g) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

**Conditions**

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

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

*Status: This is the original version (as it was originally made).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

## *Class B*

### **Permitted development**

**B. The installation, alteration or replacement of stand alone solar within the curtilage of a building other than 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, it would result in the presence within the curtilage of more than one stand alone solar;
- (b) any part of the stand alone solar—
  - (i) would exceed 4 metres in height;
  - (ii) would, if installed on article 1(5) land or on land within a World Heritage Site, be installed so that it is visible from a highway which bounds the curtilage;
  - (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 must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for or capable of microgeneration must be removed as soon as reasonably practicable.

## *Class C*

### **Permitted development**

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

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) in the case of the installation of a ground source heat pump, it would result in the presence within the curtilage of more than one ground source heat pump;
- (b) the total area covered by the excavation to accommodate the ground source heat pump (including any pipes) exceeds 0.5 hectares;
- (c) the ground source heat pump would be installed within the curtilage of a listed building; or

- (d) the ground source heat pump would be installed on a site designated as a scheduled monument.

## **Conditions**

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

- (a) on the completion of the development the land must be restored, as soon as reasonably practicable, 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; and
- (b) the ground source heat pump when no longer needed for or capable of microgeneration must be removed and the land must be restored, as soon as reasonably practicable, 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 D*

### **Permitted development**

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

### **Development not permitted**

**D.1** Development is not permitted by Class D if the total area covered by the water source heat pump (including any pipes) exceeds 0.5 hectares.

## *Class E*

### **Permitted development**

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

**E.1** Development is not permitted by Class E 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 one flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed within the curtilage of a listed building;

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- (e) the flue would be installed on a site designated as a scheduled monument; or
- (f) in the case of a building on article 1(5) land or on land within a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

### *Class F*

#### **Permitted development**

##### **F. The installation, alteration or replacement of a flue, forming part of a 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**

##### **F.1** Development is not permitted by Class F 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 one flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed within the curtilage of a listed building;
- (e) the flue would be installed on a site designated as a scheduled monument; or
- (f) in the case of a building on article 1(5) land or on land within a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

#### **Interpretation of Part 43**

##### **G.** For the purposes of Part 43—

- “block of flats” means a building which consists wholly of flats;
- “microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004<sup>(1)</sup>;
- “stand alone solar” means solar PV or solar thermal equipment which is not installed on a building; and
- “water source heat pump” means a heat pump where the collecting medium is water.”

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(1) 2004 c. 20.