WELSH STATUTORY INSTRUMENTS

2012 No. 1346 (W.167)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012

Made - - - -	*19 May 2012*
Laid before the National Assembly for Wales - -	*22 May 2012*

Coming into force in accordance with article 1(1)

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(**1**) and now exercisable by them(**2**), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012 and it comes into force on 18 June 2012.

(2) This Order applies in relation to Wales.

Amendment of the Town and Country Planning (General Permitted Development) Order 1995

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(**3**) is amended in accordance with this article.

(2) In Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse)—

(a) for paragraph A.1(i) substitute—

"(i) it would consist of or include the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system."; and

(**1**) 1990 c. 8; to which there are amendments not relevant to this Order.

(**2**) The functions of the Secretary of State under sections 59, 60, 61 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

(**3**) S.I. 1995/418. Relevant amendments were made by S.I. 2009/2193 (W.185).

(b) for paragraph C.1(i) substitute—

"(i) consist of or include the installation, alteration or replacement of an air source heat pump, solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heat and power system; or".

(3) For Part 40 of Schedule 2 (installation of domestic microgeneration equipment) substitute—

"Part 40

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

(a) **a dwellinghouse; or**

(b) **a building situated within the curtilage of a dwellinghouse.**

Development not permitted

A.1. Development is not permitted by Class A if—

(a) in the case of solar PV or solar thermal equipment installed on a wall or pitched roof—

(i) the solar PV or solar thermal equipment 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; or

(ii) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(b) in the case of solar PV or solar thermal equipment installed on a flat roof—

(i) the solar PV or solar thermal equipment would be sited within 1 metre of the external edge of the roof; or

(ii) the solar PV or solar thermal equipment would protrude more than 1 metre above the plane of the roof;

(c) in the case of land within a conservation area or a World Heritage Site, the solar PV or solar thermal equipment would be installed—

(i) on a wall forming the principal or side elevation of the dwellinghouse and which fronts a highway; or

(ii) on a wall of a building within the curtilage of the dwellinghouse and which fronts a highway;

(d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building; or

(e) 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.

Class B

Permitted development

B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse.

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 four metres in height;

(ii) would be installed within five metres of the boundary of the curtilage of the dwellinghouse and would—

(aa) exceed two metres in height; or

(bb) be installed within five metres of a highway;

(iii) would, in the case of land within a conservation area or a World Heritage Site, be installed so that it is between a highway which bounds the curtilage and the dwellinghouse; or

(iv) would be installed within the curtilage of a listed building; or

(c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three 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 dwellinghouse.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

E.1. Development is not permitted by Class E if—

(a) the height of the flue would exceed the highest part of the roof by one metre or more; or

(b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and 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 dwellinghouse.

Development not permitted

F.1. Development is not permitted by Class F if—

(a) the height of the flue would exceed the highest part of the roof by one metre or more; or

(b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and which fronts a highway.

Class G

Permitted development

G. The installation, alteration or replacement of an air source heat pump—

(a) **on a dwellinghouse; or**

(b) **within the curtilage of a dwellinghouse, including on a building within that curtilage.**

Development not permitted

G.1. Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

G.2. Development is not permitted by Class G if—

(a) in the case of the installation of an air source heat pump, it would result in the presence of more than one air source heat pump on the dwellinghouse or within the curtilage of the dwellinghouse;