WELSH STATUTORY INSTRUMENTS

2009 No. 2193 (W.185)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2009

Made - - - -	*9 August 2009*
Laid before the National Assembly for Wales - -	*11 August 2009*
Coming into force - -	*1 September 2009*

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

Citation, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2009 and it comes into force on 1 September 2009.

(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(**2**) is amended in accordance with this article.

(2) In article 1(2) (interpretation)—

(a) in paragraph (a) of the definition of "building", for "25 and 33" substitute "25, 33 and 40";

(b) after the definition of "site of special scientific interest" insert—

""solar PV" means solar photovoltaics;";

(c) in the definition of "the Use Classes Order" for "." substitute "; and"; and

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

(**2**) S.I. 1995/418. Relevant amendments were made by S.I. 2007/952 (W.83).

(d) after the definition of "the Use Classes Order" insert—

""World Heritage Site" means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.".

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

(a) at the end of paragraph A.1(g) omit "or";

(b) at the end of paragraph A.1(h) for "." substitute "; or";

(c) after paragraph A.1(h) insert—

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

(d) for paragraph C.1 substitute—

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

(i) consist of or include the installation, alteration or replacement of solar PV, solar thermal equipment or a flue forming part of a biomass heating system or combined heating and power system; or

(ii) result in a material alteration to the shape of the dwellinghouse."

(4) In Schedule 2 after Part 39 (temporary protection of poultry and other captive birds) add—

"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, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—

(a) the solar PV or solar thermal equipment would protrude more than 200 millimetres 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) 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);

(c) in the case of land within a conservation area or which is 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 would be visible from a highway; or

(ii) on a wall of a building within the curtilage of the dwellinghouse and would be visible from a highway; or

(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.

Conditions

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

(a) solar PV or solar thermal equipment installed on a building 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 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) it would result in the presence within the curtilage of more than one stand alone solar; or

(b) any part of the stand alone solar—

(i) would exceed four metres in height above ground level;

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

(aa) exceed two metres in height above ground level; or

(bb) be situated within five metres of the highway;

(iii) would, in the case of land within a conservation area or which is a World Heritage Site, be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway; or

(iv) would be situated 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;

(b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class C