

## **Extract from The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011**

Relating to the installation of air source heat pumps and wind turbines

The full order can be found at <http://www.legislation.gov.uk/uksi/2011/2056/made>

### **Class G (Air source heat pumps)**

#### **Permitted Development**

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

- (a) on a dwellinghouse or a block of flats; or**
- (b) within the curtilage of a dwellinghouse or a block of flats, 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, the development would result in the presence of more than one air source heat pump on the same building or within the curtilage of the building or block of flats;
- (b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats;
- (c) in the case of the installation of an air source heat pump, a stand alone turbine is installed within the curtilage of the dwellinghouse or block of flats;
- (d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres;
- (e) any part of the air source heat pump would be installed within one metre of the boundary of the curtilage of the dwellinghouse or block of flats;
- (f) the air source heat pump would be installed on a pitched roof;
- (g) the air source heat pump would be installed on a flat roof where it would be within one metre of the external edge of that roof;
- (h) the air source heat pump would be installed on a site designated as a scheduled monument;
- (i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;

(j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—

(i) would be installed on a wall or a roof which fronts a highway; or

(ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or

(k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—

(i) that wall fronts a highway; and

(ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground storey.

### **Conditions**

**G.3.** Development is permitted by Class G subject to the following conditions—

(a) the air source heat pump shall be used solely for heating purposes;

(b) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(c) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(d) the air source heat pump when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## **Class H (wind turbine – building mounted)**

### **Permitted Development**

**H.** The installation, alteration or replacement of a wind turbine on—

(a) a detached dwellinghouse; or

(b) a detached building situated within the curtilage of a dwellinghouse or a block of flats.

### **Development not permitted**

**H.1.** Development is not permitted by Class H unless the wind turbine complies with the MCS Planning Standards or equivalent standards.

**H.2** Development is not permitted by Class H if—

(a) in the case of the installation of a wind turbine the development would result in the presence of more than one wind turbine on the same building or within the curtilage;

(b) in the case of the installation of a wind turbine, a stand alone wind turbine is installed within the curtilage of the dwellinghouse or the block of flats;

- (c) in the case of the installation of a wind turbine, an air source heat pump is installed on the same building or within its curtilage;
- (d) the highest part of the wind turbine (including blades) would either—
  - (i) protrude more than three metres above the highest part of the roof (excluding the chimney); or
  - (ii) exceed more than 15 metres in height, whichever is the lesser;
- (e) the distance between ground level and the lowest part of any blade of the wind turbine would be less than five metres;
- (f) any part of the wind turbine (including blades) would be positioned so that it would be within five metres of any boundary of the curtilage of the dwellinghouse or the block of flats;
- (g) the swept area of any blade of the wind turbine would exceed 3.8 square metres;
- (h) the wind turbine would be installed on safeguarded land;
- (i) the wind turbine would be installed on a site designated as a scheduled monument;
- (j) the wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the wind turbine would be installed on a wall or roof slope of—
  - (i) the detached dwellinghouse; or
  - (ii) a building within the curtilage of the dwellinghouse or block of flats, which fronts a highway; or
- (l) the wind turbine would be installed on article 1(5) land other than land within a conservation area.

## Conditions

**H.3.** Development is permitted by Class H subject to the following conditions—

- (a) the blades of the wind turbine shall be made of non reflective materials;
- (b) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (c) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (d) the wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

## **Class I (wind turbine – stand alone)**

### **Permitted Development**

**I. The installation, alteration or replacement of a stand alone wind turbine within the curtilage of a dwellinghouse or a block of flats.**

## **Development not permitted**

**I.1.** Development is not permitted by Class I unless the stand alone wind turbine complies with the MCS Planning Standards or equivalent standards.

**I.2** Development is not permitted by Class I if—

- (a) in the case of the installation of a stand alone wind turbine, the development would result in the presence of more than one stand alone wind turbine within the curtilage of the dwellinghouse or block of flats;
- (b) in the case of the installation of a stand alone wind turbine, a wind turbine is installed on the dwellinghouse or on a building within the curtilage of the dwellinghouse or the block of flats;
- (c) in the case of the installation of a stand alone wind turbine, an air source heat pump is installed on the dwellinghouse or block of flats or within the curtilage of the dwellinghouse or block of flats;
- (d) the highest part of the stand alone wind turbine would exceed 11.1 metres in height;
- (e) the distance between ground level and the lowest part of any blade of the stand alone wind turbine would be less than five metres;
- (f) any part of the stand alone wind turbine (including blades) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand alone wind turbine plus 10 % of its height when measured from any point along the boundary of the curtilage;
- (g) the swept area of any blade of the stand alone wind turbine exceeds 3.8 square metres;
- (h) the stand alone wind turbine would be installed on safeguarded land;
- (i) the stand alone wind turbine would be installed on a site designated as a scheduled monument;
- (j) the stand alone wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the stand alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or
- (l) the stand alone wind turbine would be installed on article 1(5) land other than land within a conservation area.

## **Conditions**

**I.3.** Development is permitted by Class I subject to the following conditions—

- (a) the blades of the stand alone wind turbine shall be made of non reflective materials;
- (b) the stand alone wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) the stand alone wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.