



Microgeneration and Permitted Development in Cumbria

Introduction

This factsheet presents an overview of the permitted development statute in relation to the range of renewable energy technologies in Cumbria including the National Park.

It is not exhaustive and in the event that you have further questions these should be addressed to the relevant Local Planning Authority (LPA) where the property is located. The contact details are found at the end of the factsheet.

What is “permitted development”?

“Rights to carry out certain limited forms of development without the need to make an application for planning permission, as granted under the terms of the Town and Country Planning (General Permitted Development) Order.

Legislation

There is a large amount of legislation relating to microgeneration however all cannot be covered within this one factsheet therefore the most relevant to the permitted development and microgeneration have been considered in this factsheet.

- The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008. 2008 No. 675 (GPDO 2008)
- Permitted Development for householders –Technical guidance
- The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (GPDO 2010)

What is covered?

The scope of the existing permitted development rights for residential properties in England covers the following technologies set out below.

For the purposes of the planning regulations relating to micro renewables, a “dwellinghouse” includes a building which consists wholly of flats or which is used for the purposes of a dwellinghouse. In this regard, a building containing a mix of uses incorporating flats does not fall under these regulations. It is relevant to note that for other classes of permitted development the definition of a dwellinghouse specifically excludes buildings containing one or more flats, or a flat contained within such a building for the avoidance of doubt.

Solar PV and solar thermal equipment (solar hot water) (Part 40 Class A)

Planning permission would be required if:

- Panels protrude over 200mm above plane of wall or roof
- The highest part of the solar PV is higher than highest part of roof (not including Chimney).

If property is located in Conservation Area or World Heritage Site then, if:

- It is located on a wall or roof slope forming the principal or side elevation **and** would be visible from a highway.
- It is on a building within the curtilage of the dwellinghouse.

If a solar panel is found to be permitted development then there are conditions attached to the above which are subjective such as the solar panel will not affect the external appearance of the building, it will be positioned to minimise its effect on amenity of area and will be removed when not needed.

Stand alone Solar PV & Solar thermal equipment (solar hot water) (Part 40 Class B)

Planning permission would be required if:

- More than one stand alone solar system within the curtilage
- Would exceed 4metres in height
- It would be located in Conservation Area or World Heritage Site and be visible from the highway
- It would be sited within 5 metres of the boundary
- It would be situated in the curtilage of a listed building
- The surface area of the solar panels would exceed 9 square metres or housing 3 square metres.

If a solar system is found to be permitted development then there are conditions attached to the above which are subjective such as the stand alone solar system will be positioned to minimise its effect on amenity of area and will be removed when not needed.

Ground Source Heat Pump (Part 40 Class C)

The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwelling house is permitted development.

Water Source Heat Pump (Part 40 Class D)

The installation, alteration or replacement of a water source heat pump within the curtilage of a dwelling house is permitted development.

N.B. All Air Source Heat Pumps currently require planning permission. It is recommended that the local planning authority is consulted before submitting a planning application.

Flue forming part of biomass heating system (Part 40 Class E)

The installation, alteration or replacement of a flue, forming part of a biomass heating system on a dwellinghouse would require planning permission if:

- The height of the flue would exceed the highest part of the roof by one metre or more

If property is located in Conservation Area or World Heritage Site then if:

- It is located on a wall or roof slope forming the principal or side elevation **and** would be visible from a highway.

Flue forming part of combined heat and power system (Part 40 Class F)

The installation, alteration or replacement of a flue, forming part of a combined heat and power system on a dwellinghouse would require planning permission if:

- The height of the flue would exceed the highest part of the roof by one metre or more

If property is located in Conservation Area or World Heritage Site then, if:

- It is located on a wall or roof slope forming the principal or side elevation **and** would be visible from a highway.

Permitted development: Listed buildings

In the event that the building is a listed building a microgeneration may be permitted development but you will require listed building consent. Please contact the Local Planning Authority (LPA) for advice.

Permitted development: Agricultural buildings

- Currently no direct permitted development rights to install microgeneration equipment upon agricultural land exist.
- Potential does exist under Part 6 Agricultural buildings and operations Class A of the Town and Country Planning (General Permitted Development) Order 1995 if deemed reasonably necessary for the purposes of agriculture within that unit.
- Certain criteria would need to be met – please either contact LPA or view document

Permitted development: Industrial Buildings, Schools, Offices and Retail

The 'GDPO 2010' extends permitted development rights by allowing extensions and alterations to the following non domestic buildings;

- Industrial and Warehouse Development;
- Schools, Colleges, Universities and Hospitals;
- Office Buildings; and
- Shops or Catering, Financial or Professional Services Establishments.

Whilst the GDPO 2010 does not apply specifically to microgeneration equipment, it is certainly arguable that they are an 'alteration' for the purpose of the GDPO 2010. Therefore, providing the 'alteration' satisfies the appropriate conditions set out individually for each category of non domestic building, then it will be 'permitted development'. For example size and position. There are too many categories to cover in this factsheet so either contact LPA or view GPDO 2010.

For further information contact your Local Planning Authority

- Allerdale Borough Council, Allerdale House, Workington, CA14 3YJ. Tel: 01900 7027002
- Barrow Borough Council, Town Hall, Duke Street, Barrow-in-Furness, LA14 2LD. Tel: 01229 876300
- Carlisle City Council, Civic Centre, Carlisle, CA3 8QG. Tel: 01228 817000
- Copeland Borough Council, The Copeland Centre, Catherine Street, Whitehaven, CA28 7SJ. Tel: 0845 054 8600
- Eden District Council, Planning Services, Mansion House, Penrith, CA11 7YG. Tel: 01768 212480
- South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, LA9 4UF. Tel: 0845 050 4434
- Lake District National Park Authority, Development Management Support Team, Murley Moss, Oxenholme Road, Kendal, LA9 7RL. Tel: 01539 724555



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Cumbria Action for Sustainability. Registered Charity 1123155 Company No: 6492907
Registered Office: The Office, Mardale Rd, Penrith, CA11 9EH. Tel. 01768 210276 Email. office@cafs.org.uk

Please note: the information provided in this factsheet is guidance only, for use at the client's discretion. We in no way guarantee that should the information be acted upon, that planning permission would be granted or refused. It is recommended that you consult with your local planning authority to ensure that local planning requirements are fully addressed prior to any development.