

Renewable Energy Development within the Curtilage of a Dwelling House - Permitted Development Rights

Information Leaflet 12

Revised April 2011



1. Purpose

- 1.1 The purpose of this leaflet is to provide guidance to householders on the extent to which small scale renewable energy development are 'permitted development' under Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993 (the GDO) and, therefore, not require an application for planning permission.
- 1.2 It should be emphasised that this is guidance only and where there is any doubt about whether a development is permitted development it is the responsibility of the householder to seek specific advice from the local area planning office.
- 1.3 This paper considers the main technologies which the Department considers relevant to small scale renewable energy development and has been structured accordingly.

2. General

- 2.1 Not all development requires a formal planning application. Certain types of development are given planning permission through 'permitted development' rights, subject to certain exceptions set out in the legislation.
- 2.2 Part 1A of Schedule 1 to the GDO provides permitted development rights for small scale renewables development within the curtilage of a dwellinghouse.
- 2.3 If you live in a house which is a Listed Building you should note that it is likely that Listed Building Consent will be required for any of the proposed development in this information leaflet. Application forms are available on the planning website at www.planningni.gov.uk or at your local area planning office.

3. Solar Panels

- 3.1 Solar panels include solar water heating panels (SWH) and photovoltaic panels (PV).
- 3.2 **Solar panels fitted to a pitched roof of a dwellinghouse or any building within the curtilage of a dwellinghouse (Class A of Part 1A applies)**

A planning application will not be required provided that:

- i. No part of the panel exceeds the highest part of the roof.

- ii. No part of the panel protrudes more than 20 centimetres beyond the plane of a roof slope facing onto and visible from a road.
- iii. Panels do not exceed the boundary of the existing roof
- iv. If the house is within a conservation area or World Heritage Site the roof slope on which the panels are fitted must not face onto and be visible from a road.
- v. If the panels are to be installed within the curtilage of a listed building, listed building consent has previously been granted for the development.

3.3 Solar panels fitted to a flat roof of a dwellinghouse or any building within the curtilage of a dwellinghouse (Class A of Part 1A applies)

A planning application will not be required provided that:

- i. Panels do not extend more than 1.5 m above the plane of the roof.
- ii. Panels do not exceed the boundary of the existing roof.
- iii. If the house is within a conservation area or World Heritage Site the panels must not be visible from a road.
- iv. If the panels are to be installed within the curtilage of a listed building, listed building consent has previously been granted for the development.

3.4 Solar panels fitted to the wall of an existing dwellinghouse or any building within the curtilage of a dwellinghouse (Class B of Part 1A applies)

A planning application will not be required provided that:

- i. Any part of the panel which is higher than 4 metres and closer than 3 metres to the property boundary does not protrude more than 20 centimetres from the plane of the wall.
- ii. Panels do not exceed the boundary of the wall.
- iii. No part of the solar panel installed on a wall of a chimney is higher than the highest part of the roof.
- iv. If the house is within a conservation area or World Heritage Site the wall must not face onto and be visible from a road.

- v. If the panels are to be installed within the curtilage of a listed building, listed building consent has previously been granted for the development.

3.5 **Freestanding solar equipment within the curtilage of a dwellinghouse (Class C of Part 1A applies)**

A planning application will not be required provided that:

- i. There is only one freestanding solar panel installation within the boundary of the house.
- ii. The area of the freestanding solar panel does not exceed 14 metres square.
- iii. No part of the panel exceeds 2 metres in height.
- iv. No part of the panel is closer to a road than the part of the house nearest the road.
- v. If the panels are to be installed within the curtilage of a listed building, listed building consent has previously been granted for the development.

3.6 **Conditions**

It should be noted that the permitted development rights are granted on the condition that the primary purpose of the solar panels is to provide heat or energy within the curtilage of the house and that any equipment no longer in use is removed as soon as reasonably practicable.

4. **Biomass development**

4.1 Biomass development will typically include the fitting of a biomass boiler, biomass storage and possibly the provision of a new chimney or flue. The following rules apply for **solid biomass fuel storage and heating system flues**.

4.2 **The erection or provision, within the curtilage of a dwellinghouse, of a container for the storage of solid biomass fuel. (Class D of Part 1A applies)**

A planning application will not be required provided that:

- i. An above ground container does not exceed 6,500 litres in capacity and more than 3 metres above ground level in height.

- ii. No part of the container is closer to a road than the part of the house nearest the road.
- iii. If the house is within a site of archaeological interest or an area of special scientific interest the container is not below ground.
- iv. If the container is provided within the curtilage of a listed building, listed building consent has previously been granted for the development.

4.3 The installation, alteration or replacement of a flue, forming part of a biomass heating system, or a combined heat and power system on a dwellinghouse (Class E of Part 1A applies)

A planning application will not be required provided that:

- i. The height of the flue is no more than 1 metre higher than the highest part of the roof.
- ii. If you live in a house within a conservation area or World Heritage Site the flue is not on a wall or roof slope forming the principal or side elevation which is visible from a road.
- iii. If the dwellinghouse on which the flue is to be installed is itself within the curtilage of a listed building, listed building consent has previously been granted for the development.

4.4 Conditions

It should be noted that the permitted development rights are granted on the condition that the primary purpose of the biomass fuel stored is to provide heat or energy within the curtilage of the house and that any container or flue no longer in use is removed as soon as reasonably practicable.

5. Heat pump development

- 5.1 Heat pump development will typically include the installation of a heat pump, a heat collector and a heat distribution system. Heat can be collected from the ground, water or air. Ground collectors consist of loops of pipe containing a fluid which are buried in shallow/ deep trenches or deeper boreholes depending on the space available. Water collectors pump water to the heat pump and back to the source through buried pipes. Air collectors, usually external to the building, are placed above ground level and force air through an extraction system which collects heat from the air and passes it to the heat pump. The heat distribution system is usually inside the building.

5.2 **Note: An air source heat pump installed within the curtilage of a dwellinghouse will require an application for planning permission.**

5.3 **The provision of a ground or water source heat pump within the curtilage of a dwellinghouse (Class F of Part 1A applies)**

A planning application will not be required provided that:

- i. No part of the pump or its housing which is within 3 metres of the boundary of the house exceeds 4 metres in height.
- ii. No part of the pump or its housing is closer to a road than the part of the house nearest the road.
- iii. The heat pump is not situated within an area of special scientific interest or a site of archaeological interest.
- iv. If the heat pump is to be installed within the curtilage of a listed building, listed building consent has previously been granted for the development

5.4 **Conditions**

It should be noted that the permitted development rights are granted on the condition that the primary purpose of heat pump is to provide heat within the curtilage of the house and that any heat pump no longer in use is removed as soon as reasonably practicable.

6. Hydro development

6.1 The extent of development required for a hydro scheme will vary depending on the type of system being installed, whether it is a new installation or the refurbishment of an existing system and the local site topography. Development required may include engineering and building operations to construct dams or reservoirs to divert water to and from the turbine, the erection of a building/s to house equipment and power connections to buildings.

6.2 Some of the works might be granted planning permission through existing PD rights. However, due to the individual requirements of each installation and the likelihood that a planning application would be required for some element of the works, householders should seek advice on the need for express planning permission for the proposed works from the local area planning office in advance of development starting. It is normal practice that, where a proposed development consists of both development that is permitted development and development requiring a planning application, the totality of the development is included in the planning application and obtains express planning permission.

7. Wind development

7.1 Typical domestic wind development can range from building mounted turbines, to larger stand alone turbines mounted on tall towers or masts. The turbines may be either vertical axis type i.e. they rotate around a vertical axis, or more commonly horizontal axis where the turbine blades rotate around a horizontal axis and the entire turbine is free to rotate through 360 degrees around a vertical axis depending on wind direction.

7.2 ***Note: A wind turbine fitted to a dwellinghouse or erected within the curtilage of a dwellinghouse will require an application for planning permission.***

8. Small scale renewable energy development requiring a planning application

8.1 If you are uncertain after reading this leaflet, whether the proposed development is permitted development, you can write to or arrange to speak to someone in your local area planning office. *Where the proposed development is not permitted development, you will need to apply for planning permission.*

9. Environmental Impact Assessment

9.1 In the majority of cases, the environmental effects of small scale renewables development should not be a factor in relation to the application of permitted development rights or the processing of a planning application for such development. However, you should note that where a development involves the installation of more than two wind turbines, or the hub height of any turbine or height of any other structure for harnessing wind power for energy production exceeds 15 metres, the Department will require an environmental statement under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. Permitted development rights do not apply to such development. You are advised to confirm this with your local area planning office.

10. Questions and Answers

Q. If my proposal does not fall under permitted development how do I make a planning application?

A. If you need to make a planning application it should be made using either a Householder Development PHD form or a Planning Application P1 form.

Further guidance on the completion of application forms and application fees is available from your local area planning office or the N.I. Planning website at www.planningni.gov.uk.

Q. Will my planning application be advertised in the paper?

A. All valid planning applications are advertised on a weekly basis in the local newspaper. Details of these applications are also placed on the N.I. Planning website.

Q. Will the Local Area Planning Office write to my neighbours?

A. The Planning Office will write to the occupiers of any buildings which adjoin the curtilage of your property. You may wish to inform your neighbour that you have submitted a planning application for a small scale renewable technology.

It should be noted that all planning applications are available for inspection by the wider public through the Open File Correspondence Unit.

Q. How long will it take to receive a decision on my planning application?

A. The Local Area Planning Office will endeavour to ensure that applications that are dependant on grant aid are carefully managed through the planning process to avoid any unnecessary delay.

However, there are steps that applicants can take to enable planning applications to be processed more smoothly such as ensuring that planning applications are submitted with all the required information and the correct application fee.

Q. I have read the guidance and am not sure that what I propose to do qualifies as 'permitted development.' Can the Local Area Planning Office clarify this for me?

A. If you want formal confirmation of whether your proposal would be lawful, i.e. that it does not require a planning application, you may apply for a Certificate of Lawfulness for a proposed use or development, paying the appropriate fee.

However, if you are content to forego a certificate, you may write to your local area planning office seeking a 'letter of comfort' to confirm that the proposed development qualifies as permitted development. To receive a letter of comfort you should provide Planning Service with details of the proposed technology, and where you propose to install it within the curtilage of your house. Photographs and trade brochures should be included to help illustrate your proposal. You should note that this is not a formal determination on your proposal.

Q. My house is currently under construction. Can I install one of the above small scale renewable technologies as 'permitted development'?

A. A dwellinghouse does not benefit from permitted development rights until construction has been completed.

Q. If I install a small scale renewable technology within an existing building, will I require planning permission?

A. If you are providing any of the small scale renewable technologies within an existing building and this does not affect the appearance of the existing building, planning permission will not be required.