



Section Two

**PLANNING REQUIREMENTS**

and Building Regulations

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# PLANNING REQUIREMENTS

### *Planning Permission and Building Regulations Requirements for installing insulation and micro-renewable energy systems in dwellings*

#### **Introduction**

Installing certain renewable energy technologies, such as solar panels and biomass boilers, has now been made a lot simpler thanks to permitted development rights introduced on 6th April 2008 in England which mean that planning permission is not always required. This section tells you what needs planning permission from West Somerset Council or Exmoor National Park Authority (ENPA) and what you can install without permission. Both are keen to promote the introduction of domestic renewable energy systems and have already granted permission for numerous schemes. You can find their policies for renewable energy development online at:

(put in *references for planning policies*)

For the most part, installing insulation will not require planning permission. If your property is a listed building, however, you may require consent for some types of external and internal insulation, and it is advisable to contact West Somerset Council or Exmoor National Park Authority before planning any work. These bodies are the Local Planning Authorities for their areas.

The National Park Authority has published guidance on planning requirements for domestic renewable energy installations within the National Park which can be found online at:

[http://www.exmoor-nationalpark.gov.uk/renewable\\_energy.pdf](http://www.exmoor-nationalpark.gov.uk/renewable_energy.pdf)

If you are uncertain whether or not the work you have in mind requires some form of permission, it would be wise to contact West Somerset Council or the National Park Authority to discuss it before committing time and money to the project. Both bodies are happy to help and advise.

## **Cavity wall insulation**

### **Planning Permission**

While planning permission will not be required in the great majority of cases, if the property is a listed building consent may be required and you should contact West Somerset Council or the Exmoor National Park Authority.

### **Building Regulations**

Cavity wall insulation is specifically defined as notifiable building work in the Building Regulations so for most buildings it will be necessary to submit a building notice stating that cavity wall insulation work will be carried out. West Somerset District Council does not charge for such building notices. If installers are registered with the Cavity Insulation Guarantee Agency or the BBA Cavity Wall Installer Scheme they will in most cases submit the building notice. In any case building owners should always check that a building notice will be submitted.

The Building Regulations require that the insulation material used is suitable for the wall construction concerned. In the case of some foam cavity wall insulating materials an assessment of the risk of the emission of formaldehyde gas will need to be carried out.

Insulation has to comply to the relevant building regulations both when installed during construction or when fitted retrospectively.

West Somerset Council Building Control section can give more detailed guidance.

The General Permitted Development Order (GPDO) 2008 grants rights to carry out certain limited forms of development on the home, without the need to apply for planning permission, including the types of renewable energy installation described in the following pages. These works, granted under the Order, do not then require formal planning permission, and are known as permitted development.

## External and internal insulation

### Planning Permission

You do not need to apply for planning permission for repairs, maintenance or minor improvements, such as painting your house, nor for internal insulation work (for example to lofts, floors and solid walls). If you live in a listed building, however, you will need listed building consent for any works whether internal or external which may affect the character or fabric of the building (or any structure within the curtilage of the building) and you should contact West Somerset Council or Exmoor National Park Authority before starting any work so that they can advise. If Listed Building Consent is required then you should, after taking the appropriate advice, factor in the time needed to apply for and have your Listed Building Consent application determined.. If the building is in a Conservation Area, Exmoor National Park or the Quantock Hills Area of Outstanding Natural Beauty, you will need to apply for planning permission before cladding the outside of your house with stone, artificial stone, pebble dash, render, timber, plastic or tiles, whether for the purposes of insulation or not. If you live outside these areas, it is still advisable to contact West Somerset Council before planning any work as sometimes permission may be required.

### Building Regulations

If you want to re-render or replace timber cladding to external walls, building regulations may apply depending on the extent of the work.

Where 25 per cent or more of an external wall is re-rendered, re-clad, re-plastered or re-lined internally or where 25 per cent or more of the external leaf of a wall is rebuilt, the regulations would normally apply and the thermal insulation would normally have to be improved.

## Biomass energy

### Planning Permission

Planning permission is not normally needed when installing a biomass system in a house if the work is all internal. If the installation requires a flue outside, however, it will normally be permitted development if the conditions outlined below are met.

- Flues on the rear or side elevation of the building are allowed to a maximum of one metre above the highest part of the roof.
- Flues are also allowed on the principle elevation provided the dwelling is not in a designated area (1 m height restriction still applies) – [this is consistent in Part 40 and Part 1 Class G of the GPDO 2008](#)

If the building is listed or in a designated area even if you enjoy permitted development rights it is advisable to check with your local planning authority before a flue is fitted. Listed Building Consent is also likely to be needed for internal alterations and the flue.

In a conservation area the flue should not be fitted on the principal or side elevation if it would be visible from a highway.

If the project also requires an outside building to store fuel or related equipment the same rules apply to that building as for other extensions and garden outbuildings. Therefore you cannot cover in excess of 50% of the curtilage. It must be single story and not exceed stated heights dependent on position. The GPDO sets out the full provisions (see [ukplanningportal website](#)).

### Building Regulations

If you wish to install a biomass appliance, building regulations apply. You should take into account factors such as ventilation, noise and general safety. Installation should be carried out by a suitably qualified installer.

Building regulations also apply to other aspects of the work such as electrical installation and plumbing work.

## Roof or wall mounted solar panels

*The information provided below applies to both types of solar energy installation – solar hot water and solar photovoltaic.*

### Planning Permission

In many cases fixing solar panels to the roof of a single dwelling house is likely to be considered 'permitted development' under planning law with no need to apply for planning permission. There are, however, important exceptions and provisos which must be observed.

- Panels should not be installed above the roof ridge line and should project no more than 200mm from the roof or wall surface.
- If the property is a listed building, installation is likely to require an application for listed building consent, even where planning permission is not needed.
- If the property is in a conservation area, planning permission is required when panels are to be fitted on the principal or side elevation walls and they are visible from the highway. If panels are to be fitted to a building in your garden or grounds they should not be visible from the highway.–  
Permission is only required to fit panels to a wall of a domestic outbuilding that is visible from a highway (not the roof slope) – see changes to part 40 within paragraph 4 of statutory instrument 2008 No. 2362.

***These permitted development rights apply to houses. If you live in a flat and are considering fitting solar panels you are advised to contact West Somerset Council or Exmoor National Park Authority for guidance: – A “building which consists wholly of flats” is included in the definition of a dwellinghouse in Part 40 (see paragraph G1).***

### **Stand alone solar panels**

Stand alone solar panels will not require planning permission, subject to the following limits:

- they should be no higher than four metres
- they should be at least 5m from boundaries
- the size of the array is limited to 9 sq. m. or 3m wide and 3m deep
- they should not be installed within the boundary of a listed building
- In the case of land in a conservation area, panels should not be visible from the highway. (*including public footpaths?*)
- Only one stand alone solar installation is permitted

**All solar installations are also subject to the following conditions:**

- panels on a building should be sited, so far as is practicable, to minimise the effect on the appearance of the building.
- they should be sited, so far as is practicable, to minimise the effect on the amenity of the area.
- when no longer needed for micro-generation they should be removed as soon as possible.

***These permitted development rights apply to houses. If you live in a flat and are considering fitting solar panels you are advised to contact the planning authority for guidance.– A “building which consists wholly of flats” is included in the definition of a dwellinghouse in Part 40 (see paragraph G1).***

### **Building Regulations**

If you wish to install a solar panel on your roof building regulations will normally apply. Reputable contractors will normally be able to advise you. The ability of the existing roof to carry the load (weight) of the panel will need to be checked and proven. Some strengthening work may be needed.

Building regulations also apply to other aspects of the work such as electrical installation. It is advisable to contact an installer who can provide the necessary advice.

## **Ground, air, and water-source heat pumps**

### **Planning Permission**

Installing a ground source or water source heat pump system does not usually need planning permission and should fall within permitted development rights. If you live in a listed building or a conservation area, however, you should contact the local planning authority to check on local policy.

Air source heat pumps currently require planning permission. It is expected that air source heat pumps will be permitted developments in due course. Further legislation is expected later in 2010.

### **Building Regulations**

Installation of ground source or air source heat pumps will have to comply with the Building Regulations. It is advisable to contact West Somerset District Council Building Control section who can provide the necessary advice.

## **Micro-combined heat and power**

### **Planning Permission**

Planning permission is not normally needed when installing a micro-combined heat and power system in a house if the work is all internal. If the installation requires a flue outside, however, it will normally be permitted development if the conditions outlined below are met:

- Flues on the rear or side elevation of the building are allowed to a maximum of one metre above the highest part of the roof - flues are also allowed on the principal elevation provided the dwelling is not in a designated area (1m height restriction still applies) – this is consistent in Part 40 and Part 1 Class G.
- If the building is listed or in a designated area, even if you enjoy permitted development rights, it is advisable to check with West Somerset Council or Exmoor National Park Authority before a flue is fitted. Consent is also likely to be needed for internal alterations – for LB's only; not if just in a designated area.
- In a conservation area the flue should not be fitted on the principal or side elevation if it would be visible from a highway

If the project also requires an outside building to store fuel or related equipment, the same rules apply to that building as for other extensions and garden outbuildings.

### **Building Regulations**

As micro-CHP systems operate within the context of the building, the equipment, installation and testing must all comply with the relevant standards. Details of these standards are set out in full in the LZC guide. The guide also sets out the factors to be considered for the purposes of calculating the potential of a micro-CHP system to contribute towards lowering the carbon dioxide emissions of a building in order for it to meet the compliance requirements of Part L.

Building regulations also apply to other aspects of the work such as electrical installation and plumbing work.

## **Small and micro-wind systems**

### **Planning Permission**

Due to legal technicalities the current planning regulations do not cover micro or small wind systems. Once these issues have been resolved, it is expected that roof-mounted and free standing wind turbines will be permitted, subject to size and position limitations, at detached properties that are not in conservation areas. Further legislation is expected later this year.

The planning regime for installing wind turbines is complex and evolving. At present, in most cases, you will need to apply for planning permission from the local authority to add a domestic wind turbine to your house, or in the grounds surrounding your home.

It is up to the local authority to decide what information you may need to provide with your application. It may be helpful to contact West Somerset District Council or Exmoor National Park Authority, before applying, to discuss the following planning issues:

- Visual impact
- Noise
- Vibration
- Electrical interference (with TV aerials)
- Safety

The key Planning Policy that the National Park will use to judge the suitability of your application is Local Plan Policy LNC19. This can be viewed at [www.west-somerset.gov.uk](http://www.west-somerset.gov.uk).

### **Building Regulations**

If you wish to install a wind turbine which will be attached to your house, building regulations will normally apply. Size, weight and force exerted on fixed points would be considerable.

Building regulations also apply to other aspects of the work such as electrical installation. It is advisable to contact an engineer who can provide the necessary advice.

If the wind turbine is not attached to your house, then only the electrical installation and connection will require consent under the building regulations.

## **Micro-hydro power**

### **Planning Permission**

Planning permission will usually be needed, and it should be noted that the Environment Agency must also be consulted about water abstraction licences because the water is not owned by the landowner. There may be a need to consult with Natural England as well if the watercourse has any ecological interest.

Some form of environmental assessment is essential when it comes to applying for planning permission and environmental licenses.

Under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, the planning application for any development that the planning authority considers likely to have a significant impact on the environment must be accompanied by an Environmental Statement.

This document provides an assessment of the project's likely environmental effects, together with any design, construction, operational and decommissioning measures that are to be taken to minimise them. It would typically cover such issues as flora, fauna, noise levels, traffic, land use, archaeology, recreation, landscape, and air and water quality.

Key features of a small hydro scheme include:

- a hydraulic 'head' - vertical distance from water source to the turbine
- a water intake above a weir or behind a dam
- a pipe or channel to take water to the turbine
- a turbine, generator and electrical connection
- an outflow, where the water returns to the watercourse

These elements raise a number of important planning issues and planning permission will usually be needed.

Get further information on water abstraction from the Environment Agency web site:

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

### **Building Regulations**

If you wish to install a small scale hydro-electric facility, building regulations will normally apply to aspects of the work such as electrical installation.

It is advisable to contact an engineer who can provide the necessary advice.

## **Conventional boilers**

### **Planning Permission**

Planning permission is not normally required for installation or replacement of a boiler though if you live in a listed building you should check with the Local Planning Authority.

### **Building Regulations**

If you are planning to install or replace an existing gas boiler you should have a condensing boiler fitted if it is reasonable to do so. However, non-condensing boilers are acceptable if it would be too difficult to install a condensing boiler in your home. Your installer will tell you whether your circumstances are too difficult.

Work to install a new boiler (or a cooker that also supplies central heating - Aga, Raeburn etc.) needs Building Regulations approval because of the safety issues and the need for energy efficiency.