

Item No.	Classification: Open	Date: 7 July 2022	Decision Taker: Environment & Community Engagement Scrutiny Commission
Report title:		Domestic renewable energy and heating systems and Planning	
Ward(s) or groups affected:		All	
From:		Juliet Seymour, Head of Planning Policy, Building Control and the Built Environment	

BACKGROUND INFORMATION

1. This report sets out general information on the installation of renewable energy and heating systems for different types of residential properties, the types of forms and fees and the services the council provides as the Local Planning Authority.
2. Southwark Council declared a climate emergency in 2019, and encouraging greener buildings is a central priority for the council. The council strongly encourages the appropriate installation of renewable energy sources including photovoltaic panels (solar electricity panels), air source heat pumps and ground source heat pumps in homes and businesses. This will enable the local production and use of low or zero carbon electricity or heating systems and a reduction of residential carbon emissions.

KEY ISSUES FOR CONSIDERATION

'If you live in a house'

3. Householders can usually install renewable energy and heating systems sources such as photovoltaic (PV) panels, air or ground source heat pumps without planning permission, provided it meets certain criteria such as its size and location. The installation is already granted planning permission by national planning regulations and is called Permitted Development or a 'permitted development right'.
4. Details and criteria of the type of renewable energy and heating systems that benefit from permitted development rights are set out in Part 14 Renewable Energy of The Town and Country Planning (General Permitted Development) Order (2015) (<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/made>) The following list is a categorised summary of the available permitted development rights.

Solar PV and Thermal

- *Class A – installation or alteration etc of solar equipment on domestic premises*
- *Class B - installation or alteration etc of stand-alone solar equipment on domestic premises*

Heat pumps and biomass systems

- *Class C – installation or alteration etc of ground source heat pumps on domestic premises*
- *Class D – installation or alteration etc of water source heat pumps on domestic premises*
- *Class E – installation or alteration etc of flue for biomass heating system on domestic premises*
- *Class F – installation or alteration etc of flue for combined heat and power on domestic premises*
- *Class G – installation or alteration etc of air source heat pumps on domestic premises*

Wind turbines

- *Class H – installation or alteration etc of wind turbine on domestic premises*
- *Class I – installation or alteration etc of stand-alone wind turbine on domestic premises*

5. Some renewable energy or heating systems do not therefore require planning permission, residents may still apply for a Lawful Development Certificate (LDC). Applying for this Certificate is not compulsory, but there may be times when residents will need one to establish that the installation is lawful. For example, if the house was being sold or for planning enforcement purposes. The planning system allows some flexibility with Lawful Development Certificates. They may be applied for before the installation of the system to establish that proposal is lawful by meeting the criteria that is set out in Part 14 of the regulations, or after the installation of the system to confirm the proposal system is lawful. Officers recommend applying for a Certificate prior to the installation to ensure the proposed system meets the criteria to benefit from permitted development rights
6. There are some important criteria in Part 14 which means that the permitted development right does not apply to the property. For example, if the property on which a Solar PV system is proposed falls within a conservation area, the right to install the system does not apply. In such cases, planning permission will be needed for the installation and a householder planning application should be submitted and approved before the installation. It is therefore important for applicants to read and understand the criteria listed in Part 14 if they intend to install a system under permitted development.

7. If the resident wishes to install a renewable energy or heating system that goes beyond the criteria of permitted development set out in Part 14 of the regulations - for example in terms of size or location - the resident will need to apply for Householder Planning Permission.
8. It should be noted that Permitted Development rights may have been removed if the council has issued an Article 4 Direction to remove the rights. Further information including a map of where Article 4 Directions have been issued in Southwark can be found on our website here: <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/article-4-directions>
9. Permitted development rights are development rights. Adverse impacts from proposals that are permitted under permitted development may still be addressed by other statutory regimes such as noise legislation. For example, excessive noise from a heat pump secured under permitted development may still need to be mitigated, even if the heat pump is considered lawful development.

‘If you live in a flat or maisonette’

10. If a resident lives in flat or maisonette that was created by the sub-division of a house permitted development rights do not apply. This means that an application for householder planning application will be required to install a renewable energy or heating system.
11. Once the application is submitted to the council, it will be determined using the relevant design, heritage and sustainability policies that are found within the adopted Southwark Plan (2022). The council uses these policies to protect the amenity of adjoining residential occupiers from visual impact and noise, ensure good design and protect the historic environment.
12. If a resident lives in a purpose-built block of flats, the block may benefit from permitted development rights for the installation renewable energy or heating systems. It is suggested that the council’s free of charge pre-application service is engaged in this instance

‘If your property is listed.’

13. There are approximately 2,200 listed buildings and structures in Southwark that are of national, historical or architectural interest. If a residential property is listed and the owner wants to add a renewable energy or heating system that may affect the building’s character or appearance, Listed Building Consent will be required. Residents should therefore check first with our Design and Conservation Team or undertake a pre-application inquiry on whether consent will be needed for the proposed system and if the proposal needs to be adapted to make it more likely to achieve consent. This simple step could save a lot of time and

money. When the council considers whether to grant or to refuse an application, it will give particular attention to the desirability of preserving the building, its setting and those features which make it special. These are the things applicants must consider when developing their proposal.

14. It is important to note that carrying out unauthorised works to a listed building is a criminal offence and individuals can be prosecuted. If in doubt, residents should contact the council's Design and Conservation Team.

Fee and forms

15. The following tables sets out the type of application and fee that must be submitted to the council by applicants to secure the relevant consents.

Type of residential building	Type of application needed	Application Fee	Decision time
<p>If you live in a house...</p> <ul style="list-style-type: none"> that is not in a conservation area; and the proposal meets the relevant permitted development criteria <p>If you live in a purpose-built block of flats...</p> <ul style="list-style-type: none"> that is not in a conservation area; and the proposal meets the relevant permitted development criteria 	Lawful Development Certificate	£103	8 weeks from the date that application was received by the council and it had all the information that was needed to
<p>If you live in a house...</p> <ul style="list-style-type: none"> that is located within a conservation area; or the PV system fronts a highway, or the proposal does not meet the relevant permitted development criteria <p>Or</p> <p>If you live in a flat, maisonette that is a converted or subdivided house</p>	<p>Householder planning permission, for alterations and extensions to a single home, including works with the boundary</p> <p>Minor planning permission</p>	<p>£206</p> <p>£206</p>	

<p>If you live in purpose build block of flats...</p> <ul style="list-style-type: none"> • that is in a conservation area; or • the proposal does not meet the relevant permitted development criteria 	<p>Minor planning permission</p>	<p>£407</p>	
<p>If the application building or site is listed.</p>	<p>Listed Building Consent</p>	<p>No fee</p>	

Guidance on how to apply of a Lawful Development Certificate, Householder or Minor Planning Permission

16. The easiest way to apply for Planning Permission Certificate an application is on the Planning Portal website where residents can pay the fee and submit the application details, site plan, plans and/or drawings of the proposal, and manufacturer’s specification of the renewable energy or heating system. This may be accessed here: <https://www.planningportal.co.uk/planning/planning-applications/how-to-apply/planning-permission-and-building-regulations-approval>
17. Information on how what to prepare a planning application and what to submit with the application is available on the council website here: <https://www.southwark.gov.uk/planning-and-building-control/planning->

Planning advice for residents

18. The planning division offers a series of options to assist residents in relation to renewable energy and heating systems projects. The purpose is to remove uncertainty regarding the type of planning application that will need to be submitted and improve the chances of receiving planning permission is the quickest possible time.

Pre application advice service

19. The Planning division’s pre-application advice service enables residents to
 - Discuss the planned works with a planning officer before making a planning application and get expert advice
 - Spend less time and money preparing your planning application
 - Reduce the risk of being refused planning permission by fixing any issues early on in the design process
 - avoid having to make changes to the planning application once it’s been you’ve submitted it.

20. This service is free of charge for residential renewable energy installations which delivers a saving of £200 to those who use the service. This pre-application process for householders and other minor applications is usually completed within six weeks. During this period, a telephone conversation or email exchange will take place with a planning officer who will provide assistance on permitted development rights and application process for solar panels, heat pumps, insulation and cladding and sustainable transport installations such as cycle storage.

21. This service is available on the planning division website here: <https://www.southwark.gov.uk/planning-and-building-control/pre-application-advice-service?chapter=2>

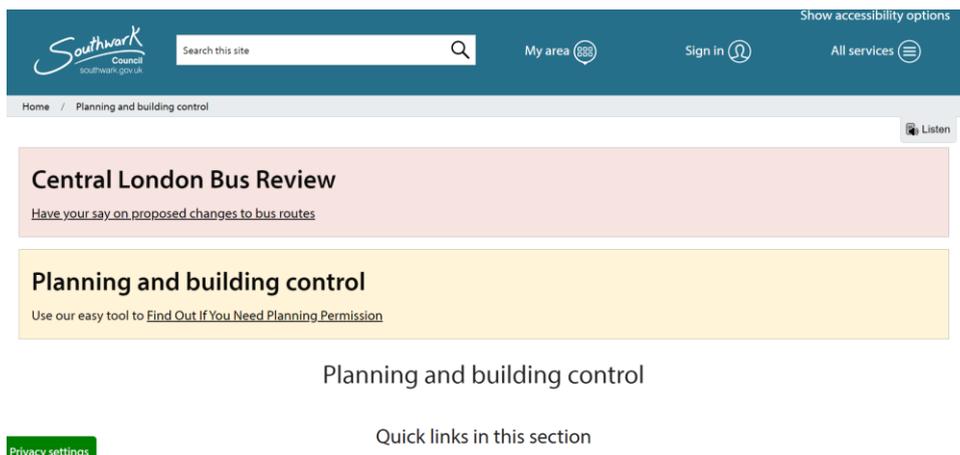
'Find out if you need planning permission' service

22. The council offers a free online service to check whether the proposed works will need planning permission. To use this service, residents simply enter the post code of the address where the proposed works will take place and then answer some questions about the planned works. The service will then recommend you whether the works require planning permission or a Lawful Development Certificate and will advise the resident on what to do next. This service is available here: <https://www.southwark.gov.uk/planning-and-building-control/planning-applications/find-out-if-you-need-planning-permission>

23. Please note that the service information is provided for guidance only and does not represent a planning decision or legal advice, but it is an effective, free of charge way of working out which kind of planning application is needed.

24. For example, the following series of three screen grabs illustrate the flow through the service for an inquiry about installing solar panels.

1. Start the service:



2. Choose the type of proposed development:

Southwark Council
Find Out If You Need Planning Permission

PRIVATE BETA This is a new service. Your feedback will help us improve it.

← Back

What do you want to install?

Solar photovoltaics (PV)

Solar thermal equipment

Continue

3. The end result of the service recommending the type of planning application that is needed based on the user's answers.

Southwark Council
Find Out If You Need Planning Permission

PRIVATE BETA This is a new service. Your feedback will help us improve it.

← Back

Permitted development

Based on the information you have provided, it looks like the project may fall under 'permitted development', and therefore would not require planning permission. However there may be a planning condition on your property that affects these rights. We recommend applying for a Lawful Development Certificate before proceeding with any works.

Reasons

Website links

25. The council's planning website has recently been updated with further guidance on solar PV application here: <https://www.southwark.gov.uk/planning-and-building-control/planning-applications/find-out-if-you-need-planning-permission?chapter=5>

Next steps

26. Officers are committed to reviewing how the service can assist residents and businesses deploy renewable energy and heating systems. The identified next steps include:
- Publicise the Find out if you need Planning Permission service. Summer 2022

- Further update to the council website. Summer 2022
- Preparing a new Climate Change and Environment Supplementary Planning Document (SPD) that will include relevant guidance. Spring 2023
- Updating the Residential Design Standards SPD with relevant guidance. Spring 2023
- Reviewing the planning service for further opportunities to reduce/remove barriers. Ongoing.
- Working with the council's Climate Change Team to deliver the Climate Change Strategy. Ongoing.

APPENDICES

No.	Title
Appendix 1	Types of domestic renewable energy that can benefit from permitted development rights

AUDIT TRAIL

Lead Officer	Juliet Seymour, Head of Planning Policy, Building Control and the Built Environment	
Report Author	Tom Buttrick, Team Leader, Planning Policy Team	
Version	Final	
Dated	7 July 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	n/a	n/a
Strategic Director of Finance and Governance	n/a	n/a
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team / Scrutiny Team	13 July 2022	

Appendix A

Types of domestic renewable energy that can benefit from permitted development rights

The Town and Country Planning (General Permitted Development) (England) Order 2015

SCHEDULE 2 - Permitted development rights

PART 14 - Renewable energy

Solar PV or Thermal	
Class A – installation or alteration etc of solar equipment on domestic premises	The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on a dwellinghouse or a block of flats; or building situated within the curtilage of a dwellinghouse or a block of flats
Class B - installation or alteration etc of stand-alone solar equipment on domestic premises	The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwellinghouse or a block of flats.
Heat pumps and biomass systems	
Class C – installation or alteration etc of ground source heat pumps on domestic premises	The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or a block of flats.
Class D – installation or alteration etc of water source heat pumps on domestic premises	The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.
Class E – installation or alteration etc of flue for biomass heating system on domestic premises	The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.
Class F – installation or alteration etc of flue for combined heat and power on domestic premises	The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.
Class G – installation or alteration etc of air source heat pumps on domestic premises	The installation, alteration or replacement of a microgeneration air source heat pump on a dwellinghouse or a block of flats; or within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage

Wind turbines	
Class H – installation or alteration etc of wind turbine on domestic premises	The installation, alteration or replacement of a microgeneration wind turbine on a detached dwellinghouse or a detached building situated within the curtilage of a dwellinghouse or a block of flats.
Class I – installation or alteration etc of stand-alone wind turbine on domestic premises	The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats.