

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 9 November 2011
Report of: Strategic Planning and Housing Manager
Title: Notice of Motion: Planning Permission for Solar Panels
Portfolio Holder Cllr Rachel Bailey

1.0 Report Summary

- 1.1 At the Council meeting on 13 October 2011 the following Notice of Motion submitted by Councillor D Brickhill was referred to the Strategic Planning Board for advice and report back to Council for decision in December:

“That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required”

2.0 Decision Required

- 2.1 To note the report and recommends that the Council continues to adopt the approach as advocated within the Town and Country Planning (General Permitted Development) Order.

3.0 Reasons for Recommendation

- 3.1 To ensure fairness and consistency of practice in accordance with existing practice.

4.0 Financial Implications

- 4.1 There are no financial implications.

5.0 Legal Implications

- 5.1 There are no legal implications with the recommendation which would in accordance with existing legislative practice.

6.0 Risk Assessment

- 6.1 There are no risks associated with this decision.

7.1 The Council's Approach to Solar Panels & Planning

7.2 Part 40 of the Town & Country Planning (General Development Permitted Development) Order 1995 (as amended) grants extensive permitted development rights to householders wishing to establish solar panels on their property. In most cases planning permission is therefore not required.

7.3 However planning consent may be required if the solar panels exceed a certain size or occupy a certain position either on or within the grounds of a property. These parameters are clearly detailed within the specific legislation but are also simplified on the Council's website where residents can access links to an interactive 'virtual' house.

7.4 Residents can freely exercise their rights under the Permitted Development legislation accordingly. The Council however will seek details of plans and charges in two specific circumstances:

- In the case of planning permission being necessary (i.e. that it is not permitted development) – then plans and a fee is required in the normal way.
- In the case that the householder wants a written confirmation that the works are permitted development. This is a discretionary service normally provided for residents who want some comfort for when they come to sell their house. There is a small charge for this service and basic plans will also be required. Without such plans it is impossible to confirm whether works are indeed permitted development.

7.5 These circumstances aside, the Council does not require any documentation in relation to the planning aspects of domestic solar panels. (As a separate issue Building Regulations may be required – as the roof of a property may need to be strengthened to accommodate the panels and usually a new electrical connection is required)

8.0 Conclusion

8.1 It is considered that the existing permitted development legislation provides the correct balance for allowing local residents to erect solar panels without the need for any fees or to submit plans unless they want written confirmation. It also safeguards those situations whereby such development may be considered to be of such greater impact that they require further consideration via the submission of a planning application.

For further information:

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Background Documents:

- *Part 40 of the Town & Country Planning (General Permitted Development) Order 2005 (as amended)*