

Solar Panels for Schools, Colleges, Universities and Hospitals

The installation of solar Photovoltaic (PV) and thermal hot water panels on schools, colleges, universities and hospitals are permitted development under Part 32 of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2010, subject to any relevant exception, limitation or condition specified in Schedule 2.

Schedule 2

PART 32, Schools, Colleges, Universities and Hospitals

Class A

Permitted development

A. The erection, extension or alteration of a school, college, university or hospital building.

Development not permitted

A.1 Development is not permitted by Class A—

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
 - i. 25% of the gross floor space of the original school, college, university or hospital buildings;
 - or
 - ii. 100 square metres,whichever is the lesser;
- (b) if any part of the development would be within five metres of a boundary of the curtilage of the premises;
- (c) if, as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in this use could no longer be so used;
- (d) if the height of any new building erected would exceed five metres;
- (e) if the height of the building as extended or altered would exceed—
 - i. if within ten metres of a boundary of the curtilage of the premises, five metres; or
 - ii in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building; or
- (g) unless—
 - i. in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
 - ii. in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing school, college, university or hospital;

- (b) the development shall only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
- (c) any new building erected shall, in the case of article 1(5) land *, be constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and
- (d) any extension or alteration shall, in the case of article 1(5) land*, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation

A.3 For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement; and
- (b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.

**Article 1(5) land includes land in an ‘Area of Outstanding Natural Beauty (AONB), conservation areas and World Heritage Sites.*

The installation of solar Photovoltaic (PV) and thermal hot water panels are permitted development under Part 12 of the Town and County Planning (General Permitted Development) Order 1995, subject to any relevant exception, limitation or condition specified in Schedule 2.

Schedule 2

PART 12 Development by local authorities

Class A

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;
- (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, and similar structures or works required in connection with the operation of any public service administered by them.

Interpretation of Class A

A.1 For the purposes of Class A—

- “urban development corporation” has the same meaning as in Part XVI of the Local Government, Planning and Land Act 1980(urban development).

A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

C. For the purposes of Part 12—

- “local authority” includes a parish or community council.

Planning advice

- Under Part 32 of the Order, solar panels on school, college, university and hospital roofs are considered as an “alteration” of a building. As such, if the panel installation meets all the criteria and conditions, a planning application will not be needed.
- When the local authority owns and runs the school, a planning application for a solar panel will not be needed under Part 12 of the Order.
- Any development within the curtilage of a listed building will not be permitted development and will require an application for planning permission and listed building consent.
- Where there is any doubt as to whether a development would be permitted development, advice from the local planning authority should be sought. To be certain that a proposed development is lawful and does not require an application for planning permission, it is possible to seek **pre-application advice** or to apply for a ‘**Lawful Development Certificate**’ from the local authority. For further information, **please contact the Council Connect on 01225-394041.**

Advice on the need for Planning Permission

<http://www.bathnes.gov.uk/environmentandplanning/planning/planningadviceguidance/Pages/Advice%20on%20the%20need%20for%20Planning%20Permission.aspx>

Pre-application advice

<http://www.bathnes.gov.uk/environmentandplanning/planning/planningadviceguidance/Pages/Pre-application%20Advice.aspx>

Key references:

The Town and Country Planning (General Permitted Development) Order 1995

<http://www.legislation.gov.uk/uksi/1995/418/schedule/2/made>

The Town and Country Planning (General Permitted Development (Amendment) (England) Order 2010.

<http://www.legislation.gov.uk/uksi/2010/654/article/2/made>

Interim Guidance from Communities and Local Government on Amendments to Permitted Development Rights April 2010

http://www.planningportal.gov.uk/uploads/interim-guidance-for-pd-amends_april2010.pdf