EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2025

2025 No. 560

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Matthew Pennycook MP, Minister of State at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Andrew Fay at the Ministry of Housing, Communities and Local Government can be contacted at Andrew.Fay@communities.gov.uk or 0303 444 6808 with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order makes changes to the permitted development rights that support the installation and operation of off-street electric vehicle charging points ("EVCPs"), and of air source heat pumps ("ASHPs") on or within the curtilage of a dwellinghouse or block of flats.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Permitted development rights can play an important role in the planning system. They provide a more streamlined planning process with greater planning certainty. Permitted development rights can incentivise certain types of development and provide flexibilities and planning freedoms to different users, including householders and businesses.

5.2 Permitted development rights are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, ("General Permitted Development Order"). Individual permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

5.3 To meet the government's net zero obligations, the Department for Transport and the Office for Zero Emission Vehicles want to enable the rollout of reliable and comprehensive charging infrastructure for electric vehicles. The government has committed to phasing out new cars that rely solely on internal combustion engines by 2030 and to reach net zero by 2050.

5.4 Separately, ASHPs will be one of the primary low-carbon technologies for decarbonising home heating over the next decade and will play a key role in all pathways to reaching net zero carbon emissions by 2050. ASHPs are three times more efficient than traditional boilers, meaning they reduce household carbon emissions by around 70% – which will increase further as the UK electricity grid continues to decarbonise.

5.5 In November 2023, the Department for Energy Security and Net Zero published an independent review[1] ("independent review") which proposed a number of amendments to the domestic ASHP permitted development right with the aim of supporting the government's heating decarbonisation ambitions; alongside changes to the Microgeneration Certification Scheme ("MCS"), that provides a noise assessment that all permitted development right ASHPs must adhere to. The previous *Microgeneration Installation Standards: MCS 020 - MCS Planning Standard for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises* was subsequently updated 20 March 2025, including separating the ASHP and the wind turbines Planning Standards into separate documents: *MCS 020 a) – Air Source Heat Pump Sound Calculation (For Permitted Development Installations)* and *MCS 020 b) – Wind Turbine Sound Calculation (For Permitted Development Installations).*

5.6 Following the publication of the independent review, the Department for Levelling Up, Housing and Communities (now Ministry of Housing, Communities and Local Government) consulted on amendments to the existing permitted development rights that permit the installation, etc. of off-street parking EVCP infrastructure and ASHPs in February 2024[2].

5.7 The amendments to Class D (*electrical outlet for recharging vehicles*) and Class E (*electrical upstand for recharging vehicles*) of Part 2 and Class G (*installation or alteration etc of air source heat pumps on domestic premises*) of Part 14 of Schedule 2 of the General Permitted Development Order are being brought forward following the outcome of the consultation.

5.8 Article 3 of this Order amends Class D, which allows for the installation, alteration or replacement of a wall mounted electrical outlet in an area lawfully used for off-street parking, such as car parks or the driveway of a home. The right does not apply where an electrical outlet would face onto and be within 2 metres of a highway. This Order

[1] The Department for Energy Security and Net Zero Independent Review, 'Air source heat pump noise emissions, planning guidance and regulations' (2023), Available at: Air source heat pump noise emissions, planning guidance and regulations - GOV.UK

[2] The Department for Levelling Up, Housing and Communities (now The Ministry of Housing, Communities and Local Government) Consultation, 'Changes to various permitted development rights: consultation' (2024), Available at: Changes to various permitted development rights: consultation - GOV.UK

will remove this limit to allow off-street wall mounted electrical outlets to face onto and be within two metres of a highway.

5.9 Article 4 of this Order amends Class E, which allows for the installation, alteration or replacement of an electrical upstand in an area lawfully used for off-street parking for recharging electric vehicles. Currently, the right does not apply where an electrical upstand is within 2 metres of a highway. This Order will remove this limitation. The right also currently limits electrical upstands to a maximum of 1.6 metres in height within the curtilage of a dwellinghouse or a block of flats, or up to 2.3 metres in all other cases. This Order will amend the height restriction to increase the height of electrical upstands from 2.3 metres to 2.7 metres for installations that are not within the curtilage of a dwellinghouse or block of flats.

5.10 Class E will also be amended to allow for the installation of equipment and a unit of equipment housing to support the operation of electrical upstands at ground level of a non-domestic area lawfully used for off-street parking. This will be subject to the following requirements in respect of the unit of equipment housing; that it would result in the presence of no more than one unit of equipment housing within that parking area; that a unit be a maximum size of 29 cubic metres and a maximum height of 3 metres; that a unit is not permitted within 5 metres of a highway, or within 10 metres of the curtilage of a residential development; and that a unit would not be permitted within a site designated as a scheduled monument or within the curtilage of a listed building.

5.11 Article 5 of this Order amends Class G of Part 14, which allows for the installation or alteration etc of ASHPs on domestic premises, which includes a dwellinghouse or block of flats, including on a building within the curtilage of a dwellinghouse or block of flats.

5.12 At present, the right does not allow for any part of the ASHP to be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats. The Order removes this limit.

5.13 The existing right restricts the use of ASHPs to solely heating purposes. It will be amended to allow for cooling and heating, but not solely for cooling purposes. In practice, this will allow for air-to-air heat pumps to benefit from the permitted development right, providing additional consumer choice.

5.14 This Order also increases the size threshold of an ASHP's outdoor compressor unit (including any housing) from 0.6 cubic metres to 1.5 cubic metres, per ASHP, for dwellinghouses only. The independent review noted that by increasing the size of the evaporator, increasing the size of the fan, and lowering the fan speed, an ASHP could run at a lower speed to help minimise noise levels further, without compromising capacity.

5.15 The right also limits the number of ASHPs installed on the same building or within the curtilage of the building or block of flats to one. This order will allow the installation of up to two ASHPs for detached dwellinghouses only, to help meet the needs of larger properties.

5.16 Article 5 also removes "or equivalent standards" in order to provide clarity to installers that the *MCS 020 a) – Air Source Heat Pump Sound Calculation (For Permitted Development Installations)* is the relevant or applicable standard for heat pump installations.

5.17 Article 6 of this Order amends paragraph P of Part 14 (interpretation of Part 14) to make references to the updated MCS Planning Standards.

5.18 Article 7 of this Order provides transitional arrangements to account for the removal of "or equivalent standards" by Article 5.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order amends the General Permitted Development Order to make changes to three permitted development rights including the permitted development rights for off-street electrical outlets and electrical upstands for recharging vehicles, and the permitted development right to install or alter an ASHP on a domestic premises.

Why was this approach taken to change the law?

6.2 This is the most expedient approach to make the necessary changes. All development requires planning permission. A permitted development right is a national grant of planning permission for specified development. Permitted development rights are set out in the General Permitted Development Order. Amendments to the General Permitted Development Order are made via secondary legislation.

7. Consultation

Summary of consultation outcome and methodology

7.1 The statutory instrument measures were part of a broad consultation on changes to permitted development rights which ran from 13 February to 9 April 2024. A total of 1,409 responses were received to the consultation as a whole, from a range of organisations and individuals, including the public, private and charitable sectors. This Order will implement amendments to the proposals relating to EVCPs and ASHPs only.

Electric vehicle charging

7.2 The consultation sought views on allowing off-street wall mounted electrical outlets to face onto and be within 2 metres of the highway (Class D). Respondents were supportive of the proposal and considered that allowing the wall mounted electrical outlets to be placed anywhere within an area lawfully used for off-street parking could encourage households to install EVCPs and use electric vehicles.

7.3 Views were also sought on removing the limit requiring an electrical upstand to be installed within 2 metres of the highway (Class E). This was also considered by respondents to support EV usage. However, concerns were also raised about the positioning of electrical outlets nearer to the highway leading to increased trip hazards. The Highways Act 1980 has provisions in place which address any risks that may be caused by trailing cables. Separately, the Department for Transport will consider the issue of cross pavement solutions in due course.

7.4 The consultation also included a proposal to increase the maximum height of an off-street electrical upstand from 2.3 metres to 2.7 metres, for installations that are not within the curtilage of a dwellinghouse or a block of flats (Class E). Those who supported the proposal said this aligned with the promotion of modern, taller charging points, as was also noted by industry manufacturers in the private sector, separately to the consultation.

7.5 Respondents also supported proposals to allow for the installation of equipment housing, specifically one unit only, in non-domestic car parks (Class E), noting that it would facilitate the rollout of EVCPs as it would support the operation of bigger and

more powerful electric vehicle upstands without the need to submit a planning application. Those who did not support the proposal raised concerns about no longer allowing for individual decisions on planning applications, particularly in relation to amenity impacts.

7.6 The consultation also proposed limits for the size and siting of the unit for equipment housing, namely: a maximum size of 29 cubic metres, a maximum of 3 metres in height, and not permitted within 5 metres of the highway or within 10 metres of the curtilage of residential development. Respondents cited the need to balance the rollout of powerful electric vehicle upstands against protecting local amenity. The proposed limitations on the size and siting will be incorporated to minimise local impacts.

Air source heat pumps

7.7 The consultation also sought views on removing the limit requiring that no part of the ASHP be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats. Those that supported the proposal noted that it would provide increased flexibility to install ASHPs within more restrictive residential plots. Respondents also noted potential visual and noise impacts caused by ASHPs being installed closer to neighbouring boundaries. However, the independent review had considered this limit unnecessary as long as there is an upper noise limit at the nearby receptors (door or window to a habitable room of a neighbouring property). The assessment position for the noise limit, referred to in the MCS Planning Standard, is 1m external to the centre point of any door or window to a habitable room of a neighbouring property. The MCS Planning Standard was also updated in 20 March 2025, including to clarify and provide definitions in relation to habitable rooms, solid barriers and reflective surfaces. Moreover, conditions within the permitted development right, such as, the requirements that the ASHP is, so far as practicable, sited so as to minimise its effect on the amenity of an area and external appearance of the building, are being retained to minimise local impacts.

7.8 The consultation also sought views on increasing the size limit of the ASHPs outdoor compressor unit, which is currently set at 0.6 cubic metres. Prior to consulting, the independent review suggested that larger ASHPs could run at a lower speed to help minimise noise levels without compromising capacity. Those that supported an increase in the size threshold said this aligned with the promotion of quieter and more efficient ASHPs and would facilitate further innovation and improvements. Those that did not support the proposal raised concerns around the visual impacts of siting larger ASHPs, specifically referencing the visual impact on flats where multiple occupancy interests are attached to the same building. Following engagement, it was considered that a 1.5 cubic metre limit would enable the rollout of quieter and more efficient models and enable future innovation. The increase in size will apply to dwellinghouses only. This is due to concerns raised in relation to the potential visual impact of larger ASHPs on flats.

7.9 The consultation also sought views on permitting the installation of two ASHPs per detached dwellinghouse. Although there was support for this proposal, those that did not support it raised concerns relating to the cumulative visual and noise impacts of installing more than one ASHP. However, this proposal was consulted on in the context of being subject to an amended noise assessment methodology being published by the MCS, which would take into account the cumulative noise impacts of installing multiple ASHPs on the same building. This has now been published and the existing conditions around siting are also being retained.

7.10 The consultation sought views on other limitations that could be amended to further support the deployment of ASHPs. A number of respondents suggested facilitating the installation of air-to-air heat pumps (which as standard also provide cooling, and are therefore excluded from the current right). Some raised concerns about additional noise impacts resulting from ASHPs that are used for cooling, however, the MCS Planning Standard also applies to ASHPs that can provide cooling. To provide additional flexibility and consumer choice for homeowners, the Order will permit ASHPs that can also, but not solely, provide cooling. Again, existing conditions around siting are retained further minimising local amenity impacts.

8. Applicable Guidance

8.1 There are no plans to issue specific guidance for this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 Two full Impact Assessments are published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 There are no, or no significant, additional burdens for business, charities or voluntary bodies because the amended permitted development rights are deregulatory in effect, reducing bureaucracy and planning costs.

9.3 For changes to Class D and Class E of Part 2, the main business impacts are providing certain businesses more flexibility to utilise the permitted development rights to install off-street EVCPs and the equipment to support the operation of electrical upstands in non-domestic car parks without a planning application, saving them time and money.

9.4 For changes to Class G of Part 14, the main impact on businesses are to private sector landlords, who will have more flexibility to fit an ASHP without the submission of a planning application. Secondary business benefits include facilitating further ASHP technology innovation, and providing more certainty to the ASHP industry.

9.5 The impact on the public sector is a reduction in administrative cost and time of local planning authorities processing planning applications, where the development would otherwise have come forward through the planning application process. Other benefits include helping local planning authorities achieve their own environmental commitments more cost-effectively. Whilst concerns were raised that the amendments to Class G of Part 14 could result in more noise complaints, evidence suggests this is not the case, and compliance with the MCS Planning Standard is retained.

9.6 The legislation also benefits small or micro businesses, such as some private sector landlords, who will benefit from the increased flexibility to upgrade their housing stock; and car park operators; and indirectly benefit ASHP and EVCP installers (who are often small or micro businesses), as the measures enable and facilitate the scale-up in installations and provide additional certainty in terms of the government's commitment to meeting its net zero obligations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Ministry of Housing, Communities and Local Government will continue to keep permitted development rights under review, with changes made accordingly to ensure intended outcomes are achieved. The Department for Energy Security and Net Zero has ongoing engagement with the energy sector and the Department for Transport with the electric vehicle infrastructure sector. A statutory review clause has therefore not been included for this instrument.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").