# EXPLANATORY MEMORANDUM TO

# THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2026

## 2026 No. 896

## 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 Florence Eshalomi, Minister of State for Housing and Planning 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 Stuart Moseley at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: PDMCorrespondence@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

## 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 installation or alteration etc. of solar equipment and stand-alone solar equipment on domestic premises.

***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, providing flexibilities and planning freedoms to different users, including householders.

5.2 Permitted development rights are set out in Schedule 2 of 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 The government wants to support the generation of clean homegrown power. Plug-in solar panels are a new, easy to install alternative solar photovoltaic (PV) product that will increase consumer choice. Whilst plug-in solar panels may already be permitted under existing permitted development rights (subject to the existing conditions and limitations), the government wants to provide additional planning flexibilities to householders looking to install these products.

5.4 Therefore, this Order amends Class A (*installation or alteration etc of solar equipment on domestic premises*) and Class B (*installation or alteration etc of stand-alone solar equipment on domestic premises*) of Part 14 of Schedule 2 of the General Permitted Development Order.

***What was the previous policy, how is this different?***

5.5 Both Class A and Class B apply to dwellinghouses and blocks of flats. However, this Order focuses on amendments to enable further installations on (or in the curtilage of) dwellinghouses only, with the conditions and limitations that apply to blocks of flats remaining largely unchanged.

5.6 Article 3 of this Order amends Class A. It separates the limitations that apply to installations on a block of flats from those limitations that apply to installations on a dwellinghouse.

5.7 At present, the solar PV or solar thermal equipment cannot protrude from the plane of a wall or pitched roof by more than 0.2 metres. For dwellinghouses only, this Order increases the limit to 0.4 metres from the plane of a wall, balcony or roof enclosure, unless the wall, balcony or roof enclosure abuts on a highway, in which case the 0.2 metre limit is retained. The 0.2 metre limit is also retained for pitched roofs. The increased protrusion limit will allow panels to be installed at the optimum angle for energy generation. The 0.2 metre protrusion limit for installations abutting a highway has been retained to minimise the risk of panels being blown off in high winds onto a highway.

5.8 For both dwellinghouses and blocks of flats, this Order introduces a new limitation restricting the installation of plug-in solar panels on a wooden wall, balcony, enclosure or any part of the exterior of the building which is clad in timber to mitigate the risk of fire spread.

5.9 For both dwellinghouses and blocks of flats, this Order clarifies that the limitation restricting installations on listed buildings applies both to installations on the listed buildings themselves but also to installations on any building within the curtilage of the listed building.

5.10 Article 4 of this Order amends Class B. It separates the limitations that apply to installations within the curtilage of a block of flats from those limitations that apply to installations within the curtilage of a dwellinghouse.

5.11 At present, only one stand-alone solar is permitted within the curtilage of a building. The Order removes this limit for dwellinghouses only so that homeowners can increase their energy generation potential.

5.12 At present, installations are not permitted within 5 metres of the boundary of the curtilage. The Order removes this limit for dwellinghouses only, other than in a World Heritage Site. This provides additional siting flexibilities and will mean those with

smaller outdoor spaces will be able to benefit from the permitted development right. The limitation has been retained in World Heritage Sites to account for the outstanding universal value of such sites.

5.13 At present, no part of the stand-alone solar can exceed 4 metres in height. However, a 2 metre height limit applies in a conservation area if the stand-alone solar would be installed so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway. For dwellinghouses only, this Order introduces two new height limits for stand-alone solar installations. A 2 metre height limit if installed within 5 metres of the boundary of the curtilage and a 1 metre height limit if installed within 5 metres of the boundary of the curtilage and where forward of a wall forming the principal elevation of the dwellinghouse. The new height limits are intended to mitigate the visual and amenity impacts of allowing installations within 5 metres of the boundary of the curtilage where they are likely to be more visible or affect highway visibility splays.

5.14 At present, the surface area of the solar panels forming part of the stand-alone solar cannot exceed 9 square metres and any dimension of its array (including any housing) cannot exceed 3 metres. For dwellinghouses only, the Order removes the 3 metre limit on any dimension of the solar array (including any housing). This facilitates common plug-in solar configurations of 2 metres by 4 metres and 1 metre by 8 metres.

5.15 The Order also introduces a new condition requiring that in the case of stand-alone solar installed within 5 metres of the boundary of the curtilage where any part is installed on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the stand-alone solar on that article 2(3) land. This is intended to mitigate the impacts of removing the limitation restricting installations within 5 metres of the boundary in more historically or visually significant areas.

5.16 For both dwellinghouses and blocks of flats, this Order introduces a new limitation restricting the installation of plug-in solar panels on a wooden fence, gate, wall or other means of enclosure to mitigate the risk of fire spread.

5.17 Article 5 of this Order amends the definition of "solar PV" and inserts new definitions for "roof enclosure", "plug-in solar", "standard plug" and "socket" in Part 14 (*Renewable energy*) paragraph P (*Interpretation of Part 14*).

5.18 The amended "solar PV" definition makes clear that this includes plug-in solar.

5.19 The new definition of "roof enclosure" makes clear that this includes a balustrade, railing, parapet or other enclosure on a roof.

5.20 The new definition of "plug-in solar" makes clear what type of solar panels the new limitations that specify "plug-in solar" apply to.

5.21 The new definitions of "standard plug" and "socket" make clear what those references in the new definition of "plug-in solar" mean.

5.22 Article 6 of this Order provides transitional arrangements to account for any development that was previously permitted under the permitted development rights that no longer is.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 This Order amends the General Permitted Development Order to make changes to two permitted development rights for the installation or alteration etc. of solar equipment or stand-alone solar equipment on 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 These amendments have not been subject to formal consultation in order to expedite their implementation in response to energy price fluctuations caused by the Iran war and to allow households to maximise energy generation potential. We have worked with the Department for Energy Security and Net Zero to draft this instrument.

## 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 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.

***Impact on businesses, charities and voluntary bodies***

9.2 The amended permitted development rights are deregulatory in effect, reducing potential bureaucracy and planning costs that would be expected to deter consumers from using plug-in solar devices in some cases. The net direct benefits traced across 15 years for non-domestic consumers from increasing their take-up across an initial 5-year period are estimated to be approximately £8m.

9.3 The reform will likely reduce the time businesses, charities and voluntary bodies who are interested in using plug-in solar would need to spend establishing how to do so, by averting the potential need to apply for planning permission in some cases.

9.4 Consumers will in some cases need to seek permission from their landlord, freeholder or property management organisation to use plug-in solar devices, implying greater potential administrative costs under the reform. It is expected that these will be minor and form part of routine property management alongside permissions being sought for use of other consumer goods.

9.5 There is expected to be no significant impact on the public sector. It is expected that the number of people who would choose to apply for planning permission to use plug-in solar devices will be small, but in such cases, there would be potential savings in administrative costs for local planning authorities and consumers.

9.6 An Impact Assessment was undertaken for the regulations enabling use of plug-in solar devices in the UK. This included analysis of scenarios with and without reform of permitted development rights and is available here: https://www.gov.uk/government/consultations/plug-in-solar

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The instrument does not include a statutory review clause. The Ministry of Housing, Communities and Local Government will continue to monitor permitted development rights with changes made accordingly to ensure intended outcomes are achieved.

## 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 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").