

DELEGATED DECISION REPORT

HPK/2024/0042
VALID 02/02/2024

FAR WOODSEATS BARN,
FAR WOODSEATS LANE,
CHISWORTH,
DERBYSHIRE, SK13 5RS

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED
INSTALLATION OF A PIPE
ARRAY TO SERVE A GROUND
SOURCE HEAT PUMP
(CERTIFICATE OF
LAWFULNESS – PROPOSED)

MAIN ISSUES

Whether the proposed development amounts to development and, if so, whether the development complies with the relevant parameters under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

DESCRIPTION OF SITE

The application site relates to an agricultural field which lies adjacent to Far Woodseats Barn, which is a recently converted barn. The site lies within the countryside, within the Green Belt.

PROPOSAL

The application seeks a Lawful Development Certificate for the proposed installation of a pipe array to serve a ground source heat pump at Far Woodseats Barn. The array would comprise of three trenches. Each trench would be 1200mm deep, and 900mm wide and would include two pipes being laid in each. The chamber would have a solid base (comprising concrete or MOT 40mm, dependent on ground conditions). The pipes would be surrounded by a layer of soft fill or pea gravel and trenches backfilled.

OFFICER COMMENTS

Observations

The submission suggests that the digging of trenches and the reinstatement of the land back to the original condition would not be an engineering operation and would fall outside of the definition of development as defined by The Town and Country Planning Act 1990 (The Act), suggesting also that the works are temporary.

Section 55 of The Act provides a definition for the meaning of development. This includes, inter alia:

the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land (my emphasis)

The proposal relates to the digging of three trenches. No measurement of the lengths of these trenches have been provided, although they would appear to be in the region of 90-100m in length. The trenches would be 900mm (0.9m) wide and 1200m (1.2m) deep.

The length and depth of the trenches are significant and would the excavation is would more than likely require the use of specialist equipment to carry out the excavation works. The scheme also indicates that concrete may also be laid. Even in the event of the works being carried out by hand, it would remain that the length and depth of the works would be a significant act of excavation.

The overall extent of the works would indicate that the proposals are an engineering operation and therefore an act of development. To reaffirm this Schedule 2, Part 14, Class L of the GPDO, which relates to the installation of ground source heat pumps to non-domestic properties, refers to the “total area of excavation” (not exceeding 0.5ha). This would indicate that excavation in association with the installation of a ground source heat pump is development.

Even if the works are temporary and the land is returned to its former condition, this does not mean that the act of excavation is not an engineering operation.

As the operations are considered to be development it would be necessary to consider whether the proposals are permitted development as detailed in the GPDO.

Schedule 2, Part 14 relates to Renewable Energy. Class C relates to the *installation or alteration etc of ground source heat pumps on domestic premises*. This confirms that the installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or a block of flats would be permitted development.

The operations proposed fall outside of the curtilage of a dwellinghouse and therefore would not be permitted development under this Class.

Class L relates to the *installation or alteration etc of ground source heat pump on non-domestic premises*. This Class confirms that the installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats would be permitted development (subject to some limitations).

The operations proposed would not be within the curtilage of a non-domestic building and therefore would not be permitted development under this Class.

CONCLUSIONS

The proposals contained within the application amount to engineering operations and are an act of development. The proposed operations do not fall within any of the

relevant Classes for Permitted Development as detailed in the GPDO. Therefore the proposals are not permitted development, and it is recommended that the Certificate be refused.

OFFICER RECOMMENDATION: Refuse Certificate

Case Officer: Declan Cleary

Recommendation Date: 30/09/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council