EV Charging Points - Client guide

Insurance risks | Title restrictions | Planning

Will it work?

The leads and plugs for connection to EVs have changed over the years, and also the maximum rate of charging has increased considerably. A current normal domestic charger is expected to supply power at a rate of 7kW but it may be that the electrical wiring of the house may not support this.

In some cases the electricity infrastructure of area or housing estate is not sufficient to power numerous chargers charging at the same time in the same street - so you may not get the charging rate you expect. You should check this with the seller and with a qualified electrician.

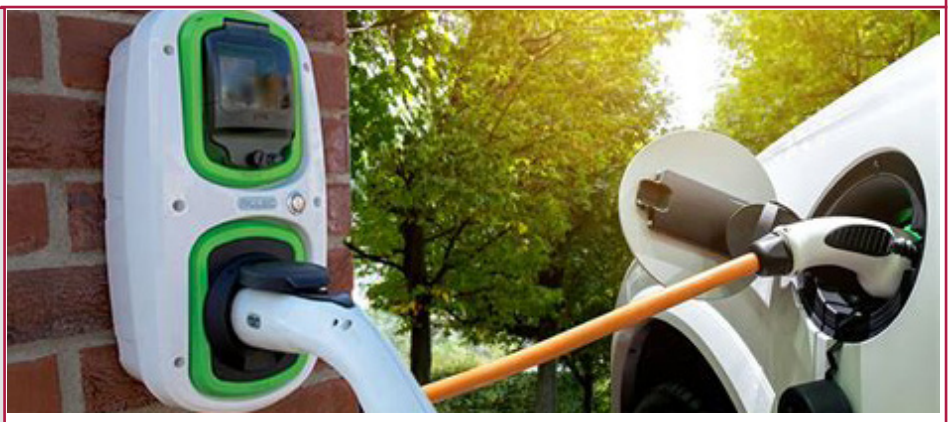
Installed correctly?

EV points need to be installed by a qualified electrician and you will need to check with the seller whether they can supply you with appropriate certificates and guarantees for the installation. All new EV points have to be Smart Chargers allowing you to charge overnight at cheaper rates. You should check whether the EV point supports this. We cannot advise on this and you should check with a qualified electrician.

Electricity supply?

There are many electricity suppliers on the market who offer different prices and sometimes off-peak or overnight charging rates. You need to check this with the seller, and satisfy yourself with the situation.

You should also check with your proposed electricity supplier what arrangements there are for EV off-peak supply agreements. We cannot advise on this.



Buying a property with an EV charging point

If you are buying a property that has an electric vehicle (EV) charging point on it there are a number things you need to think about. The following points will be helpful to you, though we are not able to advise on electricity supply contracts or installation contracts, or guarantees. Please tell us if the property includes an EV point so we can add a clause to the purchase contract to prevent arguments later over whether it was included in the sale.

Is it part of the property - a 'fixture'?

Most EV chargers will be wired into the electricity systems of the property and will be regarded as part of the property you are buying as a 'fixture'. The SDLT/LTT is payable on what you pay for the property and anything attached to it as a 'fixture', so any price you pay the seller for the EV point will need to be added to the price you are paying for the property when calculating the total 'consideration' that you will have to pay Stamp Duty Land Tax or Land Transaction Tax on.

Legal restrictions - freehold properties

In general, you can only install an EV point on property that you own, and not on other people's land, or on common areas. If you tell us that the property has an EV point then as part of our Title Report on the property we will tell you if there are any 'restrictive covenants' on the property you are buying that might prevent you adding an EV to the exterior of the property or any free-standing EV post with an EV charger attached to it.

Legal restrictions - leasehold properties

If the property you are buying is leasehold and the lease is only a lease of the interior of the property it is very likely that you will not be able to attach an EV point to the exterior of the building or any garage without the landlord's consent. The landlord may be entitled to refuse consent and there may nothing you can do about it. Also, you may not be entitled to lay cabling or put an EV post or EV point on any parking space that you enjoy without the landlord's consent.

Insurance & fire risks?

Wires and cables leading to your car can create a trip hazard on your drive or paths that could lead to you being sued if visitors or anyone else trips or falls over them. You should ensure that there is no trip hazard created by the EV point or cables.

You have no legal right to run charging lead wires across a pavement from your house to the road in order to charge your car. As well as creating a risk for pedestrians, the highway authority could take action against you.

In addition, you should check with your proposed house insurer that they are prepared to cover the property with an EV point as they can be a significant fire risk in some situations. The insurance industry body (RISCAuthority) has highlighted a number of issues when installing EV points, including:

- No charging should be undertaken within 10 metres of any combustible materials – be they waste materials, stock, or combustible elements of the structure.
- No charging should be undertaken within 15 metres of hazardous installations such as transformers, flammable liquid stores, and liquefied petroleum gas tanks.
- Locating points away from external building walls where cladding or other flammable decorative elements are located. It is preferable to have chargers close to a structure's non-combustible walls (such as brick or single skin steel).
- Exploring whether chargers could be separated from buildings and structures through the use of a non-flammable enclosure.
- Exploring whether flammable materials, such as shrubbery and other plant life for external areas, or waste storage for internal ones, can be removed from the perimeter around the charger to minimise the risk of fire spreading.
- Ensure the nominated charging area provides suitable space for vehicles to park and connect safely.
- Ensure there is sufficient electrical infrastructure for the electrical supply at the point of installation.
- Consider installing bollards to prevent accidental damage to the charging point

Planning permission needed?

The government introduced 'permitted development rights' or 'PD rights' which allows homeowners to install EV points without a planning application. As such no planning application is required before the installation begins provided it meets the following criteria set out by Schedule 2, Part 2, Class D and E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, there are limitations to these 'PD rights'. These include the following:

When installing an electrical charging outlet (Class D), the outlet and its casing must not:

- Exceed 0.2 cubic metres
- Face onto and be within two metres of a highway
- Be within a site designated as a scheduled monument
- Be within the curtilage of a listed building.

When installing an EV upstand with a mounted electrical charging outlet (Class E), the EV upstand and outlet must not:

- Exceed 2.3 metres in height from the level of the surface used for the parking of vehicles. This limit is 1.6 metres where in the curtilage of a dwellinghouse or block of flats
- Be within two metres of a highway
- Be within a site designated as a scheduled monument
- Be within the curtilage of a listed building
- Result in more than one upstand being provided for each parking space.

For both Class D and E when the electrical outlet is no longer required as a charging point for electric vehicles, the wall (on which the outlet was mounted) or the land (on which the EV upstand was placed) must be returned to its previous condition (prior to the installation being carried out) as soon as possible.

You should check whether the property is in a Conservation Area or in the curtilage of a Listed Building. If in a conservation area or designated heritage site, then permitted development rights may be removed through an 'Article 4 Directive'. Check with your Local Planning Authority whether this applies.

If the work doesn't meet the requirements set out above, then planning permission will be required. Alternatively, if you are unsure whether the EV point is legal you can apply for a lawful development certificate from the local planning authority. We cannot advise on planning matters such as this and you should get advice from a planning consultant or the local planning authority.