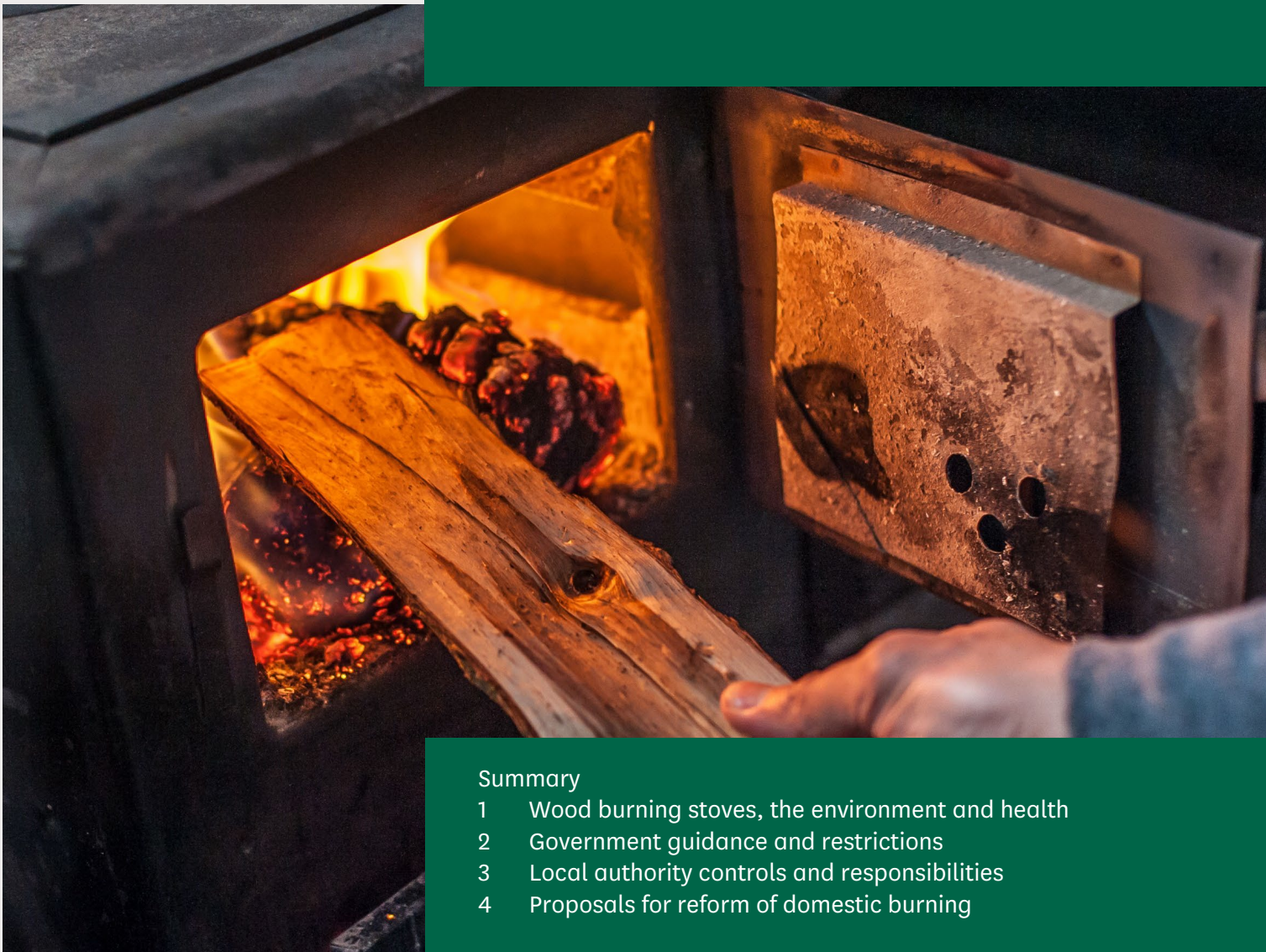


Research Briefing

4 March 2026

By Louise Smith

Controls on domestic wood-burning and solid fuel use in England



Summary

- 1 Wood burning stoves, the environment and health
- 2 Government guidance and restrictions
- 3 Local authority controls and responsibilities
- 4 Proposals for reform of domestic burning

Image Credits

[Adobe Stock image 263105922](#) – Man putting log into wood burning stove by [guruXOX](#) – Adobe Stock (<https://stock.adobe.com/uk/>). Adobe Stock License © 2024 Adobe / image cropped.

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclibraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

Contents

Summary	4
1 Wood burning stoves, the environment and health	7
2 Government guidance and restrictions	10
2.1 Domestic fuel restrictions	11
2.2 Particulate matter targets	12
2.3 Ecodesign requirements	13
2.4 Air quality information	13
3 Local authority controls and responsibilities	14
3.1 Smoke control areas and approved appliances	15
Enforcement of smoke control areas	15
3.2 Statutory nuisance	16
3.3 Private legal action: common law nuisance	17
4 Proposals for reform of domestic burning	18

Summary

Domestic burning of solid fuels such as wood and manufactured fuels is a [significant source of fine particulate matter](#) (PM_{2.5}, tiny particles like dust, soot or dirt), an air pollutant that can be harmful to human health. Domestic burning [accounted for about a fifth of the UK's PM_{2.5} emissions in 2023](#), a share similar to that of road transport, with emissions rising in recent years as wood stove use has increased. This is a cause of concern to the government which has targets to reduce all PM_{2.5} emissions and proposals to [reduce emissions from solid fuel burning](#).

Air quality is a devolved issue and this briefing focuses on England. Further information can also be provided to MPs and their staff on request.

For background information about current air quality standards and targets see Library briefing [Air quality: policies, proposals and concerns](#), March 2025.

Wood burning stoves, the environment and health

Domestic burning of solid fuels has been recognised by the Chief Medical Officer as the [most polluting form of home heating](#). Emissions of PM_{2.5} vary depending on the type of appliance, the fuel used and how well both are maintained. [Modern stoves can emit far fewer particulates](#) than older models and open fireplaces, but they still [generate short-term increases in indoor pollution](#) when lighting, refuelling or removing ash. [Open fireplaces have been found to produce the highest pollution levels](#), increasing exposure to PM_{2.5} by up to seven times compared with modern stoves, while newer designs lessen but do not eliminate emissions.

The [Chief Medical Officer has highlighted the health risks associated with particulate matter](#), noting strong evidence linking long-term exposure to PM_{2.5} with mortality from cardiovascular, respiratory and cerebrovascular diseases. Vulnerable groups such as children, older people and those with existing health conditions are most affected. Air quality campaign groups, such as [Mums for Lungs](#), have also raised concerns about the effects of smoke on daily activities, including people's ability to open windows or use gardens without inhaling neighbouring smoke.

Government guidance and restrictions

Government guidance sets out [steps households can take to reduce emissions](#) from domestic burning. It emphasises regular servicing, chimney sweeping and appropriate maintenance to ensure appliances operate efficiently. It also places particular focus on fuel choice. The “Ready to Burn” certification indicates that wood or manufactured solid fuels contain no more than 20% moisture, making them cleaner and more efficient. Wet or treated wood should not be burned because of the additional pollutants released. The guidance also describes practical ways to identify properly dried wood, such as lower weight, a hollow sound when tapped, loose bark and lighter colour.

[Regulations introduced in 2020](#) restrict the sale of the most polluting fuels in England. Traditional house coal has been phased out, and the sale of wet wood is prohibited in volumes under 2m³. Manufactured solid fuels must meet limits on sulphur content and smoke emissions and require certification demonstrating compliance. Local authorities enforce these requirements and can issue fixed penalty notices or pursue court action.

Particulate matter targets

Under the [Environment Act 2021](#), the government has set statutory long-term targets for PM_{2.5}, including an annual mean concentration limit of 10 micrograms per cubic metre across England by 2040 and a target to reduce population exposure by 35% compared with 2018 levels. Interim targets for 2028 and 2030 have also been established through the [Environmental Improvement Plan](#). The government publishes [daily air pollution forecasts](#) to help people understand local conditions.

Local authority controls and responsibilities

Local authorities [must monitor and assess air quality](#), and must declare an Air Quality Management Area(s) when national objectives are at risk of being exceeded. In these areas, authorities prepare action plans to improve air quality. Councils may also designate smoke control areas under the [Clean Air Act 1993](#). In these areas, only authorised fuels or exempt appliances may be used. Although local authorities can issue financial penalties for breaches, [evidence gathered by campaign groups](#) suggests enforcement can be challenging because officers often need to witness smoke emissions directly.

Aside from smoke control rules, smoke from domestic premises can constitute a statutory nuisance under the [Environmental Protection Act 1990](#) if it is prejudicial to health or a nuisance. Local authorities must investigate complaints and may issue abatement notices requiring the nuisance to stop

or be reduced. Individuals may also bring private legal action for common law nuisance (having sought professional legal advice), seeking remedies such as injunctions or damages.

Proposals for reform of domestic burning

In January 2026, the government and devolved administrations published a [consultation on reducing emissions from solid fuel burning](#). Proposals include new smoke emission limits for appliances, mandatory labelling for appliances and fuels and new health labelling requirements. The [government has also confirmed](#) that wood-burning stoves would continue to be permitted as secondary heating sources under the forthcoming Future Homes Standard (a set of building requirements for new homes).

1 Wood burning stoves, the environment and health

Solid fuels, including wood, coal and manufactured solid fuels, are widely recognised as the most polluting form of domestic heating.¹ People burn solid fuels for many reasons, from aesthetic appeal to practical, environmental or economic considerations.

1 What is particulate matter?

Particulate Matter (PM) is made up of tiny particles in the air like dust, soot or dirt. It is an air pollutant that can be harmful to human health. It is classified by particle size in micrometres (μm), which is normally written after 'PM' as a subscript number (such as $\text{PM}_{2.5}$ or PM_{10}).

The smaller the particle, the deeper it can penetrate into the lungs. Particles larger than $10\ \mu\text{m}$ are mostly trapped in the nose and throat, while particles smaller than $10\ \mu\text{m}$ can reach the lungs.²

In domestic combustion, the majority of PM emissions are fine particles ($\text{PM}_{2.5}$).³

Domestic burning of solid fuels is a significant source of particulate matter pollution. The government has said that in 2023 domestic burning of solid fuels such as wood and manufactured solid fuels accounted for roughly 20% of the UK's total $\text{PM}_{2.5}$ emissions, a share comparable to that of road transport.⁴ Although overall air quality has improved, emissions from domestic burning have increased in recent years as stove use has become more popular. The government has found that emissions of $\text{PM}_{2.5}$ from domestic burning rose 36% from 2009 to 2020, largely due to a rise in emissions from the burning of wood. That government has said that

¹ [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022, pxiv. A manufactured solid fuel is a fuel manufactured from coal, wood, plant-derived materials, waxes or petroleum products with other ingredients, and designed for combustion

² [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022, pxiv

³ HM Government, [Emissions of air pollutants in the UK – Particulate matter \(\$\text{PM}_{10}\$ and \$\text{PM}_{2.5}\$ \)](#), 12 February 2026

⁴ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), 22 January 2026

addressing these emissions is important for protecting public health and reducing the estimated £20 billion annual cost of air pollution to society.⁵

Stove retailers have called the government's figure on the share of PM_{2.5} pollution from domestic burning "misleading". For example, stove retailer Stove Direct argued that modern stoves are far less polluting than older models. It has highlighted that replacing an open fire with a new stove can reduce particulate emissions by 99.7%.⁶

A study from the University of Surrey's Global Centre for Clean Air Research (GCARE) and published in Nature's Scientific Reports, July 2025, found that open fireplaces produced by far the highest pollution levels, increasing exposure to fine particulate matter (PM_{2.5}) by up to seven times compared with modern stoves. Although newer, improved stoves reduced overall emissions, the study found that they still caused sharp increases in indoor pollution during lighting, refuelling, and ash removal. The researchers stated said that their findings indicated that residential wood burning significantly increased short-term exposure to ultra fine particles (particles smaller than PM_{2.5}), PM_{2.5}, black carbon, and carbon monoxide, posing potential health risks.⁷

A 2022 report by the Chief Medical Officer (CMO) highlighted that emissions from solid fuel burning vary greatly depending on the type of appliance, its age and maintenance, and the moisture content of the fuel. Modern, lower-emission stoves and properly seasoned wood can reduce emissions, but not eliminate them. The report noted that wood burning, particularly in urban areas, can significantly worsen local air quality.⁸ The report sets out that short-term exposure to PM_{2.5} is associated with increased cardiovascular, respiratory and cerebrovascular mortality, and there is "strong" evidence linking long-term exposure to PM_{2.5} with mortality.⁹

The UK Government has stated that using a stove or open fire at home is a major contributor of a PM_{2.5} and that "these tiny particles can damage your lungs and other organs and can be harmful to your health".¹⁰ It has said that vulnerable groups, including children, older people, and those with existing health conditions, are most affected.¹¹

The air quality campaign group Mums for Lungs has highlighted the mental health impacts of domestic burning, saying that some people feel unable to

⁵ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), 22 January 2026

⁶ Stoves Direct, [Wood Burning Stoves Facts vs. Fiction](#), 15 May 2024

⁷ Nature Scientific Reports, [Particulate matter exposure from different heating stoves and fuels in UK homes](#), 1 July 2025

⁸ [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022, pxiv

⁹ [Chief Medical Officer's annual report 2022: air pollution](#), 8 December 2022, p5

¹⁰ Department for Environment, For Environment, Food and Rural Affairs, [Air UK burn better guidance](#)

¹¹ Department for Environment, For Environment, Food and Rural Affairs, [Air UK burn better guidance](#)

open windows or sit in their gardens without inhaling smoke from neighbouring homes.¹²

¹² Mums for Lungs, [Wood burning](#), undated

2 Government guidance and restrictions

The government has produced guidance to help mitigate the impact of indoor burning on health: [Burn Better, Breathe Better: Reduce the negative impact your stove or open fire can have on your health](#).

The guidance provides information on steps people can take to reduce environmental impact, protect health, and improve heating efficiency when using a stove or open fire. It sets out how good maintenance and fuel choices are essential. It recommends regular servicing by a certified installer and annual professional chimney sweeping help ensure appliances work efficiently, burn less fuel, and produce fewer harmful emissions. It also suggests how routine upkeep, such as removing ash, checking seals and firebricks, and keeping glass and surfaces clean, supports safer and cleaner operation.¹³

The guidance highlights how the “Ready to Burn” marking scheme helps consumers identify the cleanest fuels. The marking scheme is a UK certification for solid fuels that ensures wood and manufactured fuels have a moisture content of 20% or less, making them legal, cleaner, and more efficient to burn. Wood sold in quantities under 2m³ must have a moisture content of 20% or less. The guidance notes that wet or treated wood should never be burned, as it produces excessive pollution and can be harmful to health. It offers the following guidance on buying and sourcing wood:

If you buy wood in volumes under 2m³, you can check the wood has less than 20% moisture by seeing if it has the 'Ready to Burn' logo.

If you buy wood in volumes over 2m³ or source your own wood, you should:

- Store it in a dry area, allowing the logs to air dry for at least 2 years before burning.
- Use a moisture meter to check that moisture levels are 20% or less before burning.
- Check for signs your wood is ready to burn if you cannot use a moisture meter:
 - Weight – when comparing similar sized logs and the same species, if the log is heavier this can indicate it is still wet.
 - Sound – a hollow sound when tapping indicates dry logs.

¹³ Department for Environment, Food and Rural Affairs, [Burn Better, Breathe Better: Reduce the negative impact your stove or open fire can have on your health](#)

- Cracked ends – can indicate dry logs.
- Bark – the looser the bark the drier the log.
- Colour – dry wood can be lighter in colour.
- Where possible, look for sustainability sourced wood by checking it comes from a sustainably managed woodland that is nearby.
- Do not burn treated wood, such as painted, stained or chemically treated wood (which includes old furniture, pallets and medium density fibreboard). These release dangerous pollutants which could have a serious impact on human health.¹⁴

2.1 Domestic fuel restrictions

The [Air Quality \(Domestic Solid Fuels Standards\) \(England\) Regulations 2020](#) (SI 2020/1095), which apply in England, placed restrictions on the sale of wet wood for domestic burning, limits on the emission of sulphur and smoke from manufactured solid fuels and phased out the sale of bituminous coal (traditional house coal). The regulations provided for a phased approach for restricting the sale of the three fuels listed in these regulations, which are now all in force.¹⁵

The requirements are backed by sanctions, enforced by local authorities. Depending on how severe the offence is this could be:

- a £300 fixed penalty fine (FPN) issued by the local authority
- a more substantial fine issued by the courts¹⁶

For further information about these rules see government guidance, [Selling coal for domestic use in England](#), updated 1 May 2023.

Manufacturers of solid fuels are required to demonstrate their products meet smoke emission and sulphur content standards through a certification scheme. Defra has appointed the non-profit cleaner fuel organisation HETAS to run its [Ready to Burn certification scheme for manufactured solid fuels](#). Manufactured solid fuels have needed to meet certain standards to be listed as Ready to Burn since May 2021.

¹⁴ Department for Environment, Food and Rural Affairs, [Burn Better, Breathe Better: Reduce the negative impact your stove or open fire can have on your health](#)

¹⁵ [Explanatory Memorandum](#) (PDF) to the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020, p3

¹⁶ gov.uk guidance, [Selling coal for domestic use in England](#), updated 1 May 2023

2.2

Particulate matter targets

The [Environment Act 2021](#) required the UK Government to make regulations setting long-term environmental targets for England in a number of areas, including one on air quality. Long-term is defined as for 15 years or more. In addition to this, the act also required a specific target to be set in relation to fine particulate matter (PM_{2.5}), as the government [said this air pollutant caused the greatest harm to human health](#).

Following a [consultation process](#) in 2022, two statutory targets, both of which relate to PM_{2.5}, have now been set in secondary legislation, [The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#) (SI 2023/96). The targets are:

- An annual mean concentration target (AMCT): a target of 10 micrograms per cubic metre (µg m³) to be met across England by 2040.
- A population exposure reduction target (PERT): a 35% reduction in population exposure by 2040 (compared to a base year of 2018).

The statutory targets are supported by non-statutory interim targets and policy. In the 2023 version of the government's [Environmental Improvement Plan](#) (EIP, a cross-government plan to improve the environment in England), interim targets were set for 2028:

By the end of January 2028:

- The highest annual mean concentration in the most recent full calendar year must not exceed 12 µg/m³ of PM_{2.5}.
- Compared to 2018, the reduction in population exposure to PM_{2.5} in the most recent full calendar year must be 22% or greater

In September 2025 the government reported that both of the above interim targets had been met in 2024.¹⁷

The [EIP was revised on 1 December 2025](#) and set interim targets to 2030, replacing the previous interim targets:

- An annual mean concentration target of 10 µg m³ to be achieved by December 2030
- A population exposure reduction target of 30% compared to 2018 to be achieved by December 2030

The long-term statutory targets remain unamended.

¹⁷ HM Government, [Air Pollution in the UK report](#) (PDF), September 2025, p6

The government must also meet PM_{2.5} air quality targets set in relation to international agreements and targets agreed when the UK was an EU member state. Further information about these targets is provided in the sections 2.1 and 2.2 of the Library briefing [Air quality: policies, proposals and concerns](#), 8 December, 2025. The government's [Air Pollution in the UK report](#) (PDF), September 2025, noted that it was meeting its targets for all of these commitments.

2.3 Ecodesign requirements

Ecodesign rules come from a framework originally established under the EU's [Ecodesign Directive](#) and carried forward in England, Scotland and Wales through the [Ecodesign for Energy-Related Products Regulations 2010](#). These rules set minimum energy and environmental performance standards for energy-related products, including solid-fuel-burning appliances such as wood-burning stoves.

Ecodesign standards apply at the point of manufacture or sale, rather than to how a stove is used. Their purpose is to reduce emissions at source by ensuring all new appliances placed on the market already meet a cleaner baseline. The energy-related products covered by the regime are listed in schedule 1 to the 2010 Regulations, which has been updated several times to reflect new products and standards.

2.4 Air quality information

The government publishes an [air pollution forecast and a daily air pollution index](#), a tool which allows people to view air pollution levels in their local area. The tool also provides recommended actions and health advice based on the forecast.

The government commissioned a report on this tool by the Air Quality Information System steering group, a group of external multi-disciplinary experts. The group's report was [published in March 2025](#). It recommended that the government should develop a communications strategy to help the public understand air pollution, including what the government and public bodies are doing about it, and what individuals can do to protect their health and reduce their own impact.¹⁸ The government has not responded directly to the recommendations.

¹⁸ [Report from the Air Quality Information System review](#) (PDF) to the Department for Environment, Food and Rural Affairs and UK Health Security Agency, 2024, p5

3

Local authority controls and responsibilities

Part IV of the [Environment Act 1995](#) requires local authorities to regularly review and assess air quality within their areas. This involves comparing the measured or predicted pollutant levels against national air quality standards and objectives prescribed in regulations for the purpose of local air quality management. The schedule of the [Air Quality \(England\) Regulations 2000](#), as amended, sets air quality objectives that are applicable to local air quality management in England.

Local air quality management (LAQM) is a statutory process through which local authorities monitor, assess, and act to improve local air quality, as set by the [Environment Act 1995](#).

Under LAQM local authorities are required to submit an annual status report (ASR) each year, including monitoring data, to the Secretary of State (or, if within Greater London, to the Mayor of London). The ASR aims to report on progress in meeting air quality objectives and identify new or changing sources of emissions. The ASR should be made available to the public, typically on the relevant local authority's website.¹⁹

If the ASR identifies a possibility that an air quality threshold is or will be exceeded at a relevant location, the local authority must declare an air quality management area (AQMA). An AQMA is an area where local air quality is unlikely to meet the government's national air quality objectives. Once an AQMA has been designated, an Air Quality Action Plan (AQAP) should be prepared within 18 months following the designation date. An AQAP should set out specific, measurable actions a local authority will take to reduce harmful pollution concentrations. Progress on the AQAP should be included in the ASR.²⁰

Authorities that have not had to designate AQMAs and produce AQAPs are required to draw up a Local Air Quality Strategy (LAQS). The aim of LAQSs is to encourage local authorities to consider preventing and reducing polluting activities rather than only taking steps to reduce air pollution once exceedances have been identified.²¹

¹⁹ HM Government, [Local Air Quality Management Technical Guidance \(TG22\)](#) (PDF), May 2025

²⁰ HM Government, [Local Air Quality Management Technical Guidance \(TG22\)](#) (PDF), May 2025

²¹ HM Government, [Local Air Quality Management Technical Guidance \(TG22\)](#) (PDF), May 2025

Most LAQM monitoring will focus on NO₂ and particulate matter (PM₁₀ and PM_{2.5}). Monitoring of other pollutants will normally only be required if an assessment indicates a potential risk to compliance.²²

For further information about the air quality standards and LAQM duties see Library briefing, [Local government air quality responsibilities](#), January 2025.

Local authorities have several powers to control what is burnt and where within their areas. The rules are set out below.

3.1 Smoke control areas and approved appliances

The [Clean Air Act 1993](#) provides for restrictions that local authorities in England can choose to put in place to abate air pollution. Part III of this Act allows local authorities to make smoke control areas. In a smoke control area a person can only burn fuel on the government's [list of authorised fuels](#), or a specified “smokeless” fuel (anthracite, semi-anthracite, gas and low volatile steam coal), unless they are using an “exempt” appliance (as listed on the [Department for Environment, Food and Rural Affairs \(Defra\) website](#)). A Defra exempt appliance may not emit more than 5 grams (g) of smoke per hour plus 0.1g per 0.3 kW (kilowatt) of output of operation. The limit comes from [British Standard PD 6434:1969](#).

The Clean Air Act provides for a power for local authorities to designate smoke control areas, but it is not a duty; local authorities are not obliged to designate such areas. Smoke control areas can cover the entirety of a council area or just defined parts of it. Defra produces an [interactive map of smoke control areas](#).

If someone breaches the smoke control area restrictions local authorities can impose a financial penalty (a civil sanction) ranging from a minimum of £175 to a maximum of £300. The civil penalty provisions are set out in Schedule 1A to the Clean Air Act. For further information see government guidance, [Smoke control area enforcement: local authorities in England](#), May 2022.

Enforcement of smoke control areas

In December 2024 the Guardian online reported that only four fines out of 5,600 complaints have been issued for illegal burning of wood in smoke-control areas from September 2023 to August 2024 in England. The information was obtained by responses to freedom of information requests submitted by the air quality campaign group Mums for Lungs.²³ The responses to the FOI requests [can be viewed here](#).

²² HM Government, [Local Air Quality Management Technical Guidance \(TG22\)](#) (PDF), May 2025

²³ The Guardian online, [“Just four fines issued for wood-burning complaints in a year in England”](#), 19 December 2024

Similarly, in 2022 the specialist environment publication, ENDSReport collected data from freedom of information requests sent to local authorities in England to ask about the number of smoke control area complaints recorded and the number of fines issued over the past five years. The article said that while over 18,000 complaints had been recorded, no fines had been issued.

The ENDS article also provided the views of a local government air quality officer who explained that enforcement is difficult because officers must directly observe smoke coming from a chimney, yet this often happens at night when it cannot be witnessed. Even when smoke is observed, officers would then need to enter the property to check whether the household is using an unauthorised fuel or a non-exempt appliance. The officer said this process is time-consuming, and environmental health teams have limited capacity, making it very hard in practice for local authorities to prove a breach of the law.²⁴

The government has said that it does not hold a centralised record of fines or criminal records related to burning solid fuels, including wood.²⁵

3.2 Statutory nuisance

Smoke can be a type of statutory nuisance by virtue of the [Environmental Protection Act 1990](#) (EPA), as amended. The EPA specifies 11 different categories of statutory nuisance, which includes:

- smoke emitted from premises so as to be prejudicial to health or a nuisance
- fumes or gases emitted from premises so as to be prejudicial to health or a nuisance

Under Section 79 of the EPA, a local authority must take all reasonable steps to investigate a complaint. The most common course of action for someone to take against a statutory nuisance is to bring a complaint under the EPA to the environmental control team of the relevant local authority.

If the smoke is found by the local authority to be a statutory nuisance then, in the first instance, it would normally serve an abatement notice requiring the offender to reduce or stop the nuisance. If the abatement notice is not adhered to, then (on summary conviction in the magistrates' court), the penalty for a person committing the offence will depend on where it occurs:

²⁴ ENDSReport, "[Pathetic: No smoke pollution fines issued despite thousands of complaints, data shows](#)", 18 November 2022 [subscription required]

²⁵ [Wood-burning Stoves: Prosecutions](#), UIN 58050, answered on 26 June 2025

- On industrial, trade or business premises it is an unlimited fine.
- For other premises, it is an unlimited fine, together with a further daily fine of one-tenth of the greater of £5,000 or level 4 (£2,500) on the standard scale for each day on which the offence continues after the conviction.

It may constitute a defence under section 80 of the EPA against action by a local authority if steps have been taken to mitigate the nuisance, using what is known as the “best practicable means.”, as explained in government guidance, [Statutory nuisances: how councils deal with complaints](#) (in England).

If, for whatever reason, the local authority does not act, or if someone does not want to involve them, then they can complain about statutory nuisance directly to the magistrate’s court under section 82 of the EPA. Again, the magistrates’ court will need to be persuaded that the problem amounts to a “statutory nuisance”. If the court finds that there is a statutory nuisance, the court will issue an order telling the offender to stop the nuisance and what they must do to achieve this. The court may also give the offender a fine. Anyone considering legal action should seek professional legal advice. The Library briefing [Legal help: where to go and how to pay](#), August 2025, may be of help here.

If a someone is unhappy with the way that a local authority has investigated a statutory nuisance issue, then it may be possible to take a case to the Local Government and Social Care Ombudsman. A complainant would normally need to have followed through and exhausted the council in question’s own complaints procedures first before this can be done. For further information on what can and cannot be investigated and what the Ombudsman can do, see the Local Government and Social Care Ombudsman webpage on [Nuisance from dust or smoke](#), July 2024.

3.3 Private legal action: common law nuisance

Depending on the circumstances, smoke can be considered a type of common law nuisance which can be pursued by bringing a civil legal action. Professional legal advice, for which there is likely to be a fee, should be sought if this is the case. The Library briefing [Legal help: where to go and how to pay](#) (August 2025) may be of help. Remedies in common law nuisance include injunctions to stop the nuisance and/or damages (compensation).²⁶

²⁶ Practical Law briefing, [Common Law Nuisance](#), (maintained resource), subscription required

4

Proposals for reform of domestic burning

In January 2026 the government published [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#). It closes on 19 March 2026.

Proposals from the consultation include:

- New solid fuel appliance emission limits: introducing a new smoke emission limit of 1 gram (g) of smoke per hour of operation for new solid fuel appliances. The limit would increase by 0.1g for every extra 0.3 kilowatts (KW) of power the appliance has. The current limit is 5 grams per hour (plus 0.1g per 0.3 kW of output) of operation.²⁷

The new smoke emission limit would apply to “closed fronted solid fuel local space heaters” (a heating appliance, for example, a wood burner or stove designed to burn solid fuels like wood or pellets, featuring doors that seal the firebed from the room), and “open fronted solid fuel local space heaters” (a heating device that burns solid fuels, like wood or coal, where the fire bed and combustion gases are not sealed from the room).

The government has said that industry testing data suggested that 70% of stoves tested since 2018 would meet this new standard. To allow industry time to adapt the government has proposed deferring the new standard coming into force for 3-5 years from the date new legislation is made.²⁸ The government proposes to apply this new emission limit across Great Britain only. In Northern Ireland, the new limits would apply in Smoke Control Areas, as declared by district councils.²⁹

- New mandatory labelling scheme for solid fuel appliances: The new label would be displayed alongside the existing energy efficiency label and include a rating scale feature reflecting the measured emissions of the product and the fuels for which its use has been tested.

²⁷ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), 22 January 2026, p12

²⁸ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), January 2026, p12

²⁹ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), January 2026, p12

- New mandatory health labelling for fuels, to be developed with the industry.

It is a joint consultation from the UK Government, the Scottish Government, the Welsh Government and the Department for the Economy and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland. It states that the UK and devolved governments are looking to take forward some of the policy options in this document on a UK-wide basis; “however, we expect that some proposals may apply in England only and not throughout the whole of the UK. In some cases, the territorial application will be determined at a later stage in keeping with devolved legislation.”³⁰

The previous government [began work on a Future Homes Standard](#) (a set of building requirements for new builds) to improve energy efficiency and reduce carbon emissions in new homes and non-domestic buildings. This work is continuing. In February 2025, the Stove Industry Association (SIA, the UK trade association for the solid fuel stove sector) sought clarification on whether wood burners would remain permitted under the new standard. The government replied to the SIA to confirm that they would remain permitted as a secondary heat source:

“...the Government is currently working towards setting a new standard which will be called the Future Homes Standard and will ensure that its new homes are zero carbon ready... Under the standards proposed in the consultation, a wood burning stove would be permitted as a secondary heating source in new homes.”³¹

The government stated in December 2025 that the Future Homes Standard would be delivered “in the coming months.”³²

³⁰ HM Government, [Consultation on solid fuel burning - taking action to reduce fine particulate matter and smoke emissions](#), January 2026, p4

³¹ Stove Industry Association, [Government confirms that proposed Future Homes Standard will permit wood burning stoves](#), 24 April 2025

³² [Housing: Construction, UIN 95300](#), answered on 9 December 2025

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)