
2024/0922

Palmer Construction Ltd

Synergy House, Pontefract Road, Hoyle Mill, Barnsley, S71 1JA

Certificate of lawfulness for proposed installation of solar panels to roof.

Site Description

The application relates to single storey office building on the north-west side of Pontefract Road and in an area that is a mix of similar commercial uses, and residential uses. The building has a pitched roof with its southern slope facing the highway.



Planning History

There are four previous planning applications associated with this site.

1. B/90/1994/BA – Erection of office building for Dial-a-Ride Community Transport. – Approved.
2. B/91/0462/BA – Planning permission approved on 26th April 1991 for the erection of office building for Dial-A-Ride Community Transport. – Approved.
3. B/91/1343/BA – Erection of bunded storage tank. – Approved.
4. 2014/0671 – Siting of modular office building. – Approved.

Proposed Development

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that the proposed works comply with the requirements of Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 as amended, and therefore do not require planning permission. It is proposed that two grids of twenty-four in-line solar panels and one isolated solar panel will be installed on the south-east facing roof slope, covering an area of approximately 79m².

Policy Context

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 as amended, permits the installation or alteration etc of solar equipment on non-domestic premises. Within this are the following categories:

Permitted development

J. The installation, alteration or replacement of—

(a) microgeneration solar thermal equipment on a building;

(b) microgeneration solar PV equipment on a building; or

(c) other solar PV equipment on the roof of a building,

other than a dwellinghouse or a block of flats.

‘Microgeneration’ has the same meaning as in section 82(6) of the Energy Act 2004 and covers all solar PV equipment with a capacity of which to generate electricity that does not exceed 50 kilowatts. The proposal would not result in a maximum total electricity generation capacity of more than 50 kilowatts and is therefore considered to fall under category *J(b) microgeneration solar PV equipment on a building*.

Development not permitted

J.1 Development is not permitted by Class J if –

- a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;*
- b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);*
- c) the solar PV equipment or solar thermal equipment would be installed [F1on a roof and] within 1 metre of the external edge of that roof;*
- d)*
- e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or*
- f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.*

J.2 Development is not permitted by Class J(a) or (b) if –

- a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;*
- b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or*
- c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.*

Conditions

J.4 – (1) Class J development is permitted subject to the following conditions –

- a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and*
- b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.*

Conditions J.4(2) – J.4(12) relate to Class J(c) development and are therefore not relevant to this application.

Consultations

No consultees were consulted on this application.

Representations

No neighbours were consulted on this application.

Assessment

Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 as amended, permits the installation or alteration etc of solar equipment on non-domestic premises, and Class J(b) specifically permits the installation of microgeneration solar PV equipment on a building, if the relevant criteria and conditions are complied with.

Having checked these specifications, the proposed development will comply with the legislation and requirements for permitted development and therefore, the Certificate of Lawful Development should be granted.

**Recommendation -
Approve**