

2025/0114

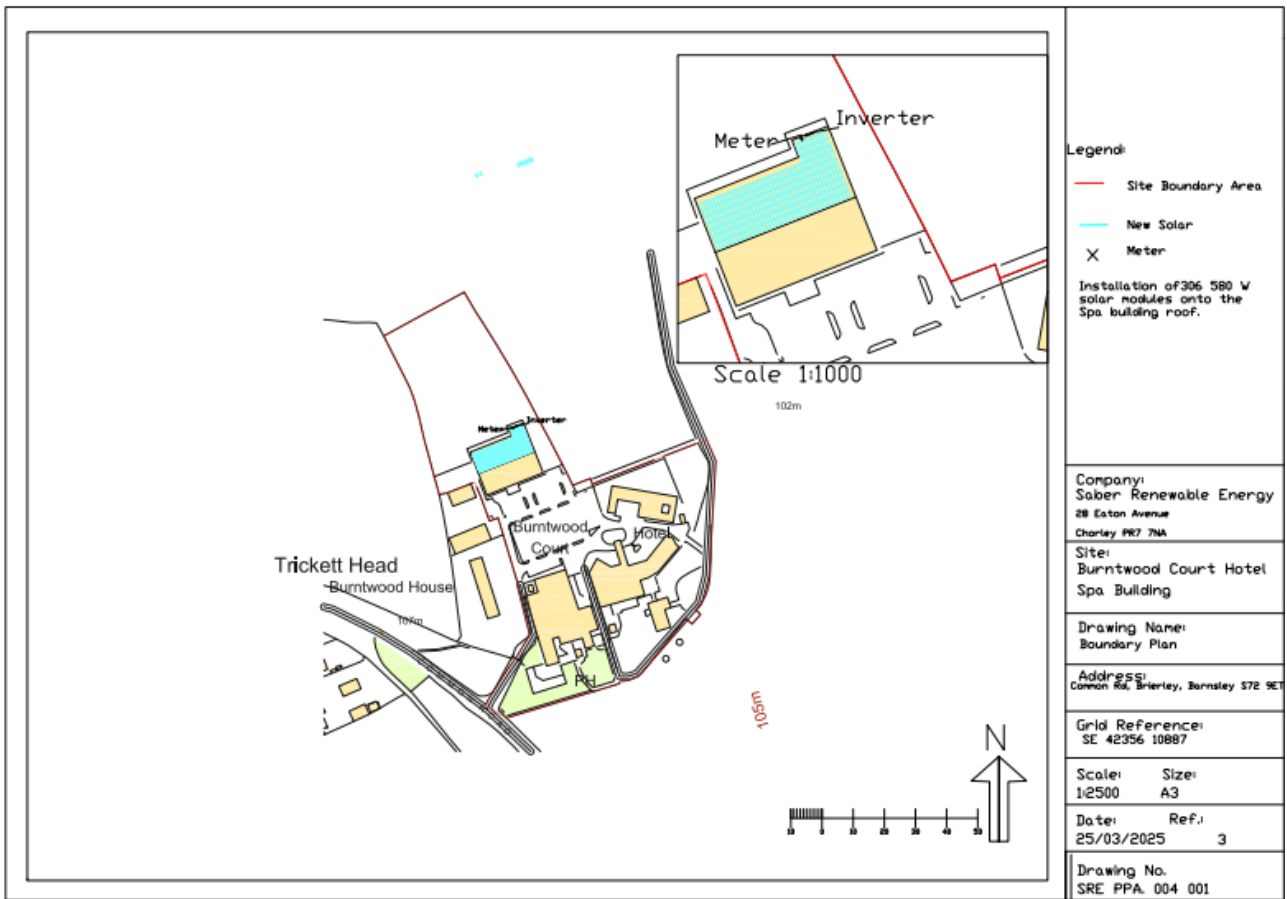
Mr Michael St Pierre

Burntwood Sports and Leisure Centre, Common Road, Brierley, Barnsley, S72 9ET

Installation of solar PV on non-domestic building (Prior Approval).

Site Description

The application relates to a two-storey pitched roof building located to the north within the Burntwood Court, Hotel, Spa and Fitness complex. The building is used as a Sports and Leisure Centre which comprises a health and fitness and spa offering. The complex is accessed off Common Road to the south-west and is located within the Green Belt.



Planning History

There is an extensive planning history associated with the complex. However, the most recent and relevant application is:

1. B/05/0397/HR – Erection of Health and Leisure Centre. – Approved.

Proposed Development

This application has been submitted under Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

The installation, alteration or replacement of other solar PV equipment on the roof of a building is permitted development under Class J(c), Part 14 of Schedule 2 of the GPDO subject to condition J.4(2), which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required.

The application shows that 306no. solar PV panels would be installed on the northern roof slope of the application building with an electricity generation capacity of 178KW.

Policy Context

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 result in a total electricity generation capacity of more than 50 kilowatts and is therefore considered to fall under category *J(c) other solar PV equipment on the roof of 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.*

As this application falls under Class J(c), paragraph J.2 is not relevant to this application.

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.*

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that 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**