

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0853-25 **Applicant:** Crowland Methodist Church

Proposal: Installation of solar panels

Location: Crowland Methodist Church Reform Street Crowland

Terminal Date: 17th November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for the installation of solar panels on the roof of Crowland Methodist Church. Consent is sought under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site comprises Crowland Methodist Church, which is located to the east of Reform Street within Crowland. The church is a relatively large brickwork building that was constructed in 1915. The church is not a listed building; however, is considered to be a non-designated heritage asset and does lie within a Conservation Area.

Relevant Planning History

H02-0888-93: (Full Application) Construction of car parking area - approved 27 October 1993

H02-0979-93: (Discharge of Conditions) Details of materials (Butterley Charnwood Natural) (Condition 2 of application H02/0888/93) - approved 27 October 1993

H02-0964-93: (Discharge of Conditions) Details of landscaping (Condition 3 of application

H02/0407/93) - approved 24 November 1993

H02-0166-00: (Full Application) Erection of shed - approved 29 March 2000

H02-0219-16: (Full Application) Proposed replacement front doors to Church building - approved 05 May 2016

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development. Notwithstanding this, a site notice has been displayed for 21 days. No public representations have been received.

Key Planning Considerations

Assessment

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed development would be lawful.

The proposed works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they involve building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

According to the application form, the applicant considers that the proposals would be permitted development as allowed for under Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).

The planning history of the site was reviewed. Permitted development rights have not been removed by any previous permissions.

Class J allows for the following:

*"Class J - installation or alteration etc of solar equipment on non-domestic premises
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."

The GPDO defines "microgeneration" as having the same meaning as in section 82(6) of the Energy Act 2004. This Act sets out that microgeneration equipment does not have a capacity of more than 50 kilowatts (kW) in terms of electricity generation. According to the submitted information, the proposal solar equipment would have a capacity on 13.050kW. Therefore, the proposal is considered to fall under part a, as referenced above.

Class J.1 sets out that development is not permitted under certain circumstances. The proposals are assessed against these criteria below:

"(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;"

The applicant has confirmed that the solar PV equipment would not protrude more than 0.2 metres beyond the plan 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);"

The equipment is not proposed to be installed on a flat roof and as such, part b is not applicable.

"(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;"

The applicant has confirmed that the solar panels would not be installed within 1 metre of the edge of the roof.

Part d has been removed.

"(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or"

The site is not within a scheduled monument.

"(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."

The site does not feature a listed building.

Part J.2 sets out that 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"

The equipment would not be installed on a wall and as such, parts a and b are not relevant.

"(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."

The site is within a Conservation Area and as such, the site comprises article 2(3) land. The solar panels are proposed on the southern roof slope of the building and this roof slope does not face onto the highway.

Part J.4 sets out the conditions that apply to Class J. Development is permitted subject to the following:

"(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."

The panels are proposed on the south-facing roof slope of the building. Although the building is relatively large and one of the tallest buildings within the immediate area, the southern roof slope is partially screened from view from the street scene along Reform Street due to the location of existing buildings to the south of the site. The panels would be visible from Hereward Way, which is located to the east of the site. Whilst the panels would be visible, it is not considered that their visual impact would be adverse or unacceptable. As such, it is considered that the proposals would accord with parts a and b.

Part J.4(2) Class J(c) development is permitted provided an application is submitted to the local planning authority to determine whether the prior approval of the authority will be required. As the proposal is considered to fall under the category of J(a), such an application is not required in this instance.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

It is considered that the proposed development would be permitted development, and that a certificate of lawfulness should be issued under S192 of the Town and Country Planning Act, 1990.

Recommendation

A certificate of lawfulness should be issued under S192 of the Town and Country Planning Act, 1990.