DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0371-25**	**Applicant:**	**Mr Woodrow**
Proposal:	Installation of 976kWp roof-mounted PV system		
Location:	Long Lane Moulton Spalding		
Terminal Date:	11th June 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	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks to establish if prior approval is required for the installation of solar photovoltaics (PV) equipment on the roof of an onion drying / conditioning building located at Moulton Bulb Company, Long Lane, Moulton.

Permitted development rights for PV panels on the roofs of non-domestic buildings are set out within Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). One of the requirements of Class J is for the developer to submit an application to the relevant local planning authority to establish if prior approval is required for the proposed development. The current application has therefore been submitted to fulfil this requirement.

Relevant Planning History

The following applications relate to the building where the solar panels are proposed to be located:

H13-1593-05: (Full Application) Proposed extension to factory - approved 23 January 2006

H13-1260-08: (Full Application) Proposed onion store (including concrete apron) - approved 01 May 2009

H13-1018-08: (Full Application) Change of use of land for storage purposes in conjunction with existing onion storing and grading business including construction of hardstanding (retrospective) - approved 01 May 2009

H13-0526-15: (Prior Approval) Installation and operation of a 858.585kW rooftop mounted solar PV system- approved 21 July 2015

H13-1177-19: (Hazardous Substance Application) Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - approved 13 May 2020

H13-0010-20: (Full Application) Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - approved 13 May 2020

H13-0959-23: (Full Application) Erection of Onion Drying/Conditioning Store to replace previously approved H13-0092-21 - approved 27 February 2024

Consultation

Although not specifically required under Class J, the following consultees have been consulted on the proposals. A site notice was also displayed next to the site for at least 21 days. No responses from members of the public were received.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Planning Assessment

Whether the proposal is permitted development

The application is a prior notification application submitted under Schedule 2, Part 14, Class J of the GPDO.

Class J states that development consisting of the following is permitted:

"The installation, alteration or replacement ofâ??
(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"

This is subject to restrictions which are set out under Section J.1 parts (a) to (f). The proposed panels would not exceed any of these limitations, as set out 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 panels are proposed to be installed on a pitched roof, however, the application form indicates that the panels would not protrude more than 0.2m beyond the plane of the roof slope. As such, the proposals would accord with part a.

"(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);"

As set out above, the panels are proposed on a pitched roof rather than a flat roof and as such part b is not relevant in this case.

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

According to the application form, the panels would not be within 1m of the external edge of the roof. The submitted plans also appear to demonstrate this. As such, the proposal would accord with part c.

"(d). . . . . ."

Part d has been deleted.

"(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 a scheduled ancient 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."

There are no listed buildings on the site.

Restrictions are also set out under Section J.2 parts (a) to (c). The panels are proposed on a roof rather than on a wall and as such part a, b and c are not relevant.

The proposed building therefore accords with Class J and is considered to comprise permitted development. It is however also necessary to consider whether the proposed solar panels meet the condition of Class J.

Whether the proposal meets the conditions of Class J

Section J.4 set out the conditions that must be met for development to be permitted under Class A. Some of the conditions are not relevant to the current proposals, however, the proposed building meets the relevant conditions set out in parts (1) to (12). This is summarised below.

"(1) Class J development is permitted subject to the following conditionsâ??
(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 solar panels are proposed to be located on both side of the roof on the building, spanning the total length of the building. The building is approximately 130m from the rear garden boundaries of the nearest dwellings, which are located on Broad Lane. There is some screening around the building included trees to the north and buildings to the south and south-east. The building is therefore not particularly prominent within the surrounding area and the building features a relatively simple and utilitarian design. The proposed solar panels would not have an adverse impact on the visual appearance of the building.

"(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."

The building is approximately 130m from the rear garden boundaries of the nearest dwellings, which are located on Broad Lane. It is not considered that the prior approval of the local authority is required in terms of the impact of glare on the occupiers of the nearest dwellings due to the distance between the building and the dwellings. The other nearest buildings are located to the south and south-east of the site and these buildings form part of the Moulton Bulb Company. The proposed solar panels should not result in an unacceptable degree of glare on the other buildings within the site.

"(3) The application must be accompanied byâ??

(a) a written description of the proposed development;
(b) a plan indicating the site and showing the proposed development;
(c) the developer's contact address; and
(d) the developer's email address if the developer is content to receive communications electronically;
together with any fee required to be paid."

The above referenced criteria have been addressed.

"(4) The local planning authority may refuse an application where, in the opinion of the authorityâ??
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
any conditions, limitations or restrictions specified in Class J applicable to the development in question."

Sufficient information has been provided.

"(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(6) The local planning authority must give notice of the proposed developmentâ??
(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice whichâ??
(i) describes the proposed development;
(ii) provides the address of the proposed development;
(iii) specifies the date by which representations are to be received by the local planning authority; or
(b) by serving a notice in that form on any adjoining owner or occupier."

A site notice was displayed on 12 May 2025 next to the site.

"(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application."

Sufficient information has been provided.

"(8) The local planning authority must, when determining an applicationâ??
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application."

No representations have been received during the determination of the application.

"(9) The development must not begin before the occurrence of one of the followingâ??
(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
(c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried outâ??
(a) where prior approval is required, in accordance with the details approved by the local planning authority;
(b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3),
unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded."

Summary

To summarise, the proposed solar panels would be located on the roof slopes of an onion drying / conditioning store located within the Mouton Bulb Company site at Long Lane, Moulton. The proposed solar panels are considered to be acceptable in terms of their visual impact and the solar panels would also not result in an unacceptable degree of glare.

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.

Having assessed the proposal against Class A of Part 6 Schedule 2, the proposal would represent permitted development and in addition, the proposal would not require prior approval for the visual impact of the solar panels or the impact of glare on neighbouring land.

Recommendation

Prior approval is not required.