

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0593-20 **Applicant:** Jack Buck (Farms) Ltd.
Proposal: Proposed roof mounted solar panels
Location: Jack Bucks Farm Green Lane Moulton Seas End
Terminal Date: 14th September 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a prior approval application for proposed roof mounted solar panels at Jack Buck Farms, Green Lane, Moulton Seas End, Spalding.

The proposed solar panels will be on the rooftop of the approved outbuilding used for celeriac grading (application ref. H13-1070-18).

Site Description

Jack Buck Farms is a well-established agricultural holding where vegetable and flower crops are grown. The site is located a few metres out of the built-up area of Moulton Seas End. It is on land designated as countryside as per the South East Lincolnshire Local Plan (SELLP), 2019. Jack Buck Farms comprises of farm land and agricultural outbuildings, all of them ancillary to the agricultural business, in addition to hardstanding area for easing the parking and movement of motor vehicles.

The nearest residential properties to the building where proposed solar panels will be installed (No. 1 and 3 Green Lane) are approximately between 70 and 78 metres away to the east. Agricultural land will be adjacent to the north and west. The remainder of agricultural building of the building

extend to the south with Green Lane abutting on the east.

Other roof mounted solar panels have been observed on the top of some of the existing premises within the farm holding.

History

H13-1070-18 - Full - Proposed celeriac grading building - Approved

Consultation Responses

None.

Planning Considerations

Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out the permitted development rights which pertain to the installation or alteration of solar equipment on non-domestic premises.

Development permitted by Class J of Part 14 of Schedule 2 is "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."

Article J.1 states that "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 within 1 metre of the external edge of that roof;"

The proposed solar panels would be installed on both roof slopes of a dual pitched building. Their maximum protrusion from the roof slope will be 0.2 metres (expressed as 200mm on the Dwg. No. 69-00093-P04-RE01). All panels will be at least set back 1.46 metres from the external edge of the roof.

Article J.2 is disregarded as it set out requirements for solar equipment installed on the walls of a building which is not this case.

Article J.3 laid down that "development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt". The proposed solar energy equipment would not exceed such amount of energy power as indicated in the application form.

Article J.4(1) set out that the permitted solar 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 should be also "removed as soon as reasonably practicable when no longer needed".

The installation of the solar panels as proposed is deemed to be acceptable as to the impact upon the character of the local area. The rural location does not benefit from any landscape designation neither the agricultural land in the surroundings in terms of biodiversity. No heritage asset in the area neither Conservation Area nearby. In view of that, the proposed solar panels will not protrude excessively and therefore no adverse cumulative impact is anticipated having regard to other similar panels within the agricultural holding.

Conclusion

Taking into account the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) along with an assessment of the documents submitted as part of the application, the prior approval of the Local Planning Authority is not

required in this instance and it is considered that the development can proceed conditionally on the basis of the submitted plans and application form.

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.