DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0966-23**	**Applicant:**	**Larkfleet Group Ltd.**
Proposal:	Proposed roof mounted solar panels		
Location:	Castlebuild Scaffolding Holbeach Road Spalding		
Terminal Date:	26th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

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

Class J, Part 14 of the General Permitted Development Order (2015) (as amended)

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a prior approval application for the proposed installation of roof mounted solar panels at Castlebuild Scaffolding, Holbeach Road, Spalding. Sixteen panels will be sited on the south-eastern facing roof elevation of the office building. One hundred panels will be sited on the store barn roof. Fifty-six panels will be sited on the scaffolding store roof. The total of 172 panels will not have a capacity to generate electricity exceeding 1 megawatt.

A site visit was conducted on 09 November 2023.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated, linear development along the A151. Pomona House is located beyond the western boundary, with the A151 and arable fields to the north, arable fields to the east, and arable fields to the south.

RELEVANT HISTORY

No relevant history.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 09 November 2023 to 30 November 2023).

None

PLANNING CONSIDERATIONS

Class J, Part 14 of the General Permitted Development Order (2015) (as amended)

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.

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 on a roof and within 1 metre of the external edge of that roof;

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

(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.

J.3 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.

When assessed against the above criteria the following can be observed:

J.1.(a) The panels do not protrude more than 0.2 metres beyond the plane of the roof slope.

J.1.(b) No solar equipment is to be installed on a flat roof.

J.1.(c) None of the solar equipment is within 1 metre of any roof edge.

J.1.(d) The building is not on Article 2 (3) land.

J.1.(e) The solar panels will not be installed on scheduled monument.

J.1.(f) The solar panels will not be installed on a listed building or within the curtilage of a listed building.

J.2.(a) The solar equipment will not be installed on a wall.

J.2.(b) The solar equipment will not be installed on a wall.

J.2.(c) The solar equipment will not be installed on a building on Article 2 (3) land.

J.3. Electric generation will not exceed 1 megawatt.

The proposal accords with all of the relevant prior approval criteria.

PLANNING BALANCE

The proposal accords with criteria within Class J, Part 14 of the General Permitted Development Order (2015) (as amended).

CONCLUSION

The recommendation is one of approval.

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.