

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 191/192

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF
LAWFUL DEVELOPMENT**

Reference no.: 2022/CL/93701/E

Site: Barn House, Wood Street, Skelmanthorpe,
Huddersfield, HD8 9BN

Description: Certificate of lawfulness for proposed solar PV roof
panels [within a Conservation Area]

Case Officer: Edward Cheseldine

Decision Reference: PROPOSED OPERATIONS GRANT

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Kevin Walton

AUTHORISED OFFICER

Date 17-Jan-2023

Reference:	2022/93701
Applicant: -	Mr Keenan
Location: -	Barn House, Wood Street, Skelmanthorpe, Huddersfield, HD8 9BN
Proposal: -	Certificate of Lawfulness for Proposed Solar Panels on Roof

Site Description

Barn House, Wood Street is a detached, two-storey building in the village of Skelmanthorpe. The dwellinghouse is a stone build structure with a hipped roof that forms an L shape. The original structure has had several alterations, including a first-floor extension. The character of the building is in keeping with the surrounding properties. A low stone boundary wall encloses the grounds of the property.

The property lies at the end of Wood Street (north) which joins onto Station Road (east) which is connected through a T junction.

The property is located within the Skelmanthorpe Conservation Area. Within the property grounds are several trees with existing TPOs.

Application Proposal

The application is for a Certificate of Lawful Proposed Development for the installation of solar panels on the roof of the property. The onus is on the applicant to provide evidence which states why the proposal fits with Permitted Development legislation. In this case, the applicant has stated on the application form that the proposal is Permitted Development.

The solar PV panels are to be placed on the rear of the roof, Array 1 will face south, Array 2 west and Array 3 East. The panels are to be placed in three areas. Array 1 would consist of 13 panels, which are in 2 rows, the first being 5 and the second row 8 panels. Array two and three is to consist of three panels each. The panels are to be places within the curtilage of the faces of the hipped roof.

Array 1 – Roof area is 9.4m x 16.2m x 3.9m

Array 1 – Solar PV width including gaps is 7.9m (top width) x 11.3m (bottom width)

Array 2 - Roof area is 3.0m x 6.0m x 3.0m

Array 2 - Solar PV width including gaps 1.8m

Array 3 - Roof area is 3.0m x 6.0m x 3.0m

Array 3 - Solar PV width including gaps 1.8m

Trina Solar 410w PV Modules

1762mm (L) x 1134mm (W) x 30mm (D)

Roof area = a (Ridge Length) x b (Gutter length) x c (Ridge to gutter).

The measurements fall within the existing roof space and do not protrude more than 0.2m beyond the plane of the wall or the roof slope.

History of Negotiations

No amended plans have been considered.

Relevant Planning History

There are no other planning applications for this dwelling.

Representation

The application is for a certificate of lawfulness and therefore is not advertised.

Consultation Response

No consultation was necessary for the application for a Lawful Development Certificate.

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Principle of Development

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;
1. If so, whether Permitted Development rights apply to the property; and

Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a house).

The proposal comprises of the installation of solar panels on the property roof. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town

and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 14 (Renewable Energy), Class A (Installation or alteration etc of solar equipment on domestic premises).

Permitted development – Renewable energy

- A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—
- (a) a dwellinghouse or a block of flats; or
 - (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

The solar panels do not protrude beyond 200mm from the roof slope when measured from the perpendicular with the external surface of the roof slope according to module specifications.

- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

The highest part of the solar PV equipment is lower than the highest part of the roof.

- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

The site is located within the Skelmanthorpe Conservation Area, however none of the proposed arrays are placed on a wall that fronts a highway. All proposed arrays are sited on roof slopes.

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

The site is not a designated heritage asset.

- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The dwellinghouse is not a listed building.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Conclusion

The proposed installation of solar PV panels at 2A Flash Lane does meet the criteria for permitted development as set out in Schedule 2, Part 14, Class A of the Town and Country Planning Act (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraphs A.2 & A.3 of the same Order.

Recommendation: APPROVE certificate

The proposed solar PV panels benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions as set out in paragraph A.2 of the same order.

Plans and specifications schedule:

Plan Type	Reference / ID	Date Received
Location Plan	962293	15/11/2022
General	962299	15/11/2022
Supplementary document	968903	15/11/2022
Solar Panel Quote	962316	15/11/2022

