

**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.: 2023/CL/90579/W

Site: 1, Orchard Place, Wooldale, Holmfirth, HD9 1XN

Description: Certificate of lawfulness for proposed installation of solar PV array to the east and west facing pitches of the roof (within a Conservation Area)

Case Officer: Laura Yeadon

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 03-May-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90579>

Site Description

1 Orchard Place is a modern, two storey property located within the Wooldale Conservation Area. The property is located within a sloping site with garden areas to the front and rear. a single storey attached garage is located to the front of the property. Within the rear garden area is a tree which is protected via a Tree Preservation Order.

Description of Proposal

The application is for a Certificate of Lawfulness for proposed installation of solar PV array to east and west facing pitches (within a Conservation Area).

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 submitted an application form. Supporting Information and Justification Statement, 3D images, 2D layout drawings, data sheet and location plan.

The solar panels are proposed to be placed on the east and west elevation roof slopes. 2 no. rows of 5 panels would be located on each roof slope, therefore 20 panels in total. Each panel would be a width of 1.134m and depth of 1.722m with the total coverage of each roof slope being approximately half the width of the roof span, being set up from the eaves and down from the ridge.

History of Negotiations

None

Relevant Planning History

1998/93290 Outline application for residential development
Refused

1999/90677 Outline application for residential development (4 houses)
Refused – appeal upheld

2000/92719 Erection of 4 no. detached dwellings with garages and extension to existing dwelling (No. 22) (within a Conservation Area)
Conditional Full Permission

2015/90312 Work to TPO(s) 32/98 within a Conservation Area
Granted

2015/90951 Work to TPO(s) 32/98 within a Conservation Area

Granted

2015/93016 Erection of single storey extension to rear (within a Conservation Area)
Conditional Full Permission

2018/93526 Dangerous or dead tree(s)
Noted

2022/93129 Work to TPO trees within a Conservation Area
Refused

Representations

Holme Valley Parish Council – support the application

Consultation Response

None

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 within Section 55 of the Town and Country Planning Act 1990;
2. If so, whether Permitted Development rights apply to the property

The proposal comprises the installation of solar panels to the east and west facing roof pitches of the property. This 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, Class A.

Part 14 – Renewable Energy

Permitted development:

- 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 submitted details indicate that the panels would not project more than 0.2 metres beyond the plane of the roof slope.

- (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 submitted details indicate that the panels would not be higher 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 within the Wooldale Conservation Area however is not mounted to a wall.

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

The site is not designated as a scheduled monument.

- (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 dwelling 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 array to the east and west facing pitches of the roof slopes meet the criteria of permitted development as set out in Schedule 2, Part 15, 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 of the same Order.

Recommendation – Approve

The proposed solar PV panels benefit from a general planning permission granted by virtue of Article 3(1) and Class A, Part 14 of Schedule 3 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	Version	Date Received
Location plan	TQRQM23050175443076		13 th March 2023
3D images			13 th March 2023
PV module layout	West facing roof		13 th March 2023
PV module layout	East facing roof		13 th March 2023
Supporting Information and Justification			13 th March 2023
Data Sheet	LR5-54HIB		13 th March 2023

Dated: 28th April 2023