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.: 2025/CL/90640/W

Site: Unit 1, Emergency House, Manchester Road, Marsden, Huddersfield, HD7 6EY

Description: Certificate of lawfulness for roof mounted solar photovoltaic (PV) (within a Conservation Area)

Case Officer**:** Chris Cockroft

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 12-May-2025

Officer Report

2025/90640

Site Description

Unit 1, Emergency House, Manchester Road, Marsden, Huddersfield, HD7 6EY is a single storey detached building constructed from sandstone blocks. The property was previously the fire station benefits from a large hard-surfaced parking area to the front of the property.

Description of Proposal

The application is for a Certificate of Lawful Proposed Development for roof mounted solar photovoltaic (PV) (within a Conservation Area).

The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

Thirty-eight solar panels are proposed on the rear (south) elevation organised in two banks. One bank of 26 solar panels would have a total length of c.21.5m and a total width of 2.0m. The second bank of 12 solar panels would have a total length of c.9.90m and a total width of 2.0m

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2005/90686 Change of use of premises to community fire station - Granted

Consultation Responses

None required

Issues and Assessment

Applications for Certificates of Lawful Developments for the installation or alteration etc of solar equipment on non-domestic premises, are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Schedule 2, Part 14, Class J of the Order sets out the Permitted Development Rights which relates to the ‘installation or alteration etc of solar equipment on non-domestic premises.’ In assessing the proposal against this:

Permitted Development

Part 14 – Renewable Energy

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

Permitted Development

J. 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.

Development not permitted

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;

Comment: *The proposed solar panels would not protrude more than 0.2 metres beyond the plane of the wall or 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);

Comment: *The solar PV equipment will not be installed on a flat roof.*

(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;

Comment: *The solar PV equipment will be installed in two banks of panels which will not be within 1 metre of the external edge of that roof.*

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

Comment: *The solar PV equipment is not installed on a site designated as a scheduled 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.

Comment: *The solar PV equipment will not be installed on a listed building or 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.
Comment: *the solar PV equipment would not be installed on a wall.*

Conclusion

The proposal for the installation of thirty eight solar panels has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval under Schedule 2, Part 14, Class J of the Order.

Recommendation **: Grant Certificate**

Decision authorisation – Delegated Powers

Application Number: 2025/90640

Officer Recommendation: Grant Certificate

The proposed installation of thirty eight solar panels would benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to conditions stated in paragraph J.2.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	FO2505-GWP-01-01-D-A-(SK)-0001_P01	P01	10.03.2025
Proposed Site Plan	FO2505-GWP-01-01-D-A-(SK)-0003_Proposed Site Plan-P02	P02	30.04.2025
Proposed Roof Plan	FO2505-GWP-01-01-D-A-(SK)-0007_Proposed Roof Plan-P02	P02	30.04.2025

Plan Type	Reference	Version	Date Received
Proposed Elevations	FO2505-GWP-01-01-D-A-(SK)-0008_Proposed Elevations-P02	P02	30.04.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Dated: 30.04.2025