

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no. 2025/CL/92061/W

**Site Address R N Golden, Wakefield Road,
Lepton, Huddersfield, HD8 0DL**

**Description Prior approval for installation of
solar photovoltaic (PV) panels and
associated works**

Recommending Officer Edward Cheseldine

DECISION – DETAILS APPROVED

**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: 10-Sep-2025

Officer Report

2025/92061 - R N Golden, Wakefield Road, Lepton, Huddersfield, HD8 0DL

Introduction

The applicant is seeking the approval for the installation of solar photovoltaic equipment on the roof of a commercial building. The application is submitted pursuant to the provision of Class J, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Site Description

The application site is a commercial building, used for car sales. The building is constructed with grey cladding and glazed exterior sides and a convex corrugated roof. The site includes a large forecourt. Access to the site is formed from Wakefield Road. To the north, east and west of the site are agricultural fields. To the southern is a collection of dwellings. The application site rests in allocated Green Belt land.

Description Proposal

Solar panels will be installed on the main roof of the application building, set in a grid format as indicated on the submitted block plan. The panels will be set away from the side of the roof with a break in the panels on the northern section of the roof.

Details of the placement of each solar panel have been submitted via plans (Proposed Site 5467/Block/1).

History of Negotiations/Amendments Received

None necessary.

Relevant Planning History

98/93579 – Erection of car showroom, workshop and ancillary office – Full permission granted.

Representations

The application was advertised by way of a site notice that expired on 22-Aug-2025. No representations were submitted.

Consultation Responses

Kirkburton Parish Council – No comment.

Legislation

Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment

The application 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 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;

N/A. The solar equipment will not be installed on a pitched roof. Neither would it extend 0.2 metres beyond the plan of the roof slope.

- (a) 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 the chimney);

N/A. The solar equipment will not be installed on a flat roof.

- (b) The solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;

The equipment would not come within 1 metre of the external edge of the roof.

- (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 roof slope which fronts a highway;

Not applicable, the site is not on article 2(3) land.

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

Not applicable, the site is not designated as a scheduled monument.

- (e) 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.

Not applicable, the building is not listed nor is the 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;

The equipment does not fall into paragraph (a) or (b).

- (a) 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

The equipment does not fall into paragraph (a) or (b).

- (b) 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.

Not applicable, the building is not on article 2(3) land.

Conditions

J.4-(1) Class J development is permitted subject to the following conditions-

- (a) the solar PV equipment or solar thermal 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

- (a) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in

particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

The applicant has provided information to indicate the PV equipment provides in excess of 50 kilowatts and is therefore not microgeneration equipment. Prior approval is required.

(3) The application must be accompanied by-

- (a) a written description of the proposed development;
- (a) a plan indicating the site and showing the proposed development;
- (b) the developer's contact address; and
- (c) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

All of the above information was submitted to accompany this application.

(4) The Local Planning Authority may refuse an application where, in the opinion of the authority-

- (a) the proposed development does not comply with, or
- (a) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class J applicable to the development in question.

The proposed development complies with the conditions, limitations and restrictions specified in Class J and sufficient information is considered to have been submitted.

(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(6) The local planning authority must give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which
 - (i) describes the proposed development;
 - (i) provides the address of the proposed development;
 - (ii) specifies the date by which representations are to be received by the local planning authority; or

(a) by serving a notice in that form on any adjoining owner or occupier.

The Local Planning Authority advertised the proposal by way of a site notice which expired on 22-Aug-2025. No representations were received.

(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(8) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and

(a) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(1), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(9) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(a) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(b) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried out –

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(a) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3), unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Visual Amenity

In terms of the visual impact of the proposal, the solar panels are located on a commercial building in a Green Belt location. The building is positioned close to Wakefield Road with agricultural fields to the north, east and west. In terms of land levels, there is a mild rise in the landscape to the north and east. Whilst houses to the south are relatively level with the building.

The site is used as a car sales forecourt with large sections of the site covered in hard standing material. Parked cars are established in the outdoor area throughout the year. Whilst the site is in a Green Belt location, the current site can neither be considered to be agricultural or rural in appearance.

In terms of the impact of the solar panels, they will be placed on the roof of an existing building. The shallow depth of the roof will, to some extent, mitigate the appearance of the panels due to the convex shape they will be placed on. There is a high level of established paraphernalia on the site due to the placement of cars and signage. Whilst the solar panels will be present from public vantage points, they are not considered to be to the contrary to the established appearance of the site, and therefore the impact to visual amenity of the site and wider area is limited.

The panels are to be installed on a curved roof form with the horizontal angle reducing from 35 degrees at the eaves to 0 degrees at the highest point. The panels located on the south facing part of the roof have the most potential of producing glare to the residential properties located 50 metres to the south given the sun's path. The altitude of the sun's path directly south changes over the year from 15 degrees to 60 degrees at midday. Consequently, given the slightly raised position of the roof in relation to the residential properties there may be potential for a limited degree of glare from panels further up the roof slope in winter months as the angle of the sun is at its lowest. However, any potential for glare would be limited to a short period of time around midday as the sun's arc tracks from east to west and only in clear conditions. In light of the range of factors that may result in some glare, including, angle of the sun, differences in ground levels, orientation of the properties and weather conditions, it is considered any harm resulting from direct sunlight is marginal.

A great weight is assigned in Chapter 12 of the National Planning Policy Framework and policy LP 24 of the Kirklees Local Plan with regards to design and visual amenity. Furthermore, policies in favour of renewable energy are provided in Chapter 14 of the National Planning Policy Framework and LP26 of the Kirklees Local Plan, regarding renewable and low carbon energy support the implementation of technologies that do not harm the visual appearance of the local area.

In this instance as the visual appearance is less than negligible the panels have limited impact upon visual amenity and limited potential for glare which is therefore, on balance considered acceptable. By reason of design the panels comply with NPPF Chapters 12, 13 and 14 and Local Plan policies LP24, LP26 & LP57.

Conclusion

The application for the installation of solar PV equipment to be mounted on the roof of RN Golden has been considered against the relevant criteria and aims of Chapters 12, 13 & 14 of the National Planning Policy Framework. The plans are considered to be acceptable.

Plans and specification table: -

Plan Type	Reference	Version	Date Received
Location plan	-	-	18 July 2025
Proposed site plan	5467/Site/1	-	18 July 2025
Existing and proposed block plan	5467/Block/1	-	18 July 2025
Elevation plans	5467/ElevationA/1	-	18 July 2025
Solar PV data sheet	-	-	18 July 2025