

**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.	<b>2026/CL/90270/E</b>
Site Address	<b>Scissett Mount Nursing Home, Busker Lane, Scissett, Huddersfield, HD8 9JU</b>
Description	<b>Prior approval for installation of solar photovoltaic (PV) panels and associated works</b>
Recommending Officer	<b>Nicole Helliwell</b>

**DECISION - REFUSED**

**I hereby authorise the refusal 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: 23-Mar-2026**

## **Officer Report**

**Reference No.** 2026/CLASS J/90270/E

**Site Address:** Scissett Mount Nursing Home, Busker Lane, Scissett, Huddersfield, HD8 9JU

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

## **Site Description**

Scissett Mount Nursing Home is a three-storey residential building located in Scissett, Huddersfield. The site is allocated as Green Belt on the Kirklees Local Plan and is situated within a predominantly residential area. The site is not within a conservation area, nor are there any Public Rights of Way (PROW) within close proximity to the site. However, the site is located adjacent to Lower Busker Farm, a Grade II Listed building.

## **Description of Proposal**

The proposal seeks prior notification for the installation of solar photovoltaic equipment within the east and west facing roof planes of the building. There will be 130 panels in total, each measuring 1134mm in width, 30mm in depth and 1953mm in length. The application form states that no part of the equipment would protrude more than 0.2m beyond the plane of the roof slope, would not be within 1m of the external edge of the roof and the capacity of the panels would not exceed 50 Kilowatts. A drawing showing the location of the panels has also been provided.

The application has been applied for under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **History of Negotiations/Amendments Received**

No amendments were sought or received during the course of the application.

## **Relevant Planning History**

- **2025/93139:** Non material amendment to previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) – NMA Approved
- **2019/90044:** Discharge conditions 13, 17, 20, 22, 23 on previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) - Discharge of Condition(s) Approved
- **2018/91653:** Non material amendment on previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) – NMA Approved
- **2018/91222:** Discharge conditions 5, 6, 7, 11, 12 and 18 on previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) - Discharge of Condition(s) Approved

- **2018/90392:** Non material amendment to previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) – NMA Approved
- **2017/93265:** Discharge conditions 1, 3-7, 14, 18, 19 on previous permission 2017/90077 for erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Split Decision
- **2017/90077:** Erection of 85 bed care home with associated car parking and landscaping. [Planning application details | Kirklees Council](#) - Section 106 Full Permission
- **2012/92381:** Erection of residential home (with step-up apartments). [Planning application details | Kirklees Council](#) – Conditional Full Permission

### **Representations**

The application was publicised by site notice, which expired on 16<sup>th</sup> March 2026. As a result of the above publicity, no representations have been received.

Denby Dale Parish Council – No objections

### **Legislation**

The relevant legislation is Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **Assessment**

Paragraph J.4(2) of Class J requires the developer apply for PV solar or thermal panels other than microgeneration equipment to apply in writing to the local planning authority for a determination as to whether the property approval is required for the design and external appearance of the development.

As part of the assessment the Local Authority shall also determine whether or not the proposals comply with the requirements and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) Part 14, Class J.

The applicant has submitted details providing information of the criteria within which the development must fall to be Permitted Development.

### **Permitted Development**

J. The installation, alteration or replacement of—  
 (a) microgeneration solar thermal equipment on a building;  
 (a) microgeneration solar PV equipment on a building; or  
 (b) other solar PV equipment on the roof of a building,  
 Other than a dwellinghouse or a block of flats J1.

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 solar PV equipment would be installed on a pitched roof, however, it will not protrude more than 0.2m beyond the roof of a roof slope when measured from the perpendicular.*

(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 any chimney);

**Comment:** *Not applicable.*

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

**Comment:** *The application form states that the panels would not be within 1 metres of the external edge of the roof. However, the submitted roof plan clearly demonstrate that the panels would be installed within 1 metre from the edge of the roof and would therefore fail to comply with the limitations under Paragraph (c).*

(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;

**Comment:** *Sub-paragraph (d) has been omitted.*

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

**Comment:** *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.

**Comment:** *The site is not a listed building or within the curtilage of a listed building.*

J2 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;

**Comment:** *No solar PV equipment will be installed on any walls as part of this proposal.*

(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

**Comment:** *: No solar PV equipment will be installed on any walls as part of this proposal, and it is not article 2(3) land.*

(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

**Comment:** *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.

Notwithstanding, the proposal does not comply with the limitations in Class J and as condition J.4 is not applicable to microgeneration proposals, the assessment is undertaken, nonetheless.

### Design and Appearance

The application site is located adjacent to Lower Busker Farm, a Grade II Listed building. The solar panels would be located within the east and west facing roof planes of the building and would have some visibility from public vantage points along Busker Lane. Whilst in some limited contrast to the building roof materials, the panels would not consist of an unacceptable alteration to the building. As such, the appearance of the buildings and wider area would also not be harmed by the introduction of PV panels and as such, acceptable within the street scene.

### Glare

The building incorporates pitched roof forms and therefore the proposed panels would have some visibility from public vantage points. Whilst the submitted information does not confirm whether or not the panels will be anti-glare, the angle of the panels would largely result in light rays being deflected upwards rather than towards surrounding development.

### Conclusion

On this basis, it is concluded that the proposal is not permitted under Part 14, Class J of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the panels would be sited within 1 metre from the external edge of the roof slope and is therefore recommended for refusal.

### **Recommendation: Prior Approval Refused**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2026/90270

**Officer Recommendation:** Refuse

The installation of solar PV equipment is not considered to benefit from a general planning permission under Article 3(1) and Part 14, Class J of Schedule 2 of the Town and Country Planning (General Permitted

Development)(England) Order 2015 (as amended) as the solar panels as shown on submitted plans would be installed within 1 metre of the external edge of that roof.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	1414-RA-XX-XX-DR-A-0000	-	28/01/2026
Existing and Proposed Roof Plans	2090-RA-XX-XX-DR-A-0105	P01	28/01/2026
Existing and Proposed North (Front) Elevations	1414-RA-XX-XX-DR-A-0250	P01	28/01/2026
Existing and Proposed West (Side) Elevations	1414-RA-XX-XX-DR-A-0251	P01	28/01/2026
Existing and Proposed East (Side) Elevations	1414-RA-XX-XX-DR-A-0252	P01	28/01/2026
Existing and Proposed South (Rear) Elevations	1414-RA-XX-XX-DR-A-0253	P01	28/01/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. For the reasons outlined in the officer report, the development cannot be considered as a 'prior notification' submission.

**Dated: 16/03/2026**