

**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.: 2026/CL/90400/W

Site: 2, Pell Court, Wooldale, Holmfirth, HD9 1QZ

Description: Certificate of lawfulness for proposed installation of
solar photovoltaic (PV) panels (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 31-Mar-2026

Officer Report

[Weblink](#)

Site Description

2 Pell Court is a large detached residential property located within the Strategic Green Infrastructure Network and the Wooldale Conservation Area within the Kirklees Local Plan. The property sits within a cul-de-sac of 4 no. dwellings and is accessed off Wooldale Road. The dwelling itself is set down significantly from the roadside and has garden areas to the side and rear. The property also hosts a double garage which sits at right angles to the main dwellinghouse.

Application proposal

The application is for a certificate of lawfulness for proposed installation of solar panels (within a Conservation Area). The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation.

The submitted details indicate that there would be 20 no. PC roof panels located on the front, west facing roof slope. Each panel would be 1.134 metres in width and 1.954 metres in height, projecting from the roof slope by approximately 0.095 metres.

The application form notes the following:

'The property lies within the Holmfirth Conservation Area. The proposed solar PV installation is modest in scale and will be mounted flush to the existing roof slope, preserving the form, massing, and character of the dwelling.'

Although the panels are located on the front elevation, the dwelling fronts onto a private courtyard shared by four properties. This courtyard is not a public highway and is not a key public viewpoint within the conservation area. The wider public highway is approximately 40 m away and separated by intervening buildings and landscaping.

The visual impact on the conservation area is therefore limited and does not harm its character or appearance. The installation is reversible, does not involve loss of historic fabric, and aligns with national policy encouraging renewable energy within designated areas where impacts are acceptable.

The proposal represents a proportionate and sympathetic integration of renewable technology within the conservation area.'

It goes on to state that:

'Under Class A, Part 14 of the GPDO, solar panels in conservation areas are not permitted development if installed on a roof slope fronting a highway.'

The front elevation of 2 Pell Court faces directly into a private courtyard serving four dwellings. This courtyard is not an adopted highway, not a public right of way, and not accessible to the general public. It therefore does not meet the statutory definition of a highway.

The nearest public highway is approximately 40m away and runs parallel to the courtyard. While the dwelling may be visible from this highway, visibility is not the legal test. The GPDO requires the roof slope itself to front a highway, which it does not.

Therefore, the proposed installation meets the criteria for permitted development under Class A, Part 14.'

Officer note:

The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation.

Relevant Planning History

1988/03011 – Outline application for residential development (within a Conservation Area) – Granted Conditionally

1990/06542 – Erection of 10 no. detached dwellings and garages – Refused

1991/00558 – Erection of nine detached dwellings with integral garages – Approval of Reserved Matters

2002/92990 – Erection of sunroom extension (within a Conservation Area) – Conditional Full Permission

2016/93422 – Work to TPO(s) 05/80 within a Conservation Area – Part Granted/Part Refused

2021/90276 – Erection of a single storey extension to the rear of the existing garage – Conditional Full Permission

2025/91159 – Work to TPO(s) 05/80 in a Conservation Area – Part Granted/Part Refused

History of Negotiations

None

Consultations

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary.

However, Holme Valley Parish Council have conformed that they have no comment to make regarding the proposal.

Law

The site has no policy based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:

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

The air source heat pump would be visible from Pell Court and the appearance of the external appearance of the building would be materially altered thus constituting development as defined by section 55 of the Town and Country Planning Act 1990.

Assessment:

Applications for Certificate of Lawful Developments for the installation of solar panels on domestic premises are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specifically, Schedule 2, Part 14, Class A of the Order sets out the Permitted Development Rights which relates to the '*installation or alteration etc of solar equipment on domestic premises*'.

The property is a domestic property and therefore Class A is considered the appropriate permitted development class for the type of development proposed.

Part 14 – Renewable energy

Class A - installation or alteration etc of solar equipment on domestic premises

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 in the case of a pitched roof, the

roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Comment: *The submitted plans indicate that the proposed panels would not protrude more than 0.2 metres beyond the roof slope.*

(b) in the case of solar PV or solar thermal equipment on a pitched roof, 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);

(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

Comment: *The solar panels would be on a pitched roof however the panels would not result in being higher than the existing 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;

Comment: *The land is within a conservation area however the panels would not be installed on a wall.*

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

Comment: *The panels would not be installed on a site 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.

Comment: *The panels would not be installed on a building within the curtilage of 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;

(ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;

(bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and

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

Conclusion

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

Recommendation: Grant Certificate

Decision Authorisation – Delegated Powers

Application Number: 2026/90400

Officer Recommendation;

The proposed installation solar panels on a domestic property would 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 the conditions under A.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14694594		12 th February 2026
Location plan	PP-14694594v1		12 th February 2026
Block plan	TQRQM26041170605570		12 th February 2026
PV module layout – Sectional view on roof			12 th February 2026
PV module layout – West facing roof			12 th February 2026
Photo	South view		12 th February 2026
Photo	North view		12 th February 2026
Photo	West View		12 th February 2026
Photo	East view		12 th February 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.

Dated: 25th March 2025

