

# Development Management Delegated Decision Report

B/24/0099



SUMMARY OF APPLICATION			
Application Reference	B/24/0099		
Application Type	Prior Notification Part 14 - Renewable Energy		
Proposal	Application under Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) to determine if prior approval is required for the proposed installation of roof-mounted solar installation		
Location	Boston Crop Sprayers Ltd, Little Field, Fen Road, Frampton West, Boston PE20 1RZ		
Applicant	Frej Wrigley, Electron Green		
Agent	Frej Wrigley, Electron Green		
Received Date:	07-Mar-2024	Consultation / Publicity Expiry Date:	08-Apr-2024
Valid Date:	07-Mar-2024	Statutory Expiry Date:	02-May-2024
Date of Site Visit:	15-Mar-2024	Extension of Time Date:	N/A
Objections received?	None.		
Recommendation	Prior approval not required.		
Report by:	Megan Epton		
Date:	09-Apr-2024		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site is located on the western side of Fen Road, Frampton West within the open countryside and comprises of a large agricultural crop sprayers depot building within a larger yard. It is set back from the adjacent road and is directly adjacent to 1no. neighbouring business to the south.

### DETAILS OF PROPOSAL:

Prior approval is sought for the installation of 60no. roof-mounted solar photovoltaics equipment.



### **RELEVANT HISTORY:**

- **B/040515 – FULL – Agricultural storage building – APPROVED.**
- **B/09/0011 – FULL – Change of use from agricultural to agricultural crop sprayers depot (B1) and the construction of 2no office blocks – APPROVED.**
- **B/09/0011/CD1 – Application to have removed details relating to condition 2 of planning permission B/09/0011 – APPROVED.**

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **National Planning Policy Framework (2023)**

The South East Lincolnshire Local Plan is not a consideration when determining this type of application. It is instead:

**The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J – installation or alteration etc of solar equipment on non-domestic premises.**

### **CONSULTATION RESPONSES:**

Environmental Health were consulted and raised no objections.

Lincolnshire County Council (Local Highways and Lead Local Flood Authority) were consulted and raised no objections.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

Class J relates to:

*“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.”*

The following table includes the circumstances where development would not be permitted and acts as a checklist as to whether the development is compliant with Class J.

Class	Development not permitted if:	Does the proposal breach the criteria?	
		Yes	No
J.1			
(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		x

	perpendicular with the external surface of the 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);		x
(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;		x
(e)	the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or		x
(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.		x
J.2	Relates to walls and not roofs so is not relevant.		x

From the above, it is clear the proposal does not breach any criteria set out in Class J and can therefore be considered to be permitted development subject to meeting the conditions set out in J.4 of the Permitted Development Rights, and this prior approval application.

This application to determine if prior approval is required for the proposed roof mounted Solar Photovoltaics (PV) equipment has been received 07-Mar-2024 and a considerable level of information pertaining has been provided, in full accordance with sub-paragraphs J.4(3)(a-d).

#### Local Planning Authority Responsibilities and Background

The Local Planning Authority has a number of responsibilities in the prior approval application process. In line with the requirements of the legislation, a site visit was carried out on 15-Mar-2024 with photos taken of the area and surrounding context; a site notice was erected on a nearby utility pole close to the boundary of the site on Fen Road with an expiry date for consultation responses clearly displayed as 08-Apr-2024. The notice was displayed as close as practicable to the site outlined in red on '*BOST-LITT-DES-LAY-00002-V1\_Planning Layout*' and demonstrated a number of methods of how to view more details of the application and/or contact a member of the planning team.

2no. Consultation responses were received, neither of which were objections to the proposal.

\*Site notice photographs have been included below for reference.



## Design and External Appearance

Once determining if the proposals meet permitted development requirements, the Local Planning Authority then must assess the proposals' design and external appearance to ensure any solar voltaic equipment would not have negative impacts on occupiers of neighbouring land, particularly in terms of potential glare. Developments will be permitted provided that they are installed, altered or replaced in a way, so far as practicable, so as to minimise their effect on the external appearance of the building and the amenity of the area.

In the case of these proposals, the equipment is proposed upon the south-facing roof slope of the agricultural unit to the west of Fen Road, Frampton West. The site is directly adjacent to 1no. neighbour, a commercial unit to the south and is otherwise adjacent to open agricultural fields. A total of 60no. panels are proposed on the southern facing roof slope in a large block formation. Environmental Health raised no concerns with regards to the proposals.

Given the context of the site and surrounding area and the detail of the proposed panel layout, specification and fixture, it is not felt that the provision of the solar photovoltaic equipment as described, on the identified building, will be of detriment to the design/ external appearance of the building, nor have unacceptable impacts on neighbouring users in terms of glare or otherwise, and therefore with regards to the design and external appearance, the proposed development is considered to comply with condition J.4(1)(a-b).

## CONCLUSION:

In all, it is considered that the proposed apparatus will not have a harmful design or adversely affect the external appearance of the development/building; nor would they negatively impact the amenity of neighbouring land users by way of excessive glare.

The Council is satisfied that the proposed development is permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J.

## RECOMMENDATION:

Prior Approval Not Required.

CONDITIONS / REASONS	
1	<p>Any solar photovoltaic equipment installed in accordance with this permission shall be removed from the building on which it is situated as soon as reasonably practicable after it is no longer required, and such building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.</p> <p><b>Reason:</b> Required to be imposed pursuant to Schedule 2, Part 16, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>