Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: **AW/5/24/CLP**

LOCATION: 11 The Drive
Aldwick
PO21 4DU

PROPOSAL: Lawful development certificate for the proposed installation of 12 No. solar panels on the Southern elevation.

DESCRIPTION OF APPLICATION

This application seeks to install 12no. solar panels to the roof of the property. These will be located on the front, south facing, pitched roof plane.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereby also referred to as the GPDO).

- Schedule 2, Part 14, Class A - installation or alteration etc of solar equipment on domestic premises

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

Schedule 2, Part 14, Class A

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

(b) 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);

(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;

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

(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.

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; and

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

The property known as 11 The Drive is a detached dwelling within the Craigwell House, Aldwick

Conservation Area.

The solar panels are to be installed on the south facing roof plane which fronts the highway, The Drive. The site is not part of a World Heritage Site, a Scheduled Monument nor a listed building. It is not subject to restrictions or conditions that remove permitted development rights other than those associated with the conservation area location (referenced by criteria (c) above).

The panels would be sited on the front roof slope, they would protrude no more than 200mm beyond the plane of the surrounding roof slope and at the highest point they would not be higher than the highest part of the roof. They would not lie on the front wall of the house where it fronts the highway. They have been sited to minimise the effect on the external appearance whilst maximising the ability to capture the sunlight and sited such as to minimise the effect on the amenity of the area.

The proposed scheme complies with the provisions of Part 14, Class A of the Town & Country Panning (General Permitted Development) (England) Order 2015 (as amended) and express planning permission is not required.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 9th January 2024 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of The Town & Country Planning Act 1990 on the basis that the development was permitted under Schedule 2, Part 14, Class A to The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

FIRST SCHEDULE
The proposed solar panels fall under Schedule 2, Part 14, Class A of the GPDO.

The development is hereby refused based on the following plans.
- Block Plan
- Location Plan
- Proposed Plans sheet 2 of 2

SECOND SCHEDULE
11 The Drive, Aldwick, PO21 4DU

EXTENT OF USE
12no. solar panels affixed to the south facing roof plane of the property.

AW/5/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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