

The Glebe Barn Main Street Clitheroe BB7 4HD

Application for Certificate of Lawfulness for the proposed installation of Solar Panels on the roof of the barn and associated domestic Battery Storage Unit.

SUPPORTING STATEMENT

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REPORT CONTROL

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/1 INTRODUCTION

- 1.1 Energy Planning, on behalf of Andrew Weir ('the applicant') is to progress an application for a Certificate of Lawfulness (LDC) in relation to Glebe Barn, Main Street, Clitheroe, BB7 4HD. The applicant seeks formal confirmation that the installation of solar panels on the roof of the property is lawful. The request is made to the Ribble Valley Borough Council ('the local planning authority', LPA).
- 1.2 This Statement provides an overview of the site and planning history alongside detail on the proposed development and how the scheme is compliant with the provisions of the Town and Country Planning Act 1990 (TCPA).
- 1.3 This statement should be read in conjunction with the submitted application package, which includes the following documents:
 - Supporting Statement (This document);
 - Location Plan;
 - Solar Proposal Document;
 - Proposed Elevations.



/2 SITE DESCRIPTION

- 2.1 The site is located off Main Street in the village of Gisburn. The site is comprised of Glebe Barn which is a converted barn that is in use as a dwellinghouse. The site is accessed via a driveway off Main Street.
- 2.2 The site itself is not subject to any national designations or protections in regard to landscape, ecology or heritage. However, at a local level, the site is located within the Gisburn Conservation Area. Additionally, the site is located close to three Listed Buildings, including The Priory, The Grove and the Church of St Mary.
- 2.3 An aerial image of the site is shown in Figure 1 below, demonstrating its context in respect of the surroundings. A Location Plan has also been provided within the submission documents.



Figure 1: Aerial Image of the Site (Source: Google Maps)

/3 PROPOSED DEVELOPMENT

- 3.1 It is proposed to install solar panels to the roof of Glebe Barn. The solar panels are expected to provide 9.6kW of energy and an associated domestic battery energy storage unit will be installed which will be able to store up to 15.36kWh of energy.
- 3.2 An image showing the position of the solar panels on the roof has been included at Appendix 2 and is submitted with this application.



Figure 2: Image of the Proposed Solar Panel

- 3.3 24 x 400W Risen Energy Titan S solar panels will be installed, each comprising 1754 x 1096mm in size. The panels will be installed within the roof slates and will therefore run flush with the slope of the roof. Two inverters will also be installed each with 8000w capability. Lastly three battery storage units will be installed each with a capability of storing 5.12kWh each.
- 3.4 Around 14 solar panels will be located to the north of the roof, reducing visibility from public viewpoints on Main Street. A small number of solar panels will be located to the south of



the building, as a southern facing solar panel will provide more energy for the property and therefore is necessary to ensure the viability of the solar panels.

- 3.5 General arrangements of the solar panels and battery storage units are also included on the supporting elevations as well as within the solar proposals document which includes more technical detail on the energy generation and storage itself.



/4 RELEVANT LEGISLATION

4.1. Section 192 of the Town and Country Planning Act 1990 states that: -

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) 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.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.



- 4.2. In accordance with the legislation, this application submission provides the information required by Part 3 (a), (b) and (c), and the purpose of this statement is to expand upon the information provided and to explain the reasoning for determining that the installation of the proposed solar panels and battery storage units are lawful in accordance with the relevant provisions of Part 14 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Detail on how the scheme is in accordance with permitted development rights afforded by the GPDO is dealt with further in Section 5 of this statement. For completeness, the relevant wording of Part 14 Class A of the GPDO is set out below.

Part 14 Renewable Energy

Class A – Installation or alteration etc of solar equipment of 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 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.*

Onus of Proof

- 4.3. It is understood that the onus of proof in a certificate of lawfulness application is on the applicant. The standard of proof in respect of a certificate is on the balance of probability.
- 4.4. It was held in *F. W. Gabbittas v Secretary of State and Newham London Borough Council* [1985] J.P.L 630 that an applicant's own evidence is not required to be corroborated by independent evidence in order to be accepted. Further, if the local planning authority or an Inspector have no evidence of their own or from third parties to contradict or otherwise dispute the applicant's version of events, rendering them less than probable, then there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of the certificate on the balance of probability. If, however, there are contradictions in the applicant's evidence on material issues, then the local planning authority would be entitled to refuse the certificate. Further, the local planning authority is entitled to treat hearsay evidence with caution if it is entirely uncorroborated.
- 4.5. In this case it is considered that the evidential documentation submitted in support of the proposed development at the site, as well as the reasoning for accordance with Part 14, Class A of the GPDO, detailed at Section 4 and 5 below, is conclusive.



/5 **LAWFUL DEVELOPMENT JUSTIFICATION**

- 5.1 The application seeks a Lawful Development Certificate for the proposed installation of Solar Panels and domestic Battery Storage Units at Glebe Barn. The application is accompanied by plans and drawings which set out the exact placement of the Solar Panels on the roof, as well as their dimensions.
- 5.2 The proposal intends to install a system that is capable of producing 9.6kW of energy and will also install battery storage units which are capable of storing up to 15.36kWh of energy. The proposals will allow the site to become more energy efficient, resulting in less carbon emissions.
- 5.3 The applicant seeks formal confirmation from the LPA that the intended installation of the solar panels and battery storage units comply with the permitted development rights set out at Part 14, Class A of the GPDO. The relevant sections of this legislation are considered in turn, below.

Part (A.1) (a) and (b)

- 5.4 Part (A.1) (a) and (b) state that development will not be permitted if the solar PV protrudes more than 0.2m beyond the plane of the wall or the roof slope and if it would result in the highest part of the solar PV being higher than the highest part of the roof.
- 5.5 In accordance with the legislation, the submitted application provides the information required by Part (A.1) (a) and (b). The submitted plans include the dimensions of the proposed solar panels which show that they will not protrude more than 0.2m as well as showing how the solar panels will be positioned on the roof, ensuring the highest part is not higher than the highest part of the roof.
- 5.6 As such, the proposal complies with this section of the legislation.

Part (A.1) (c)

- 5.7 With respect to Part (A.1) (c), whilst the site is located within the Gisburn Conservation Area, no part of the solar panels will be located on a wall fronting the highway. All of the panels will be situated within the roof slope and therefore, the proposals are compliant with the provisions of this part of the GPDO.



Part (A.1) (d) and (e)

- 5.8 With respect to Part (A.1) (d) and (e), the site is not a Scheduled Monument or a Listed Building, nor does it fall within the curtilage of a Scheduled Monument or a Listed Building. As such, these points are not relevant to the proposal at hand.

Part (A.2) (a)

- 5.9 In regard to Part (A.2) (a), it states that the solar panels should, so far as practicable, be positioned so as to minimise their effect on the external appearance of the building.

- 5.10 It is understood from Black's Law Dictionary, 2nd Ed¹. that "Practicable" means,

Any idea or project which can be brought to fruition or reality without any unreasonable demands.

- 5.11 We must also consider the Designing Buildings² definition of 'Practicable' which means,

Reasonably practicable in terms of local conditions/circumstances, the current state of technical knowledge, and financial implications.

- 5.12 As can be seen from the submitted plans, the majority of the panels will be located on the northern side of the roof. This has been carefully designed to minimise the appearance of the panels on the roof and to minimise views from any pedestrians passing through Main Street.

- 5.13 However, to ensure that the proposal is viable for the applicant, it is proposed to install a smaller number of solar panels to the southern elevation of the roof, as this is where an optimal absorption of sunlight can occur, meaning it is necessary for the viability of the solar panels.

- 5.14 The document provided with this proposal from the company installing the products, Reliable Renewables, has provided documentation to set out how the system will work in terms of efficiency. The report provided by Reliable Renewables shows that there would be

¹ <https://thelawdictionary.org/practicable/>

² https://www.designingbuildings.co.uk/wiki/Best_practicable_means



an estimated annual output of 6,744kWh with a grid self sufficiency rating of 57%. Moreover, the proposal would provide a 57% reduction in monthly and annual utility bills.

- 5.15 As such, it is expected that due to the panels being built into the roof, and therefore not protruding beyond the plane of the roof slope, the impact of the panels on the exterior of the building will be minimal and would therefore accord with point (A.2) (a) as the solar panels have, so far as practicable, be positioned so as to minimise their effect on the external appearance of the building.

Part (A.2) (b)

- 5.16 In terms of Part (A.2) (b), the effect the proposal will have on the amenity of the area, so far as practicable, is also of importance. 'Amenity' can be described as the quality or character of an area and elements that contribute to the overall enjoyment of an area.
- 5.17 As mentioned previously, the positioning of the solar panels, and that they will be built into the roof and not protruding from the plane of the roof, has been carefully considered so that the panels will not be visibly seen from Main Street. Only one small portion of the solar panels will be located on the southern elevation of the roof, where they may be seen in glimpses from Main Street.
- 5.18 Given the proposed fixings for the solar panels, to be set within the roof plane of the tiles, and that there are numerous examples of solar panels on buildings in the nearby vicinity, the proposed development is expected to have a minimal impact of the amenity of the area and is unlikely to be largely noticeable from the street scene, which is demonstrated through the submitted elevations.
- 5.19 On this basis, it is considered that the proposed scheme would therefore accord with point (A.2) (b) as the solar panels have, so far as practicable, been positioned so as to minimise their effect on the amenity of the area.

Part (A.2) (c)

- 5.20 Lastly, Part (A.2) (c) relates to ensuring that the solar equipment is removed as soon as it is no longer needed. Given the inclusion of solar panels on an existing dwelling would help reduce carbon emissions making the site more energy efficient responding to the national move towards reducing carbon emissions, it is our view that the panels should be retained



in perpetuity for as long as possible. In any event, the panels will be removed, when no longer required, and the removal works would be undertaken by the Applicant.

- 5.21 As a result, it can be concluded that the proposal will comply with the relevant legislation and therefore the prior approval of the LPA is not required.

Conclusions

- 5.22 It has been demonstrated that the proposed development complies with the provisions of the GDPO and an LDC should therefore be granted.
- 5.23 The suite of plans and documents submitted in support of the application should be sufficient to enable the positive assessment of the application. Therefore, it is requested that the LDC is issued at the earliest opportunity.
- 5.24 Should any further information however be considered necessary and justified in light of the GPDO, then the Agent is willing to discuss this with the LPA at the earliest opportunity.



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