Lawful Development Certificate

Site: Ledian Farm, Upper Street, Leeds, Kent, ME17 1RZ

Client: Inspired Villages

Date: December 2023

1.1 Introduction

1.1.1 This Lawful Development Certificate application (Proposed Development) has been prepared on behalf of the Applicant, Senior Living (Ledian Farm) Ltd, to confirm that the installation of photovoltaic panels ('PV panels') to the roof of the Village Centre building in Phase 1 of Ledian Gardens is capable of being implemented under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 As Amended.

1.2 Site Context

1.2.1 The application site forms part of 'Ledian Gardens', a Continuing Care Village (Class C2), to the west of Upper Street, within the village of Leeds, east of Maidstone.

1.2.2 Access to the site is taken directly from Upper Street, north of Ledian Farmhouse. A public footpath runs along the site's southern boundary, linking Upper Street with open farmland to the rear of the site. A ragstone wall marks the curtilage of the listed Farmhouse and runs southwards marking the site's eastern boundary where it merges into the roadside bank.

1.2.3 Ledian Farmhouse lies adjacent to the site and is a Grade II listed building, located within the designated Leeds Conservation Area. To the rear of the Farmhouse lies Phase 1 of the Ledian Gardens scheme.

1.2.4 Existing residential development adjoins the application site to the north and south, with the Burgess Hall Drive cul-de-sac development to the south extending westwards along the line of the public footpath which dissects the two sites.

1.3 Background

1.3.1 On 16th April 2014 planning permission was granted by Maidstone Borough Council ('MBC') for, in summary, "*the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class)*" ('Original Permission') (LPA Reference MA/12/2046).

1.3.2 The detailed element of the Original Permission was varied pursuant to Section 73 of the Town and Country Planning Act 1990 ("1990 Act") on 22nd November 2018 pursuant to application LPA reference 18/503361/FULL to allow for variations to the approved plans.

1.3.3 The development implemented pursuant to planning permission reference 18/503361/FULL, comprises Phase 1 of the Development ('Phase 1') and includes

the Village Centre Building ('VCB'), a number of Extra Care Units and ancillary facilities. Phase 1 has now been completed.

1.3.4 On 28th April 2020 a separate full planning permission was granted by MBC under reference 19/506387/FULL for, in summary, 44 Extra Care Units, which was described as an amendment to the Original Permission and associated reserved matters approval. Planning permission 19/506387/FULL, which has been implemented but is yet to be fully built out, comprises Phase 2 of the Development ('Phase 2').

1.4 Proposed Works

1.4.1 Inspired Villages have an ambition to be the UK's most sustainable operator of retirement villages. To do so the organisation have demonstrated a commitment to achieving net carbon zero. Net zero carbon refers to the balance between the amount of greenhouse gas emissions that are produced and the amount that is removed from the atmosphere. This can be achieved through a combination of emission reduction and emission removal through which renewable technologies play an important part.

1.4.2 In line with the ambitions of IV to achieve Net Zero Carbon for Phase 2 of the development, it is necessary to install photovoltaic panels on the Phase 1 and Phase 2 buildings.

1.4.3 In terms of completed Phase 1, it is proposed that a total of 116 x 400W PV panels will be installed across the flat roof elements of the Village Centre Building.

1.4.4 In terms of Phase 2, which has yet to be completed, a Section 73 Application (LPA Reference 23/501361/FULL) was approved in August 2023 and related to minor material amendments to the approved plans of Permission 19/506387/FUL, to allow the installation of 354 x photovoltaic panels on the Phase 2 buildings.

1.5 National Planning Policy Support

1.5.1 There is strong government support for renewable energy, including solar panels. The government ran a consultation (which launched on 28th February and ran until 25th April 2023) to make changes to solar permitted development rights in order to support the British energy security strategy. The consultation acknowledges the contribution solar can provided in reaching net zero and reducing dependency on fossil fuels. This includes proposals to amend the Class A and Class J permitted development rights:

(1) to bring residential properties with flat roofs within the scope of the right by removing the requirement for rooftop solar panels not to protrude more than 20cm beyond the plane of the roof slope and enable solar equipment to extend no more than 60cms above the highest part of the roof on such roof types; and

(2) to remove the requirement that solar equipment is not installed on a wall of a domestic property which fronts a highway in a conservation area to provide further flexibility and maximise deployment;

(3) to remove the cap on generation on non-domestic properties of 1MW. Prior approval would still be required for solar equipment which generates above 50kW of electricity; and

(4) to remove the requirement that solar equipment is not installed on a roof slope or wall of a non-domestic property which fronts a highway in a conservation area to again provide further flexibility and maximise deployment.

1.5.2 The new Class OA was also introduced into Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in December 2023 under SI 2023/1279. The new class allows for the development of a solar canopy within the curtilage of commercial buildings. Additionally, the recently published new NPPF (December 20230 includes clearer support for solar panels and low carbon and energy improvements to existing buildings (para 164).

1.5.3 Albeit not directly relevant to this application and the application of the currently adopted Permitted Development Rights, the above demonstrates that there is an acknowledgement, at national level, as to the increasing importance to be played by solar in the drive towards net zero.

1.6 Permitted Development Rights for Solar Panels

1.6.1 The circumstances where deemed planning permission is granted for rooftop solar panels are set out in Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to England. Class A of Part 14 is headed "*installation or alteration etc of solar equipment on domestic premises*". Class J is headed "*installation or alteration etc of solar equipment on non-domestic premises*". As such, PD rights for the installation of solar equipment exist in relation to both 'domestic' and 'non-domestic' premises.

1.6.2 In respect of non-domestic premises, Class J of Part 14 permits the installation, alteration or replacement of microgeneration solar thermal equipment on a building, microgeneration solar PV equipment on a building or other solar PV equipment on the roof of a building other than a dwellinghouse or a block of flats.

1.6.3 In order to benefit from the PD rights, the installation of solar equipment must comply with the following limitations:

(1) The solar panels must not protrude more than 20cm beyond the plane of the roofslope when measured from the perpendicular with the external surface of the roofslope;

(2) The highest part of the solar panel must not be 1 metre higher than the highest part of the roof (excluding chimneys);

(3) Rooftop solar equipment must not be installed within 1 meter of the external edge of the roof to which they are affixed;

(4) Solar panels must not be installed on a scheduled monument;

(5) Solar panels must not be installed on a listed building or on a building within the curtilage of a listed building.

1.6.4 Development is not permitted by Class J(a) or (b) if:

(1) The PV 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 ot the wall;

(2) The PV 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; or

(3) In the case of a building on article 2(3) land, the solar PV equipment would be installed on a wall which fronts a highway.

1.6.5 The permitted development right is subject to the following conditions:

(1) the solar panels/equipment must be sited so far as practicable to minimise their effect on the external appearance of the building and the amenity of the area; and

(2) once the solar panels/equipment are no longer needed, they must be removed as soon as reasonably practicable.

1.6.6 Further, in the case of other (non microgeneration) solar PV equipment of up to 1MW installed on the roof of a building, development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. The development must not begin until the local planning authority either confirms that prior approval is not needed or it issues notice giving prior approval. Given these proposals relate to microgeneration PV panels, prior approval is not required in this instance.

1.7 Phase 1 Permitted Development Rights Compliance

1.7.1 In this case the Phase 1 Village Centre Building, which is a mixed use class building, is classed as 'non-domestic' to which Class J of Schedule 2, Part 14 of the Permitted Development Rights applies. Class J applies to buildings "other than a dwellinghouse or block of flats", neither of which apply to the VCB.

1.7.2 Furthermore, this LDC application relates to the installation of 'microgeneration solar PV equipment' only, i.e. Class J (b).

1.7.3 The table below sets out all of the conditions and limitations of Class J, and demonstrates how the installation of the PV panels on the roof of the VCB complies accordingly:

Class J Conditions	
J.1 Development is not permitted by Class J if:	**Compliance**
(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.	N/A as the PV panels will be installed on a flat roof.

(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).	The PV panels will be installed on a flat roof and will be no higher than 1 metre above the highest part of the roof.
(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.	The PV panels will not be within one metre of the external edge of the roof of the Village Centre building, being sited behind a parapet and well away from the roof edge/eaves.
(d) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument.	N/A
(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.	N/A – the VCB falls wholly outside the curtilage of the nearby listed Ledian Farmhouse
J.2 Development is not permitted by Class J(a) or (b) if:	**Compliance**
(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.	N/A as the PV panels will not be installed on a wall.
(b)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.	N/A as the PV panels will not be installed on a wall.
(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 wall which fronts a highway.	N/A as the PV panels will not be installed on a wall.
J.3—(1) Class J development is permitted subject to the following conditions:	**Compliance**
(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.	Given that the PV panels will be located on the flat roof elements of the Village Centre building behind the parapets, the effect on the external appearance of the building and the amenity of the area will be minimal and minimised as far as practicable.
b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.	When no longer needed the equipment will be removed as soon as reasonably practicable.
J.4—(2) Class J(c) development is permitted subject to the condition that:	**Compliance**
before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.	N/A as the proposal relates to the installation of 'microgeneration solar PV equipment' only i.e. Class J(b).

1.7.4 Given the above, it has clearly been demonstrated that all the criteria as listed under Schedule 2, Part 14, Class J have been met. The installation of the PV panels on the flat roof of the Village Centre Building (Phase 1) is therefore considered to be Permitted Development and planning permission is not required.

1.8 Conclusion

1.8.1 Inspired Villages have the intention of achieving net zero across all their retirement village sites in the aim of delivering long-term sustainability and also supporting

the Paris Agreement and helping to reduce the increase in global temperature to 1.5%. The focus of IV on net zero carbon regulated energy will allow them to regulate and control the carbon content of supply on sites, which fundamentally works towards local and regional targets for net zero by 2030 and national targets to achieve net zero by 2050.

1.8.2 The proposed installation of 116 x 400W PV panels on the flat roof elements of the Phase 1 Village Centre Building, together with the 354 x Phase 2 PV panels, is the minimum required to achieve net zero on Phase 2. This follows maximising energy efficiency of the Phase 2 buildings through the fabric-first approach and maximising use of ground source heat pumps for the phase as well.

1.8.3 Furthermore, there is a clear commitment to tackling climate change which runs through national and local policy. The Council have declared a Climate Emergency and aim "*to take every opportunity to generate renewable energy across the borough*". These proposals sit firmly within this aim and will help achieve the Borough's wider aspirations for net zero. If these targets are to be met, then future development will need to maximise its contribution.

1.8.4 The Council's emerging Local Plan also sets out a clear intention to secure development like that proposed here and to champion and support sustainable design and renewable energy.

1.8.5 Notwithstanding the above, this Lawful Development Certificate application has demonstrated that the installation of the PV panels on the roof of the Phase 1 Village Centre Building, meets all of the relevant criteria under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1.8.6 Given the above, planning permission is not required to carry out the proposed works and it is respectfully requested that a Lawful Development Certificate be issued.