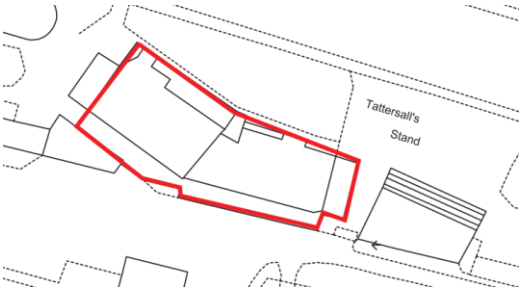
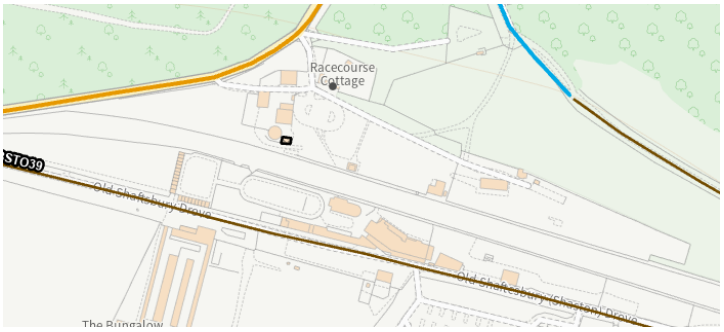
CASE OFFICER'S REPORT

Application Reference: **PL/2023/07172**
Installation of 173, 400-420 Watt Solar Panel Modules over 2 roof areas.
Salisbury Racecourse, The Race Plain, Netherhampton, Salisbury, SP2 8PN
Date of Inspection: **7/9/2023**
Date site notice posted: **7/9/2023**
Consultation expiry **28/9/23**





SITE CONSTRAINTS

- Former Rubbing House is Grade II listed
- Special Landscape Area
- Public Right of Way Byway BST039

POLICIES

This submission is a prior notification application submitted pursuant to the Permitted Development rights enshrined within Schedule 2, Part 14 Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, for the installation of, alteration or replacement of solar photovoltaic equipment on the roofs on non-domestic buildings producing up to a capacity of 1MW.

There is no requirement for planning permission for such development providing the conditions and caveats set out with Class J are satisfied.

Permitted development rights are subject to conditions and limitations. In some cases the permitted development rights will require the Local Planning Authority to approve certain matters (a process generally referred to as 'Prior Approval').

For the avoidance of any doubt, Class J of Part 14 of Schedule 2 to the Order (hereafter referred to as 'Class J') permits:

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.

Development is not permitted by Class J if:

J.1 Development is not permitted by Class J if—

(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;

(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);

(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;

(d)in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;

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

(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.

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

(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;

(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; or

(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.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

Conditions

J.4—(1) Class J development is permitted subject to the following conditions—

(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; and

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

(2) Class J(c) 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**, and the following sub-paragraphs apply in relation to that application.

Therefore, before beginning the development, the Applicant is required to 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.

Where prior approval is required, the **NPPF 2023** and **Wiltshire Core Strategy** policies relating to design and landscape would be relevant:

CP57: Ensuring High Quality Design and Place Shaping
CP51: Landscape
Core Policy 58: Ensuring the Conservation of the Historic Environment
Saved Policy C6: Special Landscape Area (Annex D of WCS)

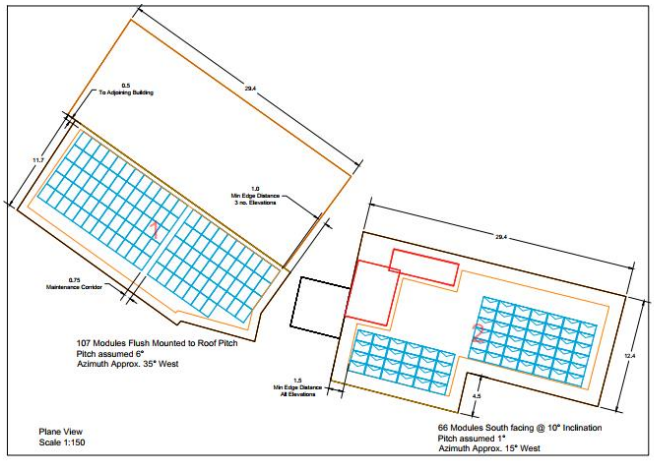
ISSUES

- Whether the proposal constitutes Permitted Development
- Whether the Prior Approval of the Local Planning Authority is required as to the design or external appearance of the development

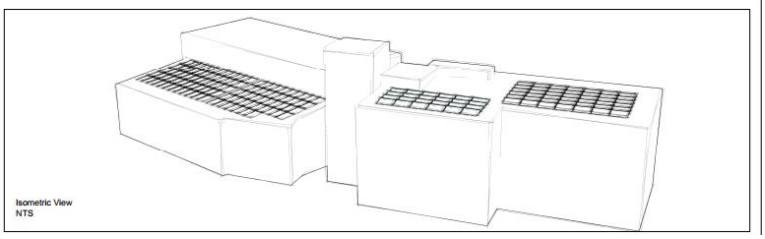
CONSULTATIONS & REPRESENTATIONS

Parish Council – No comment
Third Parties – None received

SITE DESCRIPTION AND PROPOSALS







The site comprises two grandstand four buildings forming part of the Salisbury Racecourse complex, located north of the access track known as The Race Plain. The track is a public right of way (Byway BSTO39) and also forms part of the northern boundary of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, as well as the boundary between the civil parishes of Netherhampton (within which the site is located) and Stratford Tony. The site lies within an Area of Special Archaeological Significance, but this does not raise any issues in relation to the current proposal.

The applicant is seeking to install solar panel modules on top of two grandstand buildings. The solar arrays have been split into four different locations cross two roofs and are identified in the proposed block plan above.

SITE HISTORY

18/06294/PNCOU Notification for Prior Approval Under Class J - for the Installation of 96.6kWp Solar Photovoltaics Panels on the Roofs of 4 Non-Domestic Buildings **PA not required**

ASSESSMENT:

The proposed development comprises the installation of solar PV equipment on the roof of two racecourse buildings, within the Special Landscape Area. The capacity of the proposed solar PV equipment to generate electricity would not exceed 1 megawatt. The development therefore falls under Class J (c) for consideration.

Whether the proposal constitutes Permitted Development under Class J (c):

Requirements	Assessment
J.1 Development is not permitted by Class J if- (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;	(Relevant for Building One only) The solar panels being installed on the pitched roof would not 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.
(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 (exclusing any chimney);	(Relevant for Building Two only) The solar panels being installed on the flat roof would be mounted panels that are not higher than 1 meter 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 solar PV equipment would be installed on a roof and as shown by the dimensions on the plan they will not be within 1 metre of the external edge of the roof.
(d) in the case of the building on article 2(3) land, the solar PV equipment or solar thermal	The site is not on article 2(3) land so this is not applicable.

equipment would be installed on a roof slope which fronts a highway;	
(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or	The site is not designated as a scheduled monument.
(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.	Neither building are listed or within the curtilage of a listed building.

Therefore, the solar PV specification satisfies the legislative condition in terms of the uptake and its placement on the roof. From the above, the proposal can be considered as permitted development and satisfies the conditions set out under Class J of the Order.

J.2 Development is not permitted by Class J(a) or (b) if- (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 plan of the wall when measured from the perpendicular with the external surface of the wall;	The solar PV equipment would 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; or	The solar PV equipment would not be installed on a wall.
(c) in the case of the building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.	The solar PV equipment would not be installed on a wall.
J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.	The solar PV equipment installed would not generate more than 1 megawatt of electricity.

Whether the Prior Approval of the Local Planning Authority is required:

Conditions

J.4—(1) Class J development is permitted subject to the following conditions—

(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; and

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

(2) Class J(c) 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, and the following sub-paragraphs apply in relation to that application.

(3) The application must be accompanied by—

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) the developer's contact address; and

(d) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

Class J subsection J.4 (1) as set out above confirms the additional consideration that needs to be given to any such PD proposal. In terms of J.4 (1) (a) the case officer considers that the proposal is sited so as to **minmise its effect on the external appearance of the building and the amenity of the area.**

The PV Panels are located on the roof of both buildings and as the isometric view above shows, they would have a minimal impact on the appearance of the building. The proposed block plan shows the proposed layouts on the various roof areas. These are as follows:

- Roof 1: 107 Modules Flush Mounted to Roof Pitch assumed at 6 degrees.
- Roof 2: 66 Modules South facing at 10 degrees inclination

Any potential views of the solar panels would be restricted to the immediate area outside the clubhouse and therefore, their installation would not have any significant or discernible influence on the landscape character when viewed from more distant public views of the site from the south on Roman Road given tree cover to the site:



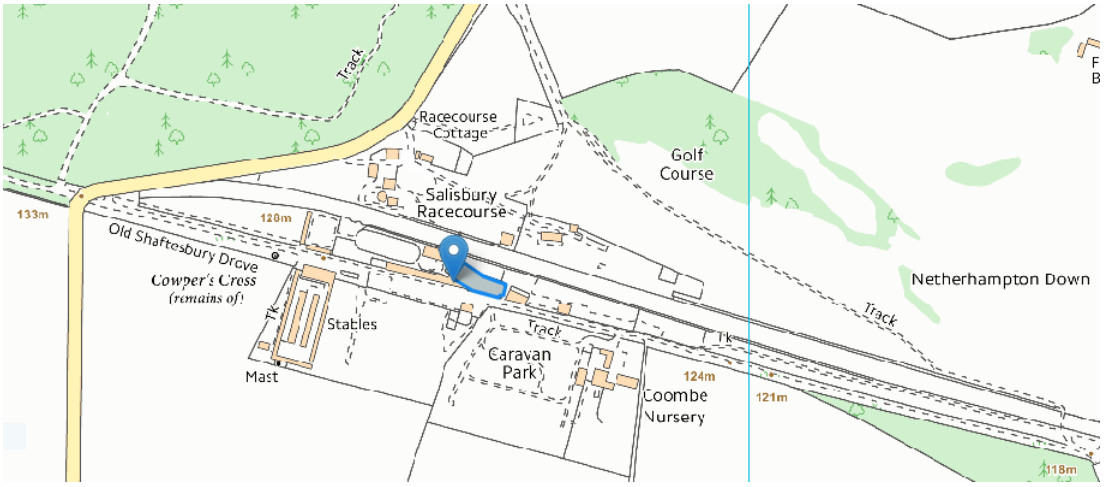


The proposal is not considered to affect the significance or setting of the Grade II listed building (former rubbing house) to the north west of the buildings.

Additionally, there are no nearby residential dwellings that could be affected by the solar panels.

In considering the 2018 proposals, the Officer stated in their 2018 report:

"It is considered that the design and external appearance of the proposed development would be appropriate in the context of the existing buildings on site. The Applicant has provided a study on glare carried out in April 2016 by the Solar Trade Association. Whilst this study is not site-specific to this case, it is based on Solar PV as a whole. There are many large installations that do not cause any more glare than before they were installed. Solar panels are designed to absorb light rather than reflect it and are also coated with an anti-reflective coating. It is considered that any glare arising from the proposed solar PV installation is unlikely to materially add to that emanating from the highly prominent existing buildings.



In conclusion, the proposal would meet the condition J.4 of the GPDO 1(a) which states that 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 for the building and the amenity of the area.

The development is therefore acceptable and the prior approval of the authority will not be required as to the design or external appearance of the development. On the basis of the information submitted by the applicant and from observations during the site visit, the impact of glare on occupiers of neighbouring land is considered likely to be acceptable.

RECOMMENDATION:

The proposal would be permitted development and prior approval is not required.