

Our Ref: 05C400438
Your Ref: PP-14633535

26 March 2026

Development Management
Wiltshire Council
Monkton Park Officers
Monkton Hill
Chippenham
SN15 1ER

Dear Sir/Madam,

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14, Class J

Prior Approval Application for the installation of solar PVs at the existing ALDI Foodstore, Festival Way, Malmesbury, SN16 9GN

Enclosed is an application seeking prior approval on behalf of Aldi Stores Limited ("the Applicant") for the installation of solar PVs on the roof of the existing ALDI Foodstore, Festival Way, Malmesbury, SN16 9GN ("the Site"). The application has been submitted via the Planning Portal (ref. PP-14633535).

Alongside this covering letter and the requisite application forms, this application comprises the following documentation:

- Site Location Plan;
- Proposed Roof Plan;
- Solar Panel Installation Manual; and
- Solar Panel Specification.

The application fee of £240 (exclusive of the £85 Planning Portal administrative charge) has been paid via the Planning Portal. This fee has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2021 (as amended).

The Site and Context

The existing Aldi foodstore site is approximately 1.94 acres in size and was granted planning permission in September 2020 (ref. 18/06980/FUL). The site is located to the northeast of Malmesbury.

The site is bounded by Crudwell Road (A429) to the west and Festival Way and Malmesbury Graden Centre to the south. To the north and east the site is bounded by agricultural land.

There are no adjacent residential properties, with the nearest being Fillands Barn, approximately 25m to the west on the western side of Crudwell Road.

The site does not fall within a conservation zone and there are no listed buildings within the site or its curtilage, though there is a Grade II listed Milestone to the northwest of the site.

Proposals

The proposals consist of the installation of 268 No. solar panels onto the roof of the existing ALDI foodstore. As demonstrated on the Solar Panel Specification Sheet, the total maximum power output of the proposed PV panels is 140KW.

This follows an extensive structural survey of the existing roof to ensure that the solar panels can be installed without any impact on the roofing structure.

The proposals form part of a wider programme of solar PV installations across the Aldi estate in both the UK and Ireland, which is seeking to significantly reduce Aldi's carbon footprint and contribute towards mitigating climate change.

The application is made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14, Class J for the installation, alteration or replacement of solar photovoltaic (PV) equipment on the roofs of non-domestic buildings, for which prior approval is required.

Relevant Legislation

Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended) outlines the parameters within which a proposed development relating to renewable energy can be considered to be permitted development. The Schedule includes a number of subsections which must be met for a proposal to qualify as permitted development.

Referring to Schedule 2 Part 14 Class J of the GPDO, in relation to the proposed installation of the solar PV equipment on the non-domestic premises, development is permitted for:

"(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 block of flats."

Microgeneration is defined by the GPDO as having the same meaning as in section 82(6) and 82(7) of the Energy Act 2004, which is technology that produces no more than 50kw of energy or 45kw of heat. On the basis that the proposed solar PV installation would generate in excess of 50kw, it would fall under criteria Class J(c) (i.e. 'other solar PV equipment'), the installation of which is

subject to a number of conditions that are described in the GPDO (subsection **J.1**). This includes where:

- 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 – *not applicable as the roof is not pitched.*
- 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, as per the Solar Panel Specification, will be no higher than 1 metre above the highest part of the roof. Indeed, the total depth of the proposed solar PVs is 300mm.*
- the solar PV equipment would not be installed on a roof and within 1 metre of the external edge of that roof - *the solar PVs will not be sited within 1m of the external edge of the roof, as is demonstrated on the Proposed Roofing Plan.*
- the solar PV equipment would not be installed on a site designated as a scheduled monument; or the solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building - *the PV equipment will not be sited on a building designated as a scheduled monument; and the solar PV equipment will not be installed on a listed building or on a building within the curtilage of a listed building.*

Subsection **J.4** requires that the solar PV 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. Since the PV equipment will be sited on the roof of the existing foodstore and will not extend above the existing roof parapet, it will not be visible from ground floor level from street level. Furthermore, as there are no buildings within proximity of the site that are substantially taller than the Aldi foodstore, views of the building's roof and the proposed PV panels, will be limited. The subsection requires the equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed, which the applicant intends to do.

Subsection **J.4(2)** also confirms that prior approval must be sought from the Local Planning Authority for any solar PV equipment proposed to be installed under Class J(c) development before beginning the installation as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. The legislation states that an application for prior approval must be accompanied by:

- a written description of the proposed development
- a plan indicating the site and showing the proposed development;
- the developer's contact address and email address (if the developer is content to receive communications electronically); and
- the requisite statutory planning fee.

This application provides information sufficient to meet these requirements.

For completeness, the legislation also confirms that the development must not begin until the LPA has confirmed in writing that prior approval is not required; where prior approval is required, such

approval is given; or, where no such confirmation is given, until the expiry of 56 days following the date on which the application was received by the LPA.

National Planning Policy Framework (2024)

Class J.4(8c) states that the LPA should have regard to the National Planning Policy Framework as if the Prior Approval application is a planning application, so the following summarises those parts of the guidance of relevance to this application.

Section 2 (Achieving Sustainable Development) states that *“the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner”*. Paragraph 10 states *“so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**”*.

Section 4 (Decision Making) continues in Paragraph 38 that *“Local planning authorities should approach decisions on proposed development in a positive and creative way”* and *“Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

More specifically to the proposals, Section 12 (Achieving well-designed and beautiful places) sets out in Paragraph 131 that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

Section 14 states that *“when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable”*. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas”.

It goes on to say that *“in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework”*.

Planning Assessment

The proposal meets the criteria set out above of Schedule 2 Part 14 Class J.4 of the GPDO, and therefore before beginning the development, the applicant must apply to the LPA for prior approval as to the design or external appearance of the development.

The relevant material considerations have been considered through the below planning assessment.

Residential Amenity

The roof-mounted solar panels are proposed to be positioned in a number of locations on the roof of the building. Due to the height of the building, the proposed solar panels will be limited in visual

sightlines from public viewpoints and are therefore considered to form acceptable additions in such locations from a visual amenity perspective. As there are no directly adjacent residential buildings, it is considered that there would not be any loss of residential amenity or resulting glare from the panels for neighbours. This is in accordance with Class J.4(2), and, since there will be no result in glare to residential properties.

As such, the scheme is assessed as being acceptable both in terms of design and residential amenity considerations, in line with Section 12 of the NPPF.

Assessment

To comply with **J.4**, the solar PV panels will be installed as soon as is commercially possible, however once their lifespan concludes they will be removed as soon as reasonably practicable when no longer needed.

Therefore, it is concluded that the proposals are entirely in accordance with GPDO Schedule 2 Part 14 Class J, and, as such, qualify for permitted development rights once this prior approval application is granted.

Conclusion

This application has been made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 14, Class J for the installation, alteration or replacement of solar photovoltaic (PV) equipment on the roofs of non-domestic buildings, for which prior approval is required for a proposal of this nature.

As outlined within the planning assessment, will not cause any negative cumulative effects on either the building on which it is sited or the surrounding areas' amenity, and the solar PVs will be removed as soon as reasonably practicable when no longer needed.

The solar PVs are necessary and essential for the Aldi to significantly reduce their carbon footprint and contribute towards mitigating climate change. The development comprises just one store within a large nationwide drive to install solar PVs across Aldi's estate which, cumulatively, will make a significant contribution towards the applicant's desire to improve their sustainability efforts.

The erection and installation of solar PVs of this scale and nature have consistently been deemed acceptable via prior approval applications under GPDO Schedule 2, Part 14, Class J across the country so the applicant anticipates that this application will follow suit without delay.

I look forward to receiving formal validation of this prior approval application, but in the meantime please do not hesitate to contact me or my colleague Rosie Bircumshaw [REDACTED] if there are any further queries.

Yours sincerely



**Thomas Clift
Senior Planner**

[REDACTED]

[REDACTED]

For and on behalf of Avison Young (UK) Limited