

APPLICATION FOR PRIOR NOTIFICATION – PART 3 CASE OFFICER REPORT

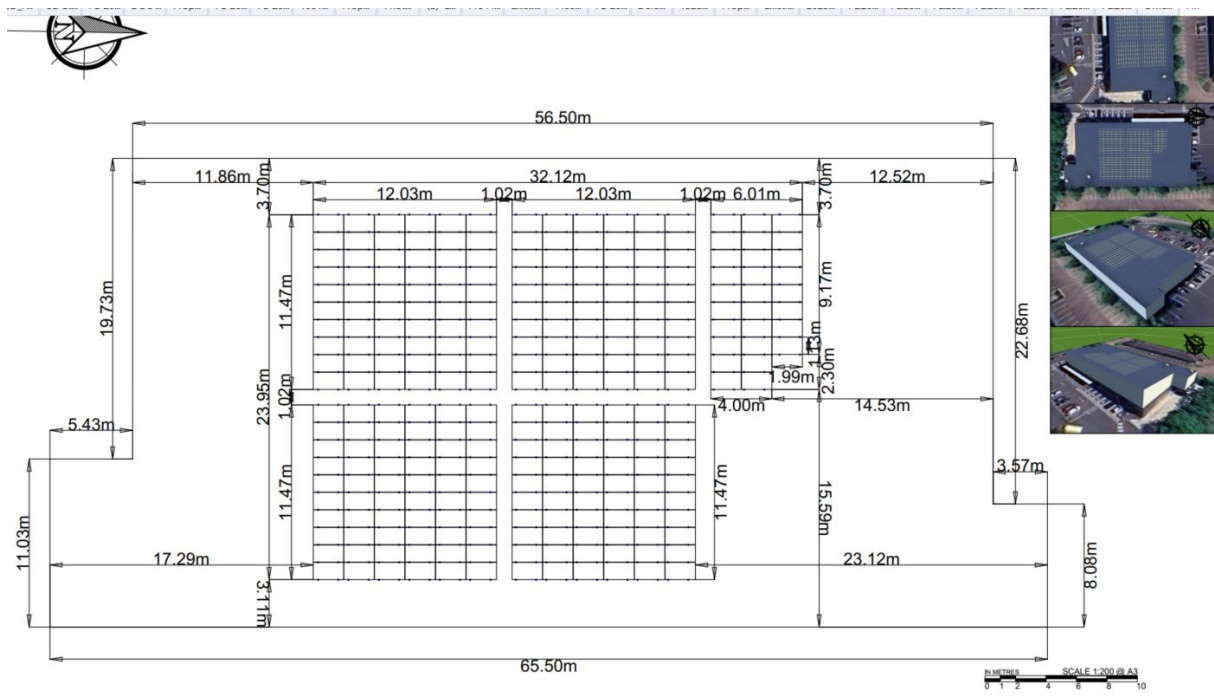
APPLICATION REFERENCE:	PL/2026/01503
APPLICATION TYPE:	Prior approval Part 14 Class J: Installation or alteration etc of solar equipment on non-domestic premises
SITE ADDRESS:	ALDI, Methuen Park, Chippenham, SN14 0GX
DEVELOPMENT DESCRIPTION:	Prior Approval Application for the installation of solar PVs at the existing ALDI Foodstore, Methuen Park, Chippenham, SN14 0GX
RECOMMENDATION:	That Prior Approval is NOT REQUIRED

SITE DESCRIPTION/CONTEXT

The application site is located on the corner of Methuen Park and consists of a substantial flat roofed building with associated parking and infrastructure. PRow CHIP108 runs to the south of the site and the whole of the wider business and retail park is covered by a group tree preservation order, N/TPO145 – Easton Lane Chippenham. There are no other relevant heritage, landscape or ecological constraints.

PROPOSAL

This application is to determine if the installation of solar photovoltaic (PV) panels on the roof of the buildings is permitted development and whether prior approval is required. The panels would be on a flat roof with a slope of less than 10 degrees. The following submitted roof plan shows the location and positioning of the solar panels:



RELEVANT LEGISLATION, POLICY AND GUIDANCE

This application is assessed under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which grants planning permission for certain types of development described in Schedule 2 of the Order. The grant of permission is subject to the limitations, conditions, and provisions set out within the relevant Classes of permitted development.

This submission is not a planning application but is instead a prior approval 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 1 megawatt. There is no requirement for planning permission for such development providing the conditions and caveats set out with Class J are satisfied. The legislation is shown below with comments related to the proposals added by the case officer in red

RELEVANT PLANNING HISTORY

19/04609/FUL - The demolition of the existing building and the erection of a Class A1 discount foodstore with associated access, parking and servicing areas, and landscaping.

The application was granted subject to conditions. Condition 19 removed certain permitted development rights.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 7, Classes (a), (c) & (d) shall take place on the building or within the curtilage of the building subject of this permission.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider whether planning permission should be granted for additions, extensions or enlargements.

Permitted development rights for external alterations were not removed and there are no other conditions on this, or subsequent applications which remove permitted development rights for external alterations.

CONSULTATIONS

Chippenham Town Council: No comments received

ASSESSMENT

Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

J. 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 not permitted

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; **All solar panels proposed are to be installed on a flat roof of less than 10 degrees incline. The proposals therefore would not conflict with this limitation.**

(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 proposals would not conflict with this limitation.**

(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 proposals would not conflict with this limitation.**

(d) **This criterion has been omitted from the GPDO (21.12.2023).**

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; **The site is not 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. **The proposals would not conflict with this limitation.**

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 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.

The proposals would not conflict with any limitations detailed in J.2.

J.3 This criterion has been omitted from the GPDO (21.12.2023)

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; **Noted** and

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

(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.

The thrust of national and local policy is broadly supportive of small-scale renewable energy schemes. It is now relatively common to see solar panels affixed to the roofs of buildings. The building onto which it is proposed to site the panels already exists and is well contained within the established boundaries of the site. Given the location, scale, colour, and siting of the proposed panels, it is not considered that they would have an unacceptable impact on the prevailing character, appearance and setting of the area. There would be no harm to the setting of any heritage assets.

In terms of the impact of glare on occupiers of neighbouring land, as already stated the panels would be sited on an existing building. There are no residential properties adjacent to the site but a few with potential long distance views of the building. Solar panels have evolved considerably since they were first introduced and are designed to absorb solar energy and have very low reflection levels. Full details of the specifications have been provided. All panels are to be installed on flat roofs which greatly reduces visibility and potential for adverse levels of glare/reflection onto neighbouring land.

It is considered that the information provided is sufficient to provide reassurances that appropriate consideration has been given by the applicant to this matter and that the impacts on amenity through glare are minimal.

As such, the development is considered to comply with the requirements within paragraphs J.4(1) and J.4(2) of Schedule 2 Part 14 Class J(c) of the GDPO.

(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. **All criterion in this section has been met.**

(4) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class J applicable to the development in question. **n/a**

(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval. **n/a**

(6) The local planning authority must give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; **A site notice was erected on site, in a suitable location, on 25/03/2026.** or
(b) by serving a notice in that form on any adjoining owner or occupier.

(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application. **Not required.**

(8) The local planning authority must, when determining an application—
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
(b) have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application. **Noted and this has been done.**

(9) The development must not begin before the occurrence of one of the following—
(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
(c) the expiry of 56 days following the date on which the application under subparagraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried out—
(a) where prior approval is required, in accordance with the details approved by the local planning authority;
(b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in subparagraph (3), unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.

CONCLUSION

The proposed development is permitted development and prior approval is not required.

RECOMMENDATION: That prior approval is not required.