

Delegated Report

Officer: Ashleigh Gade
Title: Senior Planning Officer

Planning Ref: 26/00379/P14J
Applicant: Mr Ardesh Sarangam
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Heath Lane Academy, Heath Lane, Earl Shilton

Proposal: Notification to determine if Prior Approval is required for the installation of solar PV system

1. Recommendation

1.1. Prior approval required and granted.

2. Planning Application Description

2.1. This is an application for notification to determine whether prior approval is required under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a solar photovoltaic (PV) system at Heath Lane Academy, Heath Lane, Earl Shilton.

2.2. The proposal involves the installation of 600 solar photovoltaic modules on the existing flat roof of the main Heath Lane Academy building. The proposed solar PV system has a total generation capacity of 280kWp.

2.3. The proposed solar PV arrays are to be mounted to the roof on tilt frames with a maximum height of 0.297 metres above the surface of the flat roof. The solar PV panels are black-framed and constructed with anti-glare glass.

3. Description of the Site and the Surrounding Area

3.1. The application site is located within the settlement boundary of Earl Shilton, to the west of the settlement close to Barwell. The site forms part of the Heath Lane Academy, which is a secondary school and sixth form academy.

3.2. The application site comprises the main school building, which is comprised of both single and two storey sections. The main school building has been built out over time and includes various attached and extended buildings which form a generally rectangular footprint but are varied in form. The main school building is predominantly finished in red facing brick with a flat, grey roof covering.

3.3. The wider Heath Lane Academy site comprises the central school building as well as several other smaller detached buildings, car parking areas to the west, and playing fields and surfaced courts to the north and east. The site is fenced and the entrance is gated.

- 3.4. The site gains access from Heath Lane which is an adopted and unclassified road subject to a speed limit of 30mph.
- 3.5. To the south, east and west of the site is land within the settlement boundaries of Earl Shilton and Barwell, predominantly comprising residential properties. To the north is land within the designated open countryside.

4. Relevant Planning History

4.1 25/00534/FUL

Replacement lighting and replacement ball stop fencing to existing artificial grass pitch development
Planning Permission
25.09.2025

4.2 25/00310/CLP

Certificate of proposed lawful development for the removal of the existing glazed entrance screen and doors to the main school entrance and replacement with new polyester powder (PPC) aluminium glazed entrance screen with double automatic sliding doors. Removal of the existing white uPVC shiplap cladding above the entrance screen and replacement with new white uPVC shiplap cladding to match the existing
Certificate of Lawful Proposed Use
19.05.2025

4.3 24/00824/FUL

Replacement roof to the main block and associated works
Planning Permission
17.10.2024

4.4 24/00257/FUL

Replacement of windows
Planning Permission
14.05.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Hinckley and Bosworth Borough Council (HBBC) Environmental Services – Pollution had no objection to the proposal.
- 6.2. No response was received from Earl Shilton Town Council.

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 14 Class J (as amended)
- 7.2. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. It is necessary to determine whether the proposed development meets the criteria for permitted development under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

8.2. Class J relates to development involving the installation, alteration or replacement of microgeneration solar thermal equipment, microgeneration solar PV equipment, or other solar PV equipment on buildings other than dwellinghouses or a block of flats.

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.

8.3. Section 82 of the Energy Act 2004 defines ‘microgeneration’ for the purposes of the generation of electricity as being where the generation capacity does not exceed 50 kilowatts.

8.4. The proposed solar photovoltaic (PV) system has a generation capacity of 280 kilowatts and therefore exceeds the definition of microgeneration.

8.5. It is therefore considered that the proposal meets the definition of Class J(c) and that it constitutes a development of ‘other solar PV equipment on the roof of a building’ on a building that is not a dwellinghouse or a block of flats.

8.6. The criteria of Class J of Part 14 of Schedule 2 of the GPDO are as follows:

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;

The solar PV equipment would not be installed on a pitched 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 highest part of the solar PV equipment would not be higher than 1 metre above the highest part of the flat 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 not be installed within 1 metre of the external edge of the roof.

(d) J.1(d) was omitted 21.12.2023 by virtue of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No.2) Order 2023.

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

The solar PV equipment would not be installed on a site 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.

The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

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;

The development is not Class J(a) or (b) development and is not to 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 development is not Class J(a) or (b) development and is not to 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.

The development is not Class J(a) or (b) development and is not located on a building on article 2(3) land.

J.3 J.3 was omitted 21.12.2023 by virtue of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No.2) Order 2023.

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

The solar PV equipment would be located on areas of the existing flat roof of the main building at Heath Lane Academy. The building is set back from the nearest public highway, Heath Lane, and is generally well screened from surrounding residential properties by established vegetation. It is therefore considered that the development's effect on the external appearance of the building would be minimal and that it would not have an undue impact upon the amenity of the area.

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

Note to Applicant.

(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 proposal is Class J(c) development. The Applicant has applied to the Local Planning Authority for determination as to whether Prior Approval will be required.

The proposed solar PV equipment is to be installed on the flat roof of the existing main school building at Heath Lane Academy. Notwithstanding that the siting and height of the solar PV equipment is consistent with the previous sections of this report, the number and siting of the proposed panels cover a significant area of the existing roof surface. As such, consideration is necessary as to the design and external appearance of the development, in particular the impact of glare on neighbouring occupiers.

The Heath Lane Academy building upon which the panels will be installed is set back from the nearest public highway, Heath Lane. It is unlikely that any but the initial array of panels on the nearest building to the highway would be visible from the highway. Further, the height of the proposed panels is no more than 0.3 metres above the roof surface of each section of the building, and as such their visual prominence would be low. It is therefore considered that the design and external appearance of the development would be appropriate.

The Academy site and the application building are generally well screened from surrounding residential properties by established vegetation. Most

views to the site from surrounding dwellings, in the case where views are possible, are intermittent or at a distance. The Applicant has provided technical specification details demonstrating that the proposed solar PV panels are to be black-framed and use anti-glare glass. It is therefore considered that these factors, combined with the low height of the solar PV arrays, demonstrate that there would be no undue impact on occupiers of neighbouring land.

(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.*

The required information has been provided and the required fees paid for this application.

(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.*

The development is considered to comply with and the application considered to be accompanied by sufficient information to determine the compliance with, the conditions, limitations and restrictions of Class J.

(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.

The Local Planning Authority does not seek to refuse the application.

(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; or*
- (b) by serving notice in that form on any adjoining owner or occupier.*

A site notice compliant with the requirements of J.4(6) was posted near the land to which the application related for not less than 21 days prior to the determination of this application. Notice was also served on adjoining occupiers by way of letter also compliant with the requirements of J.4(6).

(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.

The Applicant has submitted sufficient information for the application to be determined.

*(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.*

The Local Planning Authority have not received any representations as a result of notice given under sub-paragraph (6) and has had regard to the National Planning Policy Framework relevant to the subject matter in determining the matter of prior approval.

*(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 sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*

Note to Applicant.

*(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 sub-paragraph (3),
unless the local planning authority and the developer agree otherwise in writing.*

Note to Applicant.

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

Note to Applicant.**9. Equality Implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposal meets the criteria of Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10.2. It is considered pursuant to J.4(2) of Class J that the proposal requires Prior Approval. The application is considered to have adequately addressed the matters for consideration under Prior Approval for Class J and the development is considered to be acceptable with regard to design and external appearance, and the impact of the development upon neighbouring occupiers, with particular regard to minimisation of glare. Prior Approval is therefore recommended to be granted.

11. Recommendation

11.1 **Prior Approval required and granted.**

11.2 Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form
 - Site Location Plan
 - Proposed Design
 - Arrangement of Panels
 - Pages 1-2, Roof Cross Section, Drg No 01
 - Design and Access Statement
 - Supporting Images
 - Anti-Glare Solution Details
 - Anti-Glare Panel Data SheetAll submitted 22.04.2026.
2. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.