



Application for a Lawful Development Certificate for an Existing use or operation
or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of
the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

Publication of applications on planning authority websites.

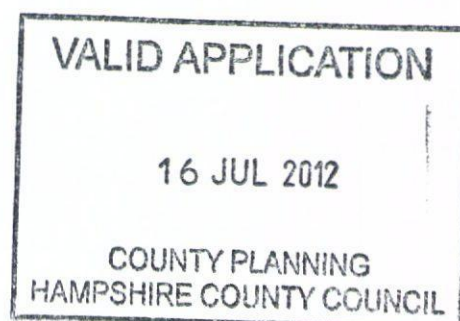
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	Nick	Surname:	Boyle
Company name:	Lightsource Renewable Energy Ltd				
Street address:	Level 4		Country Code	National Number	Extension Number
	20 Old Bailey		Telephone number:		
			Mobile number:		
Town/City	London		Fax number:		
County:	London		Email address:		
Country:	United Kingdom				
Postcode:	EC4M 7AN				
Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No					

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Joshua	Surname:	Mellor
Company name:	Lightsource Renewable Energy Ltd				
Street address:	Level 4		Country Code	National Number	Extension Number
	20 Old Bailey		Telephone number:	02034405808	
			Mobile number:		
Town/City	London		Fax number:		
County:	London		Email address:		
Country:					
Postcode:	EC4M 7AN		joshua.mellor@lightsource-re.co.uk		



3. Site Address Details

Full postal address of the site (including full postcode where available)

House:		Suffix:	
House name:	Riders Junior School		
Street address:	Kingsclere Avenue		
Town/City:	Havant		
County:	Hampshire		
Postcode:	PO9 4RY		

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	471067
Northing:	108366

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

Thank you for the email below. I have spoken with my manager and we agree with the counsel advice attached in your email. I would re-iterate the planning advice given in the guidance from Bath and North East Somerset Council:
under part 32 of the Order, solar panels on school, college, university and hospital roofs are considered as an "alteration" of a building. As such, if the panel installation meets all the criteria and conditions, a planning application will not be needed.
Any development within the curtilage of a listed building will not be permitted development and will require an application for planning permission and listed building consent

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:

☐ a) Owner ☒ b) Lessee ☐ c) Occupier ☐ d) Other

If Yes to b) or c), please give details of the owner and state whether they have been informed in writing of this application:

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- ☐ An existing use
- ☒ An existing operation
- ☐ An existing use, operation or activity in breach of a condition

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☒ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

Advised by the council that they agree that the installation of solar panels on school roofs can classed under the Part 32 legislation for Schools, Colleges, Universities and Hospitals as laid out in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. As long as it meets all other requirements.

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number: Condition number: Date:

Please state why a Lawful Development Certificate should be granted:

Advised by the council that they agree that the installation of solar panels on school roofs can classed under the Part 32 legislation for Schools, Colleges, Universities and Hospitals as laid out in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. As long as it meets all other requirements.

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

In the case of an existing use or activity in breach of conditions has there been any interruption?

☐ Yes ☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

☐ Yes ☒ No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes ☒ No

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.



Date:

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.





LAWFUL DEVELOPMENT CERTIFICATE APPLICATION
SOLAR PHOTOVOLTAIC INSTALLATION ON A SCHOOL
BUILDING ROOF

RIDERS JUNIOR SCHOOL, KINGSCLERE AVENUE, LEIGH PARK,
HAVANT, HANTS, PO9 4RY

PROJECT REFERENCE: WIN1632

DATE: July 2012

20 Old Bailey
4th Floor
London
EC4M 7AN

Lightsource Renewable Energy Limited
Company Number 7129343



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1 INTRODUCTION

1.1 GENERAL

This document has been prepared in support of a Lawful Development Certificate for the installation of photovoltaic (PV) solar panels on a school roof as part of the Eco Schools Solar Programme. Riders Junior School is located at Kingsclere Avenue, Leigh Park, Havant, Hants, PO9 4RY, as identified in the Site and Location Plan.

The roof area is 300 square meters in size, with solar modules covering approximately 120 square metres. The proposed layout for the PV modules is shown in the Layout Plan.

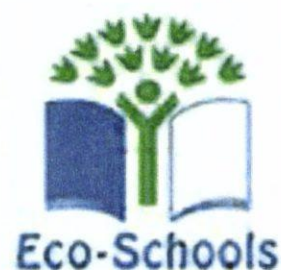
The purpose of the development is to convert daylight into electricity to generate renewable energy for use by Riders Junior School. This micro scale solar development has a generation capacity of 16.92 kilowatts (kW), which is similar to the energy requirements of approximately 6 houses, and will result in a saving of approximately 8,500kg in CO² emissions per annum.

1.2 PHOTOVOLTAIC PANELS

Photovoltaic panels are designed to absorb daylight and convert it into electricity. In comparison to other energy generation methods, there are very limited environmental effects associated with the construction and operation of small scale PV energy generation systems. The minimal maintenance and the long service lifetimes (25-30 years) mean that any effects on the local community will be limited to the short construction period.

1.3 ECO SCHOOLS SOLAR PROGRAMME

Eco Schools is an international programme guiding schools toward more sustainable operations and enhanced environmental education for pupils. The Eco Schools Solar Programme in the UK was established to utilise the renewable energy Feed in Tariff in order to provide free electricity for participating schools as a well as creating an opportunity for additional learning, through the use of displays showing how much clean energy the school is generating and the carbon dioxide savings.



Winch Energy has partnered with Eco Schools to develop and build PV systems on the roofs of a number of schools participating in the Eco Schools Solar Programme. Lightsource Renewable Energy Ltd is a solar energy company working with Winch to deliver these systems. Lightsource will manage, monitor and maintain each of the PV systems that are installed.

1.4 PROPOSED DEVELOPMENT

The small scale roof based solar energy generation system is comprised of the following:

- 72 PV modules, with a combined output capacity of 16.92kWp. A module specification is included with this application.
- The panels are mounted on the roof to lie flush with the roof profile, as shown in the Layout Plan and photos below.

The PV panels are wholly contained within the existing roof area, and are set back from the roof peaks to avoid increasing the overall height of the building, as shown in the Layout.

Solar PV systems require little maintenance, with post-construction activity limited to occasional visits to clean, check and repair the panels, by personnel using small vehicles (4x4 or transit van type).



Image 1: Finished installation on the roof of Riders Junior School

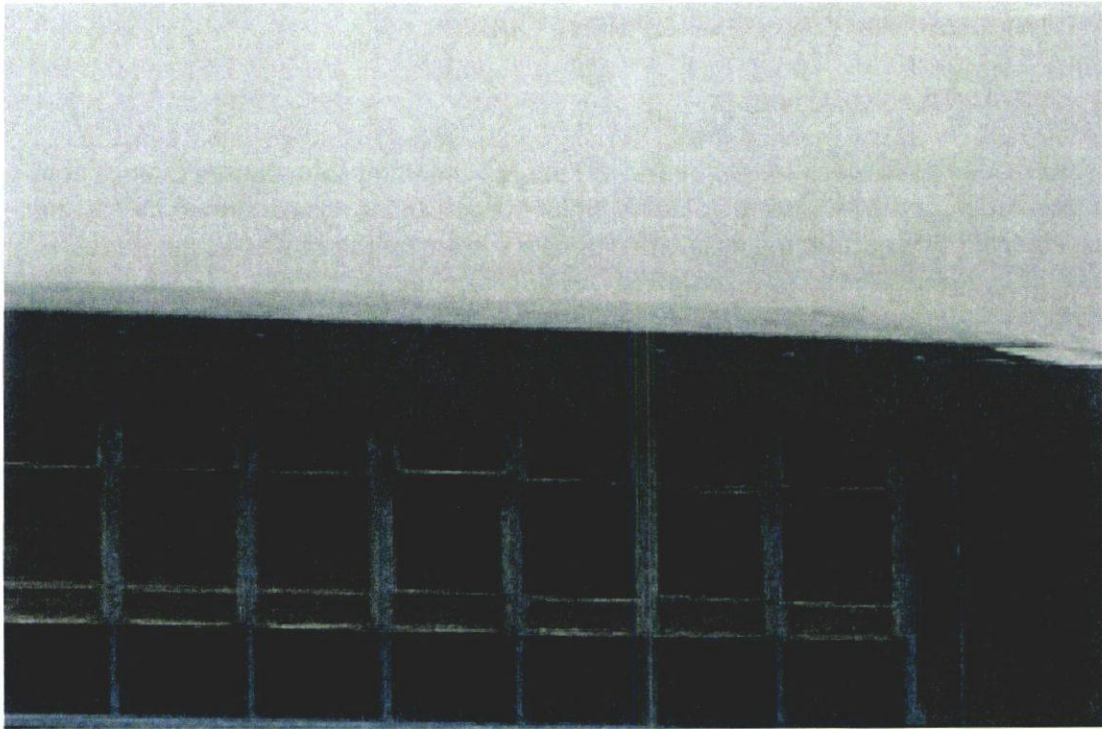


Image 2: Finished installation on the roof of Riders Junior School

2 GENERAL PERMITTED DEVELOPMENT ORDER

2.1 PRE-APPLICATION ADVICE

Pre-application advice was sought by Winch Energy from Hampshire County Council prior to the installation of the PV system at Riders Junior School, and it was confirmed by Kristina King, Planning Officer, that the installation of a PV system on the roof of a school could generally be considered to be a Permitted Development under Part 32 Class A as long as the conditions under this section were all met (see Appendix A).

It is considered that this application is in line with the advice received from Council, and the legal opinion provided by Winch Energy.

2.2 GENERAL PERMITTED DEVELOPMENT ORDER PART 32 CLASS A

The installation of PV panels on this school building is a permitted development under Part 32, Class A of the General Permitted Development Order (2010 Amendment), as an alteration of a school building. None of the exceptions in Part A.1 are applicable to this proposed development, and it meets all of the conditions in Part A.2. The 2012 Amendment Act introduces Part 43 to the General Permitted Development Order, which confers new permitted development rights for the installation of specific types of microgeneration, including solar photovoltaic panels on schools. However, as this is a retrospective application for an installation which was completed on 11th December 2011 the application is made under the 2010 Amendment Act, rather than the 2012 Amendment enacted on 6th April 2012.

Permitted Development Status Exceptions

Part 32, A.1 of the General Permitted Development Order identifies the exceptions from Permitted Development status:

- a) *If the cumulative gross floor space of any buildings erected, extended or altered would exceed:*
 - i. *25% of the gross floor space of the original school, college, university or hospital building; or*
 - ii. *100 square metres.**Whichever is the lesser;*

The proposal does not involve any increase in the gross floor area on site, and does not involve the erection of any new buildings.

- b) *If any part of the development would be within five metres of a boundary of the curtilage of the premises;*

None of the PV panels are installed within five metres of the School's property boundary.

- c) *If, as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in this use could no longer be so used;*

The PV panels have been installed on the roof of the school building, as shown in the Layout Plan, and will not result in any changes to the use of buildings and land within the site.

- d) *If the height of any new building erected would exceed five metres;*

The proposal does not involve the erection of any new buildings.

- e) *If the height of the building as extended or altered would exceed –*
i. *If within ten metres of a boundary of the curtilage of the premises, five metres; or*
ii. *In all other cases, the height of the building being extended or altered;*

As shown in Image 1 and 2, the PV panels and their mounting systems are set back from the peak of the roof to avoid increasing the height of the building.

- f) *If the development would be within the curtilage of a listed building; or*

The building upon which the PV panels are installed is not within the curtilage of any listed building.

- g) *Unless –*
i. *In the case of a school, college or university buildings, the predominant use of the existing building on the premises is for the provision of education;*
ii. *In the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.*

The installation of the PV panels on the building's roof, will not result in any change to the use of the building, and will provide renewable energy to power the building's operations.

Permitted Development Status Conditions

Part 32, A.2 lists the conditions for permitted developments:

- a) *The development must be within the curtilage of an existing school, college, university or hospital;*

The PV panels are contained wholly within the roof area of an existing school building, and thus are wholly within the curtilage of Riders Junior School.

- b) *The development shall only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;*

The primary purpose of the PV panels is to generate renewable energy to be used to power activities and operations within the building, thus it is incidental to the school's use as an educational establishment.

- c) *Any new building erected shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and*

The proposal does not involve the erection of a new building, and the site does not constitute article 1(5) land.

- d) *Any extension or alteration shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.*

The site does not constitute article 1(5) land.

The proposed development meets the requirements for Permitted Development as an alteration to a school building under Part 32, Class A of the GPDO.

APPENDIX A: PRE-APPLICATION ADVICE

Dear Richard,

Thank you for the email below. I have spoken with my manager and we agree with the counsel advice attached in your email. I would re-iterate the planning advice given in the guidance from Bath and North East Somerset Council:

under part 32 of the Order, solar panels on school, college, university and hospital roofs are considered as an "alteration" of a building. As such, if the panel installation meets all the criteria and conditions, a planning application will not be needed.

Any development within the curtilage of a listed building will not be permitted development and will require an application for planning permission and listed building consent.

It is recommended that where there is any doubt as to whether a development would be permitted development, advice from the local planning authority should be sought. To be certain that a proposed development is lawful and does not require an application for planning permission, it is possible to seek pre-application advice.

Kind regards

Kristina

ECO-SCHOOLS SOLAR PROGRAMME

PLANNING PERMISSIONS & PERMITTED DEVELOPMENT

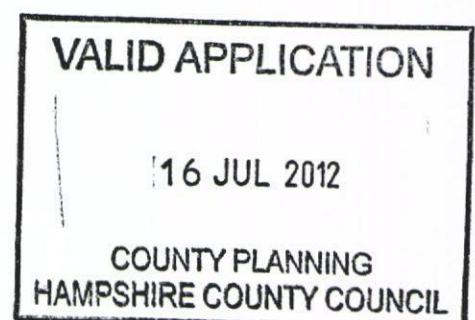
OPINION

PURPOSE

1. I have been instructed by Watson, Farley & Williams (Neil Budd) to advise whether the installation of solar PV panels on school roofs falls within Class A of Part 32 of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (as amended) ("the GPDO"). Class A applies to the "erection, extension or alteration of a school, college, university or hospital building" without restriction. Given that the Proposals could also constitute development by a local authority I have also considered the application of Class A of Part 12 of the GPDO.

THE PROPOSALS

2. I have been forwarded a large amount of technical material as to the various mounting options. From it, as matter of general approach, for flat roofs the PV panels will be positioned using ballasted structures to which they will be physically attached. They will then be sited at an appropriate angle. For pitched roofs it is intended that they will be attached to the existing roof covering, usually tiling, by clip fastenings. In both types of location a cable work network will connect the PV panels to the existing electrical housing of the school building. It is intended that these electrical connections will be "hard wired" with junction boxes and other relevant apparatus affixed to the walls. It is intended that the installation will be a durable and permanent one intended to be in operation for the long-term.



LEGAL PRINCIPLES

3. The essence of permitted development rights is to make lawful certain works which would otherwise require planning permission. Accordingly, the starting point is to ascertain whether the works in question amount to "development".
4. **The meaning of development:** Section 55(1) of the Town and Country Planning Act 1990 ("the TCPA") defines "*development*" as meaning "*the carrying out of building, engineering, mining and other operations in, on, over or under land*". Sub-section 55(1A)(c) further defines "*building operations*" as including "*structural alterations of or additions to buildings*".
5. It is also of note that as sub-section 55(2) excludes the carrying out for the maintenance, improvement or other alterations of any building of works which do not materially affect the external appearance of the building then works that do affect the external appearance constitute "development".
6. The word "*building*" is defined by section 336(1) of the TCPA as including "*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*". It is of note in this context that exclusion of plant and machinery is expressed to be "in" and not "on" a building. It is for this reason that, often times, for example, express planning permission is required for external, permanently mounted air conditioning units.
7. Issues of size, permanence and degree of physical attachment are also relevant. The decision of the Court of Appeal in *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions and Harrow LBC (No.2)* [2000] JPL 1025 ("*Skerritts (No.2)*")¹ provides helpful and recent guidance in this type of context. Whether '*building operations*' have occurred involves the application of a legal test, originating from a much earlier decision, *Cardiff Rating Authority and Cardiff Assessment Committee v Guest Keen and Baldwin's Iron and Steel Co.Ltd* [1949] 1 KB 385. That test is whether three factors are met – size, permanence and degree of

¹ See Para. 14 below for reference to *Skerritts (No.1)*

physical attachment. Although the case was concerned with rating its appropriateness to planning legislation was confirmed in *Barvis Ltd v Secretary of State for the Environment* [1971] 22 P&CR 710. In *Skerritts No.2*, Pill LJ approved the approach adopted by Bridge J in *Barvis*, that the question of whether there had been a building operation was to consider, first, whether there was a building. If there was a building, applying the test set out in *Cardiff Rating Authority*, then what had created it was a building operation. All of the circumstances have to be taken into account.

8. The facts of the *Skerritts No.2* case concerned the annual erection of a marquee on a hotel lawn for eight months each year. Due to its ample dimensions, permanent rather than fleeting character and the secure nature of its anchorage a planning inspector had determined that it was a "building". That determination was upheld by the Court of Appeal. The same approach and consequent finding was made by Sullivan J. in respect of agricultural polytunnels used for soft fruit production in the later case of *Hall Hunter Partnership v First Secretary of State* [2006] EWHC 3482 (Admin).

PART 32 OF THE GPDO

9. Class A of Part 32 permits the "erection, extension or alteration of a school, college, university or hospital building".
10. However, Paragraph A.1 of Part 32 identifies the following development as not permitted under Class A:
 - (a) if the cumulative gross floor space of any buildings, erected, extended or altered would exceed (i) 25% of the gross floor space of the original school or (ii) 100 square metres, whichever is the lesser
 - (b) if any part of the development would be within 5 metres of the boundary of the curtilage of the premises;

- (c) if, as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in that use could no longer be so used;
 - (d) if the height of any new building erected would exceed five metres;
 - (e) if the height of the building as extended or altered would exceed (i) if within 10 metres of a boundary of the curtilage of the premises five metres; or (ii) in all other cases, the height of the building being extended or altered;
 - (f) if the development is within the curtilage of a listed building; and
 - (g) unless the predominant use of the existing buildings on the premises is for the provision of education.
11. In any event, Paragraph A.2 sets out express conditions which must be met for the development to be permitted:
- (1) the development must be within the curtilage of the existing school (sub-para (a) of the Part 32);
 - (2) the development shall only be used as part of, or for a purpose incidental to, the use of the school (sub-para (b) of the Part 32);
 - (3) if the development falls within "article 1(5) land" (i.e. National Parks, AONBs, conservation areas, areas designated under Section 41(3) Wildlife and Countryside Act 1981, the Broads and a World Heritage Site) then the extension or alteration must be constructed using materials which have a similar external appearance to those used for the existing building (sub-para (d) of the Part 32).
12. Given the various references to "curtilage" it should be noted that the actual delineation of a "curtilage" has given rise to some difficulty as a result of a series of cases. The leading case of *Sinclair-Lockhart Trustees v Central Land Board* [1950] 1 P&CR 195 is undisputed authority for the proposition that a "curtilage" is:

"... the ground which is used for the comfortable enjoyment of a house or other building ... and thereby an integral part of the same although it has not been marked

off or enclosed in any way. It is enough that it serve the purpose of the house or building in some necessary or reasonably useful way".

13. The emphasis on this latter aspect is that it is enough that it serves the purpose. It is not a requirement that it must serve (see Wheeler v First Secretary of State [2002] EWHC 1194 (Admin) (Harrison J)) where a workshop replaced a former agricultural building.
14. However, there is no definitive legal test as to the extent of a "curtilage". Both the leading cases, Dyer v Dorset County Council [1989] 1 QB 346 and Secretary of State v Skerritts of Nottingham Ltd [2000] 80 P&CR 516 ("Skerritts (No.1)"), only advise that it is a matter of fact and degree. As one of the Court of Appeal judges remarks in his judgment in Skerritts (No.1):

*"I also respectfully doubt whether the expression 'curtilage' can usefully be called a term of art. That phrase describes an expression which is used by persons skilled in some particular profession, art or science, and which the practitioners clearly understand even if the uninitiated do not. This case demonstrates that not even lawyers can have a precise idea what 'curtilage' means. It is, as this court said in Dyer's case, a question of fact and degree."*²

15. In Dyer the Court of Appeal was concerned with whether a lecturer at an agricultural college was precluded under "right to buy" provisions of a house let to him within but on the edge of the college grounds. In that case it did not. In Skerritts (No.1) the issue concerned whether an unlisted stable-block fell within the curtilage of a listed hotel in the context of the scope of a listed building enforcement notice alleging the insertion of unauthorised windows. It did.

SPECIFIC CONSIDERATIONS AFFECTING PART 32

16. **Is it development requiring planning permission?** The first consideration is whether the Proposals fall within the definition of "building". As explained in Paragraph 6 above, the word "*building*" includes "*any structure or erection, and any*

² Robert Walker LJ @ 522

part of a building, as so defined". This is an energy generation system intended to be treated as a long-term facility. It is not plant or machinery. Here, for flat roofs, each PV panel requires a structure on which to be mounted, whether it be of a frame variety or an L-shaped tray. For pitched roofs, the mounting of the system is intended to provide a raised layer of PV panels above the existing covering.

17. The second consideration is the degree of attachment to the existing building. For both flat and pitched roofs my understanding is that the PV panels will be physically attached to the structure. This will be to the existing roof by clip fastenings. For flat roofs it will through the use of ballasted structures (which can be anchored). Furthermore, in both instances, cable work will connect the PV panels to the school building's existing electrical housing. As such, there will be a sufficient degree of attachment for the Proposals to be treated as a permanent installation on the building. Again, this underlines a distinction between this type of facility and plant or machinery within the building.
18. Furthermore, building operations, in the practical sense, will be required for each installation.
19. In overall terms, therefore, the size of the array, its permanence and degree of physical attachment sufficiently meet the *Barvis* tests mentioned in Paragraph 7 above.
20. **Is it an alteration?** By its very nature an "alteration", in this context, connotes an adjustment, change, or modification to the external appearance of the building in question. Neither the TCPA nor the GDPO define the word "alteration". However, the use of the word "alteration" within section 55(1A) is more restricted as it is preceded by the adjective "structural". In contrast, the word "alteration" in Part 32 is without qualification. This is significant; for in my view this distinction embraces a wider ambit of alterations than simply new buildings or extensions. For example, it would include the introduction of new windows or doors; and as mentioned in

Paragraph 5 above, works which materially affect the external appearance of a building are treated as “development” so will require planning permission unless treated as permitted development. I would add that the change in external appearance also requires a degree of visibility, too. With the Proposals, this will be self-evident on a pitched roof but even when located on a flat roof due to the angle, orientation and size of the PV panel array.

21. I also do not consider that the exemption criteria in Class A.1 concerning building heights and dimensions³ limit the ambit of Part 32 rights to only structural alterations in this regard. Rather, these are focused on spatial separation, protection of the amenities of adjoining residents and other relevant factors which are considered, in the public interest, to require more detailed consideration through a specific planning application.
22. Furthermore, as a matter of general approach, the Part 32 use of the word “alteration” is also intentionally generous in the scope of the permitted rights allowed under that heading; for it needs to be borne in mind that permitted development rights are a form of deregulation, the purpose of which is to reduce the administrative burden in respect of both routine and small-scale changes. This degree of latitude, save in the case of buildings that are listed or within such curtilage, within a conservation area or other article 1(5) land, is considered to be greater in the public interest for schools, colleges, universities and hospitals than, for example, operational Crown Buildings. There, the equivalent rights under Part 34, paragraph B.1(e), of the GPDO specifically excludes extension or alterations if “the external appearance of the building would be materially affected”⁴.
23. By way of further support for the correctness of this approach, I also draw attention to the contrasting approach taken in Part 40 of the GPDO. There, one of the

³ See Paragraph 10 above.

⁴ It should also be noted that Part 34, which provides the same range of permitted development rights as for local authorities under Part 12 (see Paragraphs 28 & 29 below) is more restricted with regard to external appearance

conditions for the use of permitted development rights for the installation of domestic microgeneration equipment is the siting of the solar PV or solar thermal equipment so as to minimize its effect on the external appearance of the dwellinghouse (see paragraph A.2(a) of Part 40). Incidentally, the same reservation is found in respect of the exercise of permitted development rights for CCTV cameras under Part 33 of the GPDO. However, the fact that Part 40 is only restricted to domestic microgeneration does not mean that it restricts such permitted development rights on a generic basis. Again, as a matter of public interest and public policy, I take the view that the Department for Communities and Local Government have only wanted to provide specific guidance for householders, leaving the issue for institutional buildings to be addressed on a more flexible basis by local authorities. This also accords with my understanding, recorded in Paragraph 22 above, that a greater degree of latitude is to be given to properties falling within Part 32 of the GPDO where, in effect, a public service is being performed.

24. **Can the other applicable Class A requirements be met?** I highlight three particular considerations arising out of Paragraph A.2 of Part 32. First, is whether the Proposals will fall within the curtilage of the existing school, as required by Paragraph A.2(a). As it is intended that they will be placed on the roofs of buildings this requirement is met. It also needs to be borne in mind that, in any event, the curtilage of the school will be greater than the buildings themselves. Indeed, from the facts of *Dyer* and *Skerritts (No.1)* it is apparent that substantial area of land can be included within a "curtilage". Accordingly, in practice, it seems highly unlikely that the restriction in Paragraph A.1(b) (if any part of the development would be within 5 metres of the boundary of the curtilage of the premises) will preclude the erection of the Proposals on school buildings save, perhaps, in a constrained urban context.
25. Secondly, as the intention of the Proposals is to provide an electricity source for the school buildings the next requirement will be met, namely, that the alteration be

used as part of, or for a purpose incidental to, the use of the school. Accordingly, the requirement of Paragraph A.2(b) will also be met.

26. The third consideration is whether the buildings upon which the Proposals are to be located fall within the definition of article 1(5) land, in which event the materials for the alteration must match those of the existing buildings. As a matter of approach the external appearance of the Proposals cannot meet this requirement, which means that permitted development rights will not apply in such circumstances. This is by reason of the restriction in Paragraph A.2(d). Nor will they apply where the existing school building is listed or where it falls within the curtilage of some other listed building⁵. This arises from the other preclusive provision in Paragraph A.1(f).
27. Finally, I would remind that the other height and distance restrictions set out in Paragraphs A.1(a), (d) and (e) of Part 32 are also location specific.

PART 12 OF THE GPDO

28. Class A of Part 12 permits:

"The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*
- (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service*

⁵ See Skerritts No.1 again

vehicles, and similar structures or works required in connection with the operation of any public service administered by them."

29. Class A.2 further defines the reference in Class A to any small ancillary building, works or equipment as reference to "*any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity*".

SPECIFIC CONSIDERATIONS AFFECTING PART 12

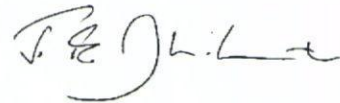
30. The scope of Class A of Part 12 is much wider than Class A of Part 32 as the words "small ancillary building, works or equipment" clearly embrace the principle of the Proposals being treated as permitted development. However, it is the size restrictions under Class A.2 where a specific solar PV scheme may well fall outwith Part 12.

THE RELATIONSHIP BETWEEN PART 12 AND PART 32

31. It is my understanding that a dual consideration of Part 12 and Part 32 would only apply where the school in question is owned and run by a local authority. Arguably, for Part 12 to apply it would also require the development is to be carried out by that local authority rather than under a separate arrangement by a licensee/lessee.
32. As the GPDO grants planning permission, in article 3(1) for the classes of development set out in Schedule 2 it is permissible for more than one class to apply. Thus, for example, a householder has permitted development rights under not just Part 1 (development within the curtilage of a dwelling-house) but also under Part 2 (minor operations) and Part 40 (domestic microgeneration). Accordingly, I see no legal impediment for a local planning authority to review a specific proposal, here, under both Part 12 and Part 32 of the GPDO.

CONCLUSIONS

33. As a matter of general approach, I am of the opinion that the Proposals are capable of being treated as permitted development under the GPDO. Whilst site specific considerations will need to be carefully applied a local planning authority should be able to proceed with confidence as to the starting point for its determination.



JOHN PUGH-SMITH

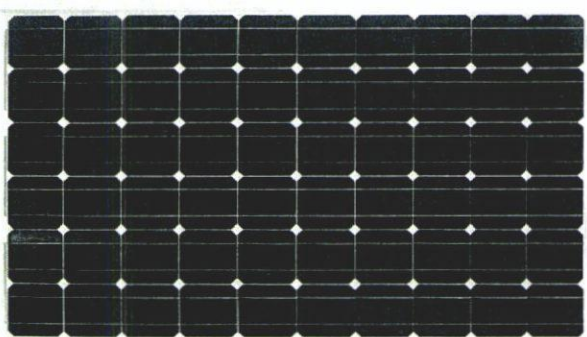
October 5th, 2011

Thirty-Nine Essex Street Chambers
39 Essex Street
London
WC2R 3AT

156 Series Monocrystalline Solar Module

235W, 240W, 245W, 250W, 255W

- High Module Conversion Efficiency
- Easy Installation and Handling for Various Applications
- Withstanding Mechanical Load up to 5400 Pa
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- ISO9001, OHSAS18001, ISO14001



We provide a 10 years material and workmanship guarantee for our modules. In addition, a 90%-power-output guarantee for 10 years and a 80%-power-output guarantee for 25 years of the modules life are provided.



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25-year
80% power
16 JUL 2012

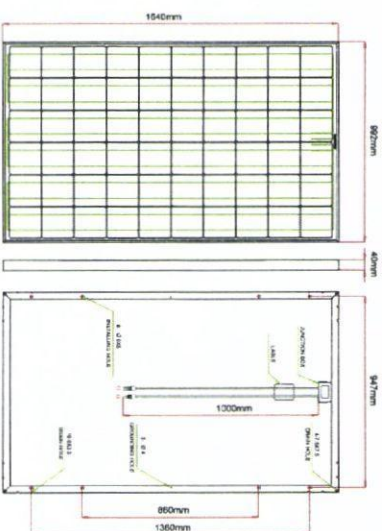
COUNTRY PLANNING

module@renesola.com

156 Series Monocrystalline Solar Module

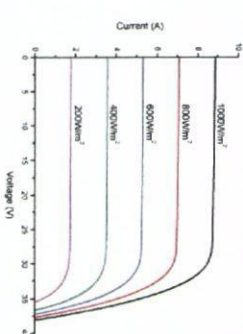
235W, 240W, 245W, 250W, 255W

Dimension



Drawing Only for Reference

I-V Curves



Efficiency at Varied Irradiation

Irradiance	200W/m ²	400W/m ²	600W/m ²	800W/m ²	1000W/m ²
Efficiency	15.7%	16.0%	15.9%	15.9%	15.7%

Electrical Characteristics

	JC33S-24/D0	JC4A0S-24/D0	JC4A5S-24/D0	JC50S-24/D0	JC55S-24/D0
Maximum Power (P _{max})	235 W	240 W	245 W	250 W	255 W
Power Tolerance	±3%	±3%	±3%	±3%	±3%
Module Efficiency	14.46%	14.78%	15.08%	15.38%	15.70%
Maximum Power Current (I _{mp})	7.98 A	8.16 A	8.17 A	8.26 A	8.36 A
Maximum Power Voltage (V _{mp})	29.5 V	29.5 V	30.0 V	30.3 V	30.5 V
Short Circuit Current (I _{sc})	8.56 A	8.71 A	8.72 A	8.78 A	8.89 A
Open Circuit Voltage (V _{oc})	37.2 V	37.2 V	37.8 V	37.8 V	38.1 V

Values at Standard Test Conditions: STC (Air Mass AM1.5, Irradiance 1000W/m², Cell Temperature 25°C)

Temperature Coefficient

Temperature Coefficient of Voc	-0.3109%/°C
Temperature Coefficient of Isc	0.0348%/°C
Temperature Coefficient of P _{max}	-0.4310%/°C
Nominal Operating Cell Temperature (NOCT)	45°C±2°C

Mechanical Characteristics

Cell Type	156 x 156 mm Monocrystalline, 60 (6 × 10) pcs in series
Glass	High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminum Alloy
Junction Box	IP65 rated, with bypass diodes
Dimension	*1640 x 992 x 40 mm
Cable Length	1000 mm
Weight	20 Kg

Installation Hole Location: See Drawing Above

Maximum Ratings

Operating Temperature	-40 °C to +85 °C
Maximum System Voltage	1000 VDC (IEU) / 600 VDC (US)
Maximum Series Fuse Rating	20A(IEU) / 15A(US)

Packing Information

Container	20'GP	40'GP	40'HQ
Pallets per Container	12	28	28
Pieces per Container	300	700	770

Ref. No. JC705-2011.10 *Contact Renesola for tolerance specification
CAUTION: All rights reserved. Design and specification are subject to change without prior notice.

www.renesola.com
module@renesola.com

VALID APPLICATION

16 JUL 2012

COUNTY PLANNING
HAMPSHIRE COUNTY COUNCIL



Riders Junior School Site and Location Plan



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0m 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m 110m 120m 130m

Scale: 1:1250, paper size: A3

Red line - Panel Location
Blue line - School boundary



LIGHTSOURCE
SWITCHING ON SUNLIGHT

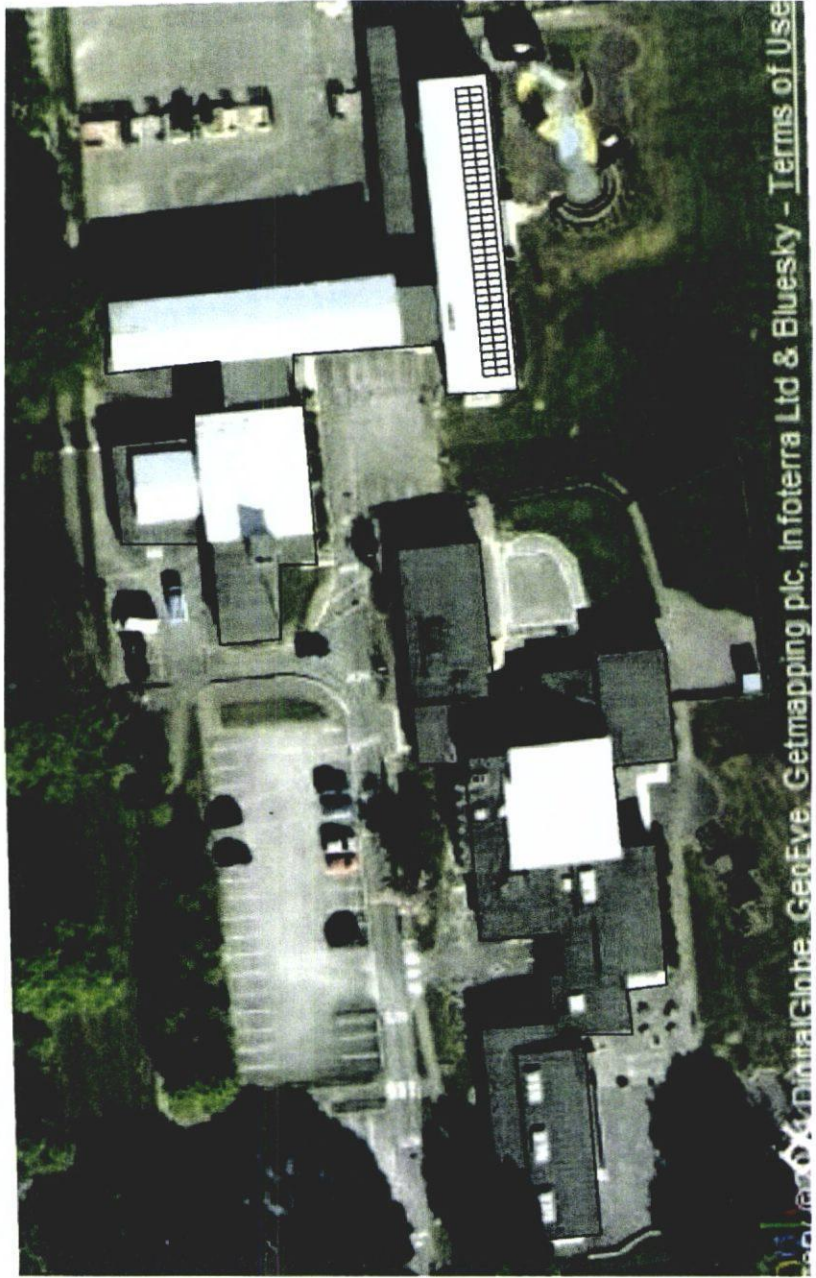
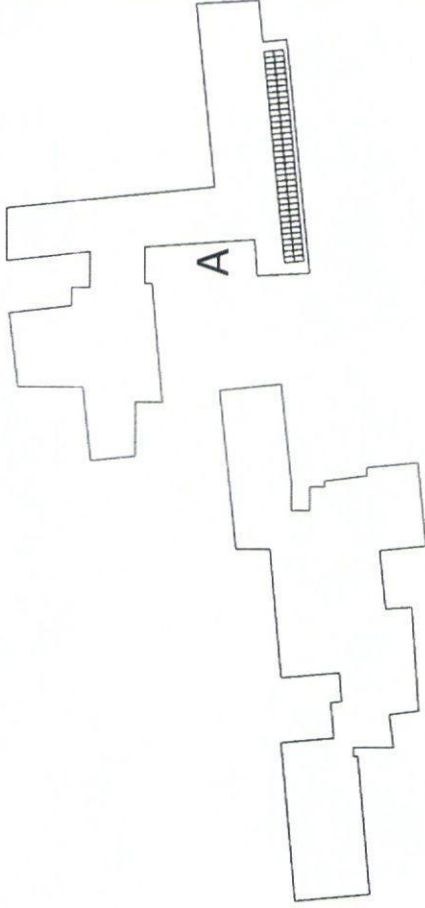
plans ahead by **emapsite**

Prepared by: Josh Mellor, 06-07-2012

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COUNTY PLANNING
HAMPSHIRE COUNTY COUNCIL



Imtech ImtechAqua		1632 Riders Junior School
A	72	16.56kW
Total	72	16.56kW