Development Management – Delegated Officer Report

Application Number: NOTICE/0006/25

Recommendation: Prior Approval not required

Site: Dunelm, Eastern Avenue, Shoreham-By-Sea, West Sussex

Proposal:Notification for Prior Approval for the installation of a 154.80 kWp Rooftop Solar PV Installation, made up of 344 no. 450W Solar Panels.

Application Site and Proposal

The application seeks a determination as to whether prior approval is required for the proposed installation of a Solar PV array on the roof, as required by Schedule 2 Part 14, Class J of the GPDO. The proposal is to install Solar PV equipment across the southern side of the existing roof made up of 344 no. 450W solar panels. The panel edges are not to be placed within 1 metre of the roof edges and not protrude more than 1 metres from the surface of the flat roof.

Planning Assessment

The application is made under the Prior Approval procedure and consideration is restricted to the limitations and conditions as set out in respect of Class J, Part 14 of Schedule 2 of the GPDO.

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;

(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) omitted
(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

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.
J.3 omitted.

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

(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.
(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.
(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 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.
(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 issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.]
(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.
(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.
(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.

Assessment

Dunelm is a large, prominent, two storey building with mansard roof on Eastern Avenue, Shoreham, north of the Ham Road skate park and newly built, waterfront development. The proposed solar panels are on the south side of the shallow pitched roof. Due to the design of the roof, height of the building and its location the panels are not likely to be visible as a prominent feature. There will not be visual harm within the context of the street scene and surrounding locality. The panels will be visible from the adjacent apartments with those higher than the Dunelm building looking down towards the site, yet harm is not considered to occur. See below: -

With regard to glare, a similar application in Worthing (NOTICE/0012/22) contained the following supporting information which is considered to be relevant here:

“Light reflectance from light coloured roofs most typically found on factory and warehouse type buildings is many times higher than from the surfaces of solar panels which are designed to absorb the maximum amount of light, not reflect it, therefore a roof covered with solar panels will appear darker than one without in most cases.

The other factor to consider is that basic physics states that the angle of incidence is equal to the angle of reflection for light falling on a planar surface, so for a visual receptor to experience glare or glint from solar panels at the roof pitches most typically used for industrial buildings in the UK the person experiencing such an effect will almost certainly be looking almost directly at the sun itself and consequently the glare will be from this much brighter and larger source rather than any reflection off of surfaces. Alternatively they will be looking down at the surface of the roof from an elevated position.”

In this case the panels are to be sited on an existing metal, light coloured roof and the amount of glare is not expected to be significant, despite the views down from an elevated position.

The application proposals meets the tests of J1 and J2 since the equipment would be installed on a shallow pitch roof and the application details confirm it would be no higher than 1 metre and would not be within 1 metre of the edges of the roof, and the site is not on article 2(3) land, a scheduled monument or a listed building.

Consideration of the planning merits of the application is restricted to those matters sent out in J4 (1) and (2):

The panels being on the top of the roof limit its impact on the wider area and adjacent residential properties. The PV panels are therefore not considered to cause any significant visual harm. The proposed panels will have a low profile and will be

set in from the edges of the roof. Although there are vantage points from the neighbouring tall residential buildings there is such a distance that no unacceptable glare would occur in this case also in the light of the evidence provided here.

Solar PV glass panels are designed to maximise absorption and minimise reflection, solar PV panels are constructed of dark, light-absorbing materials and covered with an anti-reflective coating. Today's panels reflect as little as 2% of the incoming sunlight. This is slightly more than black asphalt, about level with bodies of water, and much below bare soil, vegetation, rooftops, glass, snow or metal.

It is considered that sufficient information has been submitted with this application in relation to any conditions, limitations or restrictions relevant to the development and that the requirements set out within Class J have been met.

Network Rail

Network Rail have commented on the application as the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales.

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant/developer engage Network Rail's Asset Protection and Optimisation ASPRO) team prior to works commencing. Full details of this requirement have been forwarded to the applicant's agent, they have agreed to this requirement and an Informative is set out below.

Recommendation

Prior Approval is not required

1. The applicant/developer is advised that due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant/developer engage Network Rail's Asset Protection and Optimisation ASPRO) team prior to works commencing. They must adhere to the requirements set out in the consultation response dated 7th May 2025 sent to Mark Dunville 10th June 2025.

Is recommendation contrary to letter(s) of representation N

Case Officer: Hannah Barker Date: 7th July 2025

Authorised by: Peter Barnett Date: 7 July 2025