

Delegated Report

Prior Approval Application

Planning Application No: 20260715

Location: Shears Green Junior School, White Avenue, Northfleet

Description: Application to determine if prior approval is required for a proposed; installation of a 54kWp PV Solar System on 3 roofs. Consisting of 120 x 450 Watt PV Solar Panels, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J.

Applicant: Mrs Debbie Lawrence

Site Visit Date: 23 July 2026

Submitted Documents/Plans

Application form
Site location plan
Supporting Statement by Laser Energy
Rooftop Solar PV Feasibility Study by Laser Energy
Designer Report by Solar Edge

Relevant Planning History

None relevant

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Chapter 5 – Meeting the Challenge of Climate Change
- Chapter 10 – Securing Clean Energy and Water
- Chapter 14 – Achieving Well-Designed Places

Supplementary Planning Guidance

- Design for Gravesham: Design Code (2024)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Environment Agency

Thank you for consulting us on the above application.

We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee. Please refer to the attached 'When to consult the Environment Agency' document for guidance on when to consult us.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

If you feel we should assess this planning application in more detail due to local issues / opportunities, please email us.

GBC Environmental Protection Officer

No objection or adverse comments.

Neighbouring properties

The application has been advertised by site notice. No letters of representation have been received. The consultation period expired on 14.08.2026.

Officer's Analysis

Proposal

This application seeks **to determine if prior approval is required for a proposed; installation of a 54kWp PV Solar System on 3 roofs. Consisting of 120 x 450 Watt PV Solar Panels, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 14, Class J.**

Assessment

Class J of Part 14 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of the installation or alteration etc of solar equipment on non-domestic premises.

Class J states that the following is permitted development:

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:

Paragraph J.1. states that 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;

(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.

Paragraph J.2. states that 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 following points assess the submitted application against the above criteria:

J.1. (a) the supporting statement confirms that the panels will not exceed 0.2m above the highest part of the sloping roof.

J.1. (b) the supporting statement confirms that the panels will not be higher than 1m above the highest part of a flat roof.

J.1. (c) the equipment will be set back at least 1m from the edge of the roof.

J.1. (e) the site is not a scheduled ancient monument

J.1. (f) the building is not listed

J.2. (a) and (b) the equipment will not be installed on a wall

J.2. (c) the site is not located within article 2(3) land.

Development under Class J is permitted subject to the following conditions set out in paragraph 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.

J.4 (2):

(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.

Design and external appearance (in particular glare)

The application site is a primary school located within a residential area. To the south is an ambulance station and a fire station. The proposed solar panels will be located on a flat roof of a building which is two storeys high and therefore above the height of the surrounding houses. The solar panels will be set back by 1m and therefore will not be readily visible from these properties. The solar panels that will be erected on the pitched roof are located within the site and therefore also will not be readily visible from surrounding dwellings. Given the limited visibility of the proposed solar panels any glare would be minimal. No representations have been received, from members of the public or GBC Environmental Protection team. In terms of design and appearance no objection is raised and the proposal accords with policy CS19 of the Gravesham Core Strategy 2014 and Chapter 14 of the National Planning Policy Framework 2026.

Conclusion and Recommendation

The Local Planning Authority is satisfied that the proposed development subject of this prior notification complies with the requirements of Article 3(1) and Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior approval is not required.

Case Officer:	Mrs Alison Webster	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	8 September 2026	Dated:	08 September 2026