

DELEGATED REPORT

Application No:	P/26/0088
Site Address:	44 Webster Street Treharris CF46 5HP
Development:	New solar panels to the rear of the property
Case Officer:	Kate Glover
Site Visit:	13th May 2026
Application Expiry Date:	20th July 2026
Consultation reply date expired:	N/A

APPLICATION SITE

The application relates to a dwelling which is located in a terrace of houses which are part of the Treharris conservation area and within the settlement boundary. The external materials of the dwelling are rendered elevations, concrete tile roof and UPVC window frames and doors. The rear of the dwelling can be observed from the nearby Forest Road.

DESCRIPTION

A Certificate of Lawful Development is sought for the installation of solar panels on rear roof of the dwelling. The solar panels would be set back from the ridge of the roof by 0.67m and the panel's depth and fixings, would project above the roof pitch by 0.13m. The total area of the panels would measure 9.6m.

PLANNING HISTORY

P/97/0158 Demolition of existing single storey extension and construction of new single storey kitchen and bathroom extension with ridged roof.
Approved: 30 May 1997

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no local development plan policies that need to be taken into account.

NATIONAL GUIDANCE

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a LDC granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

PLANNING CONSIDERATIONS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the proposed solar panels, as detailed on the submitted plan and supporting information, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission. In relation to Wales, the proposed solar panels need to be considered against Class A of Part 40, Schedule 2 of the Town and Country Planning (General Permitted Development) (amendment) (Wales) Order 2012.

Following a review of the plans and supporting information, the proposed development is considered to constitute 'Permitted Development' for the following reasons:

1. The solar panels would be installed on a pitched roof and would not protrude more than 20cm beyond the roof plane;
2. The solar panels would not be higher than the highest part of the roof;
3. The development would be within a conservation area and the solar panels are not located on a wall either forming the principal or side elevation which fronts a highway.

In relation to the conditions set out in A.2 of Class A, whilst the solar panels would be clearly visible from the nearby Forest Road, the equipment would be sited, so far as practicable, to minimise its impact on both the external appearance of the dwellinghouse and the wider amenity of the conservation area. Furthermore, there is no evidence that the property's permitted development rights have been removed via previous planning permissions, and there are no Article 4 Directions in relation to the conservation area.

It is therefore recommended that the application be approved.

RECOMMENDATION: BE APPROVED for the following **REASON:**

1. The proposed solar panels constitute 'Permitted Development' by virtue of Class A of Part 40 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012.

RECOMMENDATION ENDORSED *G. Davies*

PP. Director of Neighbourhood Services

DATE: 30th June 2026