

DELEGATED DECISION REPORT

SMD/2021/0795
Valid 12/01/2022

**HM YOUNG OFFENDERS
INSTITUTE ASH BANK
ROAD
WERRINGTON**

**INSTALLATION OF
PHOTOVOLTAIC PANELS AND
THE ASSOCIATED SITE
INFRASTRUCTURE AND
ERECTION OF FENCE**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the development complies with Schedule 2, Part 19, Classes A or C of the Town and Country Planning General Permitted Development Order 2015 (as amended)

DESCRIPTION OF SITE

The application site relates to land at HMP Werrington. The plot of land is to the south of the main building.

PROPOSAL

The development is the installation of ground solar photovoltaic PV generation system on land at HMP Werrington.

The proposal comprises of solar panels, and associated inverters and switchgear. Each solar panel would measure approximately 2.5m in height

Deer stock fencing is proposed to the perimeter of the site. Landscaping is also proposed in the form of a new hedge and tree planting.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

General Permitted Development Order

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends:N/A
Press Advert: N/A

OFFICER COMMENTS

The development seeks a certificate of lawfulness for proposed development for the installation of a solar photovoltaic PV generation system and associate site infrastructure, at HMP Werrington

Schedule 2, Part 19, Class A of the Town and Country Planning General Permitted Development Order 2015 states that general development by the Crown is permitted for the erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of

- (a) any small ancillary building, works or equipment on Crown land required for operational purposes;
- (b) map standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms,drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structure or works required in connection with the operational purposes of the Crown.

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The development is considered to be equipment and is required for operational purposes on crown land as it will provide solar energy to help power the prison. The equipment does not exceed 4m in height or have a cubic capacity of more than 200 cubic metres.

The Applicant also considers that the proposal complies with Class C which states that developments on operational Crown land are permitted for the development carried out by or on behalf of the Crown on operational Crown land for operational purposes consisting of;

- (a) the installation of additional or replacement plant or machinery;
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

C.1 Development described in Class C(a) is not permitted if;

- (a) it would materially affect the external appearance of the premises; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

“operational Crown land” means—

- (a) Crown land which is used for operational purposes; and
- (b) Crown land which is held for those purposes,
but does not include—
- (i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes'

However, having concluded that the development is permitted under class A further assessment under Class C is not considered to be necessary

CONCLUSION / PLANNING BALANCE

On this basis, it is considered that the development constitutes permitted development under Schedule 2, Part 19, Class A of the Town and Country Planning General Permitted Development Order 2015 and therefore this application is recommended for approval and that a certificate is issued.

OFFICER RECOMMENDATION :

That the application for lawful development be granted.

Case Officer: Rebecca Bowers

Recommendation Date: 09.11.2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council