

Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: Installation of 84no 450W Photovoltaic Panels to the southeast side elevation

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Fiaz Ahmed and Councillor Yvonne Greene

Reason for Referral: Application submitted by a member of staff acting as agent, Application affects Council's own land, and the Council is the applicant.

Expiry Date: 4 September 2026

Committee Date: 3 September 2026

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the Spiceball Leisure Centre off Cherwell Drive, an indoor leisure facility. The site lies on the junction of Concorde Avenue/Cherwell Drive and is a large flat roofed modern development that comprises two rectangular wings centred off the main circular atrium in the Banbury Town Centre.

2. CONSTRAINTS

- 2.1. The application site is partly within Flood Zones 2 and 3

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This certificate of lawfulness application (proposed development) seeks the Local Planning Authority's opinion as to whether the proposals for the Installation of 84no 450W Photovoltaic Panels to the southeast side elevation
- 3.2. This application is before Planning Committee for determination as the proposal is located on Council owned land and the applicant in Cherwell District Council.
- 3.3. The application relates to the email received on (03.08.2026) at 15:23hrs confirming that the proposed PV Panels would not protrude more than 0.2 meters from the wall.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning relates to the site:
- 4.2. **09/01265/ADV** - 2 No fascia signs and 5 No hanging signs (As amended by revised illustrative Banner/hanging signs rec'd 6.11.09) – granted, 19.11.2009
- 4.3. **11/01810/CDC** - Installation of 240 solar PV panels on existing building roof – granted, 27.01.2012

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. No publicity has been undertaken as consultation is not required for Lawful Development Certificate applications.

7. RESPONSE TO PUBLICITY

- 7.1 No consultations have taken place in regard to this application

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. The application seeks confirmation that the proposed development would represent Permitted Development under Class J, Part 14, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 8.2. Schedule 2, Part 14, Class J of the GPDO relates to the installation or alteration of solar equipment on non-domestic premises subject to certain criteria being met.

9. APPRAISAL

- 9.1. The key issue for consideration is whether the proposal complies with Schedule 2, Part 14, Schedule 2 of the GPDO relating to the installation or alteration or replacement microgeneration solar PV equipment on a building (J (b))
- 9.2. J2 (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would not protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- 9.3. J2 (b) The solar equipment would not be installed on a roof
- 9.4. J2 (c) The building is not located on Article 2(3) land

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal, as detailed in the information submitted with the application is considered to be permitted development under Schedule 2, Part 14, Class J of the GPDO (as outlined above) as the proposal complies with the restrictions set out in Class J. In addition, there are no permitted development restrictions by condition related to the proposal and no other restrictive designations affecting the building.

11. RECOMMENDATION

TO ISSUE A CERTIFICATE TO CONFIRM THE LAWFULNESS OF THE SPECIFIED WORKS SUBJECT TO THE SCHEDULES BELOW

First Schedule

Installation of 84no 450W Photovoltaic Panels to the southeast side elevation in accordance with the application form, the Site Location Plan 1:1250, Block Plan 1:750 (Spiceball Centre Block Plan PV Panels) and drawing ref. SBLS-PV-R01.

Second Schedule

Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW

Third Schedule

The proposal is permitted development under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.).

CASE OFFICER: Michael Sackey