



Appeal Decision

Site visit made on 1 April 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/Z0116/X/24/3349450

59 Sylvan Way, Seamills, Bristol, Bristol, BS9 2LB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by David Weare against the decision of Bristol City Council.
 - The application ref 24/01195/CP, dated 26 March 2024, was refused by notice dated 14 June 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is solar panels to front facing roof.
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Decision

1. The appeal is dismissed.

Reasons

2. The installation of solar panels on roofs is controlled by Part 14 Class A of the General Permitted Development (England) Order 2015. A.1(c) prevents their installation on a wall in a conservation area where that wall fronts a highway. However, these are on the roof so that restriction is not relevant.
3. The Council originally raised concerns about A.2(a) which is a condition attached to the permission granted by the GPDO that the panels should be “*so far as practicable, sited so as to minimise [their] effect on the external appearance of the building*”. The appellant has provided evidence from the installation company that the estimated annual output from panels on the rear roof would be less than on the front. However, as far as I can tell the difference would not be particularly great. The estimate is 2876 kwh for the front and 1994 kwh for the rear, that is roughly 30% less.
4. The usual meaning of the word ‘practicable’ is capable of being carried out. As far as I am aware it does not carry any connotations as to viability or efficiency. Had the GPDO meant it to then it would have used different words in the condition. It would seem to me therefore the installation of panels on the rear roof is practicable. I have no information as to whether it would be viable in a financial sense but that is not what “practicable” means. The panels can be placed on the rear roof albeit that is not as good an option as siting them on the front, nevertheless it is still practicable to do so. Attaching panels to the front roof, where they would be prominent in the conservation area, is not siting them to minimise their effect on the external appearance of the building because it is practicable to place them elsewhere. Thus they would be in breach of the condition and would not therefore be lawful.

5. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the solar panels is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Simon Hand

INSPECTOR