

**Consultation Response from KC,
 Policy**
2023/93386 Spen Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX
Erection of new office building and extensions and alterations to existing Lodge building
Date Responded:
Responding Officer: AW
Responding Ref:

This application is seeking permission for the erection of a new office building, and extensions and alterations to an existing lodge building, at Spen Valley High School, Roberttown Lane, Roberttown, Liversedge, WF15 7LX. The red line boundary for this application includes land within the Green Belt, and also covers land allocated as urban green space (UGS) (site ref. UG363) in the adopted Kirklees Local Plan. Sites in educational use, such as the grounds of schools and colleges, have been allocated as UGS where they contain playing fields and sports pitches. This is because they represent an extensive and valuable open space asset important for meeting both educational and outdoor sport needs.

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered. However, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

National Planning Policy Framework and Kirklees Local Plan:
Policy LP61 (urban green space):

This application proposes extensions and alterations to an existing school lodge building, and the erection of a new office building. The scheme would also introduce 2m high V-mesh fencing, with 2m double gates, to enclose the existing school lodge building with the proposed new extension. Within the red line boundary of this application, the school playing fields are allocated as green belt in the adopted Kirklees Local Plan, whilst the school buildings are allocated as UGS (site ref. UG363). The proposed new two storey extension, new office building and the majority of the V-mesh fencing would stand upon the land allocated as UGS, however a section of the V-mesh fencing would be positioned upon land within green belt land.

Local Plan Policy LP61 does not permit development which would result in the loss of urban green space, unless specific exceptions can be met. The policy states that:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

From reviewing the indicative plans, it appears as though the proposed new office building would be positioned upon an area of land which is currently hardstanding. Erecting the structure in this location

would not therefore result in a loss of green space that is actively serving an open space function, meaning this element of the proposal would not be inconsistent with the wording policy LP61. The proposed extension to the existing school lodge building would, however, result in a marginal loss of green space, which would be contrary to policy LP61. In these circumstances, consideration should be given to NPPF paragraph 99(a) which states: Local Planning Authorities should (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. In addition to this, Local Plan policy LP49 (Educational and Health Care Needs) is also relevant in this case which states: proposals for new or enhanced education facilities will be permitted where:

- a) they will meet an identified deficiency in provision;
- b) the scale, range, quality and accessibility of education facilities are improved;

they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.

In regard to the proposed V-mesh fencing, the design and access statement submitted to support the application states that the fencing "is to assist in containment and security as part of the overall proposals". From reviewing the plans, it is unclear as to whether the proposed fencing, and the groundworks required for its installation, would result in a loss of green space. For the most part, the proposed fencing appears to adjoin a surfaced path that borders an area of existing green space, however to the north of the school lodge building, the plans show that the fencing would cut across an area of green space, which could result in a marginal loss of UGS – contrary to LP61. As before, in these circumstances, given the site to which this application relates is in educational use, weight should be given to NPPF paragraph 99(a), and any loss of green space that may occur, should be weighed against increased site security that the fencing would provide.

Green Belt:

The plans show that a section of the 2m V-mesh fencing that is proposed under this application would be positioned within the green belt. The proposed new fencing would replace some existing fencing that currently stands to the west of the school lodge building, southeast of the hard standing path. NPPF paragraph 154 states that local planning authorities should regard the construction of new buildings as inappropriate in the green belt, unless specific exceptions can be satisfied. For the purposes of NPPF paragraph 154, the fence should be regarded as a building and therefore falls to be considered under this paragraph. The exception at paragraph 154 d) relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This is supported by Local Plan policy LP57 (the extension, alteration or replacement of existing buildings). In this case, the proposed building would be in the same use as the one it is set to replace; however, it is considered that the new fencing would be materially larger than what currently exists. The indicative plans illustrate that the proposed new fencing would be longer than the fencing that currently stands, and there would be approximately 31m of 'new fencing' standing to enclose land within the green belt. In turn, the exception at NPPF paragraph 154 d) does not apply, and the fencing would constitute inappropriate development in the green belt.

Giving regard to the openness of the green belt, in this instance, while the fence would be materially larger than the fencing it is set to replace thus would fail to satisfy the exception at paragraph 154 d), it would be enclosing the operational grounds of Spen Valley High School. The openness of the green belt in this particular location is already harmed, so while the new fencing would impact the openness of the green belt given additional land is to be subdivided and enclosed, it is considered that the impact, in this case, would be limited.

Nonetheless, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very

special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Summary:

The proposed new office building would not result in a loss of green space, therefore this element of the proposal would not be inconsistent with policy LP61. The proposed extension to the existing school lodge building would result in a marginal loss of green space, contrary to the UGS policy, however, in these circumstances, NPPF paragraph 99(a) forms a material consideration that should be given weight in the decision-making process. In regard to the V-mesh fencing on allocated UGS, any potential loss of green space that may occur in consequence of introducing the proposed fencing should be weighed against the increased site safety the fencing would provide. In reference to the proposed fencing on green belt land, the exception at NPPF paragraph 154 d) does not apply given the proposed fencing would be materially larger than the fencing it is set to replace, meaning the development would be inappropriate in the green belt.