

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2025/62/91192/W</b>
Site Address:	St Johns Playgroup, St Johns Ce Va Junior And Infant School, Field Head, Golcar, Huddersfield, HD7 4QQ
Description:	Erection of 2.4m high boundary fencing and pedestrian gates
Recommending Officer:	Molly Storer

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 15<sup>th</sup> July 2025

## **Officer Report**

### **Site Description**

The application site refers to St Johns Ce Va Junior And Infant School, Field Head, Golcar, Huddersfield, HD7 4QQ.

The site sits within a large plot surrounded by playing fields and existing planting. Surrounding the site are open fields, a neighboring primary school, residential dwellings and a surgery

### **Description of Proposal**

The applicant is seeking permission for the erection of 2.4m high boundary fencing and pedestrian gates.

The fence will be located to the south/southwest of the site and will separate the playing fields of St Johns C of E school and Golcar Junior school. It will have a total length of ~133m and there will be pedestrian gates at either end. The overall height will be 2.4m and it will be constructed from Mild steel paladin fencing, polyester powder coated in green.

### **History of Negotiations / Amendments Received**

Amended plans were received showing the exact positioning of the proposed fencing.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications:

- 2020/91895 - Certificate of lawfulness for proposed replacement roof – Granted.
- 2002/93717 – Erection of classroom extension – Conditional Full Permission.
- 99/91410 – Erection of 2.4m security fence – Conditional Full Permission.

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised via site notice. The expiry date of the publicity period was the 27<sup>th</sup> June 2025.

### **Consultation Responses**

None required.

### **Allocation and Policy**

The site is within land identified as urban green space within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application:-

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP33 Trees
- LP51 Protection and Improvement of Local Air Quality
- LP61 Urban green space

#### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change

#### *Legislation*

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Assessment**

#### **1 – Principle of Development**

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of

sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP61 of the Kirklees Local Plan sets out that development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted under certain circumstances.

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.

Paragraph 104 of the NPPF sets out the approach to assessing development which is proposed upon existing open space, and sets out the same criteria as outlined within LP61.

Para (f) of Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) requires that Sport England is consulted about development which

‘is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field or is on land which has been used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped or is allocated for use as a playing field in a development plan or involves replacement of the grass surface of a playing pitch on a playing field.’

In this case the proposal is on an area of grassed land, between existing pitches and adjacent to a line of trees. As such the small area of grass land upon which the fence would be sited is not considered to trigger the requirement for consultation with Sport England in this case.

In this case the determination of the application must be made in accordance with the plan unless material considerations indicate otherwise. It is considered that the fence would improve security within the site, and would not significantly affect the function and continued operation of the site and area of green space which is used predominantly for sports pitches to serve the school and likely used by community groups for this purpose also. The improvement to security is considered to be a consideration to which weight can be afforded, having cognisance of the scale of the development in this case and fact it has a minimal impact to the operation of the UGS. Considerations are considered to be present in this case which indicate that nonconformance with policy LP61 does not constitute a reason for refusal in this case.

Given the above, subject to condition ensuring the fence will be finished in a green colour to match the fencing elsewhere on the site, it is considered that the proposed development constitutes appropriate development and that the proposal would comply with Policy LP1 and LP61 of the Kirklees Local Plan and policies within Chapters 8 and 11 of the National Planning Policy Framework.

## **2 – Impact on character and appearance of the area:**

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

As the fence is not considered to be of a significant size or scale and is to be constructed from Mild steel paladin fencing, polyester powder coated in green, it is considered that it will appear sympathetic to the local area. proposed location is within greenery and already has this type of fence within the site. It is also of a lightweight design which will not be intrusive or oppressive.

Considering this, it is considered that the proposal will have no significant impacts on visual amenity and can be considered acceptable in this regard, as well as by Policies LP1, LP2, and LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Sections B and C of LP24 states that alterations to existing buildings should: “...*maintain appropriate distances between buildings*’ and ‘...*minimise impact on residential amenity of future and neighbouring occupiers.*”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Given the limited height, scale and materials of the proposed fencing, and its adequate distance from the residential properties on the application site, it is considered that the structure will have no significant impact on residential amenity with regard to overshadowing, overbearing, light, or privacy.

Considering the above assessment, it is considered that the proposal is acceptable regarding residential amenity, Policy LP24 of the Kirklees Local Plan, and Paragraph 135 of the National Planning Policy Framework.

### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

As the proposed fencing is to be set back from the closest highway and not positioned in a largely visible space, it is considered that there will be no significant impact upon highway safety.

Furthermore, the location of the boundary fence will not interfere with any parking areas on the site, or the bus lane, turning circle, and dropping off area to the north of the site, therefore, there will be no significant impacts on parking provision.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan.

### **5. Climate Change**

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Impact upon Trees**

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Whilst there is a TPO on site this is located on the opposite side of the school approximately 70m away from the proposed fence therefore it is considered that this tree will not be affected. There are mature trees located close to the fences proposed positioning however these are not protected by a TPO and the extent of ground intrusion in proximity to these trees is not considered to be such that it would be reasonable of the LPA to insist upon submission of a tree survey in this case given they would not be for the length of the fence and just in the locations for the siting of the supporting poles.

## **7. Representations**

No representations have been received.

## **8. Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/91192

**Officer Recommendation:** Conditional Full Permission

**Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP24, LP33, LP51 & LP61 of the Kirklees Local Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The fence hereby approved shall be of a green colour finish to match that of existing fencing at the site.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and proposed Site plan	0076/1Rev1.4	-	14/07/2025
Spec sheet	0076/2Rev1.1	-	30/04/2025
Application form	-	-	30/04/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were received showing the exact positioning of the proposed fencing.

