

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:	2025/62/91698/W
Site Address:	Kirkheaton Primary School, New Road, Kirkheaton, Huddersfield, HD5 0HR
Description:	Provision of new 2m high secure perimeter fencing and associated vehicle, and pedestrian gates
Recommending Officer:	Joshua Merriman

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21-Aug-2025

Officer Report – 2025/91698

Site Description

The application site refers to Kirkheaton Primary School, New Road, Kirkheaton, Huddersfield, which is a large site containing the education establishment of Kirkheaton Primary School as well as playing fields and parking areas. The application site lies between New Road, Staincliffe Way, and Ryedale, and is an area of designated urban green space.

Description of Proposal

The Scheme

The application is seeking planning permission for the provision of a new 2m high secure perimeter fencing and associated vehicle, and pedestrian gates.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Pedestrian Gate Image
- Fence Image
- Vehicular Gates Image
- Biodiversity Net Gain (BNG) Exemption Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

89/02725 – Erection of 1 no temporary classroom – Granted Conditionally.

89/06068 – Erection of 1 no temporary classroom (second unit) – Granted Conditionally.

90/03087 – Erection of extension to existing school – Conditional Full Permission.

92/02325 – Temporary siting of mobile classroom for a maximum period of 5 years – Deemed Permission Under Regulation 4.

96/91841 – Roofing over courtyard to form 2 classrooms – Granted Under Reg.3 General Regulations.

2001/93662 – Erection of extension – Granted Under Reg.3 General Regulations.

2002/91890 – Erection of classroom extension – Granted Under Reg.3 General Regulations.

2003/94275 – Erection of 2.85m high weld mesh fence to existing sports area and formation of 2 no. accesses to perimeter – Conditional Full Permission.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised the Council's website and by site notice. The expiry date of the publicity period was the 31/07/2025.

Two letters have been received, one in support and one making comment as follows:

- If the proposal includes removing the trees and hedges then would object, these provide privacy for school and residents and are important to wildlife.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

Sport England (Formal) – Following a formal consultation with Sport England the following comments were received:

*“Sport England raises **no objection** to the application because it is considered to accord with exception E3 of our Playing Fields Policy and paragraph 104 of the NPPF.”*

Kirkburton Parish Council – Have been consulted regarding the application but no response has been received.

Allocation and Policy

The site is allocated 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
- LP2 Place Shaping
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- 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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

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

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Representations
6. Conclusion

1 – Principle of Development

Sustainable 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.

The site is designated as Urban Greenspace (UGS) in the Kirklees Local Plan and therefore, Policy LP61 is relevant. The area of UGS is designated for education uses providing Kirkheaton Primary School with school buildings, grounds, playing fields, and car parks within the UGS area. Officers do not consider there to be a loss of UGS as a result of the works, and it is therefore

considered that the proposal complies with Policy LP61 of the Kirklees Local Plan.

Given the above, subject to condition, 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

Visual Amenity

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 fencing is not considered to be of a significant size or scale and is to be constructed from moss green mesh fencing, it is considered that it will appear sympathetic to the local area given the proposed location is within greenery, and the existing boundary fence around the property is also green mesh fencing.

Considering this, 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 scale of the proposed fencing, and the current existence of similar mesh fencing in the same location, it is considered that the structure will have no extra significant impact on residential amenity with regard to overshadowing, overbearing, light, or privacy than any current impacts experienced.

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. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

As the fence is to be set back from the closest highway and the existing fencing around the site has no significant impact upon highway safety, it is considered that there will be no significant impact upon highway safety. Furthermore, the location of the fence will not interfere with any parking areas on 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, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

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, especially that it is for private use, 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. Representations

- If the proposal includes removing the trees and hedges, these provide privacy for school and residents and are important to wildlife.

Officer Comment: The submitted plans do not detail the removal of the surrounding hedges and trees.

7. 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: 2025/91698

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).

1. 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 of the Kirklees Local Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

2. The proposed perimeter fencing in the development hereby approved shall in all respects be constructed using Moss Green RAL 6005 V Mesh boundary fencing that is no greater than 2m in height..

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:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-14079913v1	-	01/07/2025
Existing Site Plan	WAC 2084 000	Rev A	01/07/2025
Proposed Site Plan	WAC 2084 005	Rev A	01/07/2025
Application Form	-	-	01/07/2025
Pedestrian Gate Image	-	-	01/07/2025
Fence Image	-	-	01/07/2025
Vehicular Gates Image	-	-	01/07/2025
Biodiversity Net Gain Exemption Statement	2084 (06) 01 A	-	01/07/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

31/07/2025