

**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:	2025/62/92508/E
Site Address:	Overthorpe Ce Academy, Edge Top Road, Thornhill, Dewsbury, WF12 0BH
Description:	Erection of fence to form internal boundary
Recommending Officer:	Morgan Braithwaite

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 08 January 2026

OFFICER REPORT

Site Description

Overthorpe C of E Academy is a nursery and school faced with a combination of stone and brick. The site has existing fencing surrounding the grounds, which comprise multiple play areas, sports pitches and car parking.

The surrounding area is residential in nature with a variety of amenities including a social club, public houses/restaurants, schools and recreation areas. The residential properties surrounding the applicant site are constructed of brick, similar to that used on the façade of the applicant site.

Description of Proposal

The applicant seeks permission for the erection of an internal boundary fence for SEN provision within the existing school grounds. Existing fencing surrounding the grounds is metal palisade fencing which is 2m in height and painted green.

The proposal would see the erection of weld mesh fencing which is to be 3m in height and powder coated green. This would be located to the west of the application site.

History of Negotiations/Amendments

None undertaken.

Relevant Planning History

95/90613: The erection of metal security fencing 2.4m high and cacti anti-scaling device. Granted under Reg.3 general regulations.

2004/95811: The erection of extension and external alterations. Granted under reg.3 general regulations.

Consultation Responses

None required.

Policy

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The site is unallocated on the Kirklees Local Plan.

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.

The site is allocated in 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 Policies

- **LP 1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 24** – Design
- **LP47** – Healthy, active and safe lifestyles
- **LP49** – Educational and Health Needs
- **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.

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- Chapter 8 – Promoting healthy communities
- Chapter 12 – Achieving well-designed and beautiful places

Supplementary Planning Documents/Guidance

Kirklees Highway Design Guide (adopted November 2019)

Legislation

The Town and 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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conditions
- 8) Conclusion

1) Principle of development

The site is allocated as Urban Green Space (LP61) of the Kirklees Local Plan and

The site is designated as Urban Green Space (UGS) in the Kirklees Local Plan and therefore, Policy LP61 is relevant. The area of UGS is designated for education uses providing Overthorpe Church of England Academy with school buildings, grounds, playing fields and car parks.

On other applications for security fencing to serve schools situated in UGS elsewhere in the district, officers have concluded that as a result of the proposed works, there would be no overall loss of green space and therefore have previously raised no objections to proposals for fencing. The development is not considered to constitute a departure from the development plan. This conclusion is drawn on the basis the functionality of the UGS as a school site will be maintained

It is therefore considered that the proposed fencing and gates would provide safe and secure school grounds for educational and safeguarding purposes. This would not lead to a material loss of UGS and would not affect the extent or function of the UGS.

As an educational facility, PolicyLP47 (Healthy, active and safe lifestyles) and LP49 (Educational and health care needs) are relevant. The erection of fencing and gates could be regarded to create *‘an environment which supports healthy, active and safe communities’*.

Weight is afforded to Policy LP49 and paragraph 100 of the NPPF, in which Council’s must give *‘great weight to the need to create, expand or later schools’* to ensure that appropriate school provision in which the application for fencing would address safeguarding and crime prevention needs in its alteration.

As a result, Officer’s consider the proposal would accord with Policies LP47 and LP49 of the Kirklees Local Plan as well as the aims of Chapter 8 of the NPPF, in promoting healthy, active and safe communities. Subject to being considered acceptable in relation to all other relevant considerations (discussed in the following report) the proposal is considered to be acceptable in principle in accordance with the aforementioned policies.

2) Impact on visual amenity

The proposed fencing would be partially screened by the existing nursery and school buildings to the east and north of the site along with several established trees, as well as being set back from the boundary treatment between the grounds and the highway. The proposal would be constructed of materials which are similar to that on the existing site. Due to the location of

the proposed works in relation to the residential properties, it is not anticipated that the proposed fencing would impact the visual amenity of surrounding residential dwellings.

3) Impact on residential amenity

Impact on 88, Edge Top Road, Thornhill, Dewsbury, WF12 0HB

There is approximately 19.5m between the east elevation of the applicant property and the west elevation of no.88. The proposed works are to take place to the west of the application site and would therefore be screened from no.88 by the application site. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 99-103, Edge Top Road, Thornhill, Dewsbury, WF12 0HB

There is approximately of a minimum distance 38.7m between the south of the application site and the principal (south-west) elevation of the properties opposite. The proposed works are to take place to the west of the application site. However, due to the significant separation distance between the proposed works and the properties opposite, no significant issues are expected to arise from overlooking, overshadowing/loss of light or overbearing impact.

Impact on 100, Edge Top Road, Thornhill, Dewsbury, WF12 0HB

There is approximately 42.2m between the south of the south of the applicant site and the principal (south-west) elevation of no.100. The proposed works are to take place to the west of the applicant site. However, due to the significant separation distance between the proposed works and no.100, no significant issues are expected to arise from overlooking, overshadowing/loss of light or overbearing impact.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

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 highway and not positioned in a largely visible space, it is considered that there will be no significant impact upon highway safety. Additionally, the location of the boundary 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, the proposed would comply with Policy LP21 of the Kirklees Local Plan.

5) Other matters

Carbon Budget

The proposal is a small-scale development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

6) Representations

Public consultation end date: 12th December 2025
No representations have been received as a result of publicity.

7) Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

9) Conclusion

The application for the erection of a fence to form an internal boundary at Overthorpe C of E Academy, Edge Top Road, Thornhill, Dewsbury, WF12 0HB has been assessed against relevant policies in the development plan as listed in the policy section of the report, the Unitary Development Plan, the National Planning Policy Framework and other material considerations.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation CONDITIONAL FULL PERMISSION

Decision Authorisation – Delegated Powers

Application Number: 2025/92508

Officer Recommendation: Conditional Full Permission

Conditions and Reasons

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction/ sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	1104908	001-05	04/09/2025
Proposed Site / Block Layout	1104909	001-03	04/09/2025
Proposed Elevations	1104910	001-06	04/09/2025
Plan General	1104907	001-3	04/09/2025

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 Planning 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 alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

Report Dated: 08/01/2026

