

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:	2025/62/92748/E
Site Address:	Birstall Primary Academy, Chapel Lane, Birstall, Batley, WF17 9EJ
Description:	Erection of security mesh fencing atop existing sandstone wall, installation of 1 automated vehicular sliding gate to staff car park, formation of opening within existing masonry wall structure and installation of 1 pedestrian access gate (within a Conservation Area)
Recommending Officer:	Elenya Jackson

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: 05 December 2025

SITE DESCRIPTION

The building to which this application relates is Birstall Primary Academy, Chapel Lane, Birstall. It consists of a number of single storey stone buildings with extensions and two playgrounds. The boundary treatment comprises stone walls with black railings fencing and gates. The application site is adjacent to a combination of retail, office and residential premises and occupies a corner plot in the street scene.

The site appears to be divided into two with residential dwellings separating the sites; however, the site wraps around the rear of these properties.

DESCRIPTION OF PROPOSAL

The application is for the erection of security mesh fencing atop of the existing sandstone wall, installation of 1 automated vehicular sliding gate to staff car park, formation of opening within existing masonry wall structure to facilitate the installation of one pedestrian access gate.

The proposed fencing would be located above the existing boundary treatment on site and increase its maximum height to 2.6m.

A 2.4m high gate to the pedestrian access would be created with a width of 1.2m.

The fencing would be green and therefore matching to the existing fencing to the west of the site.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

N/A

RELEVANT HISTORY

99/92654 – Erection of 2.4m heras fencing and gates to part of boundary of school (Birstall County J&I School) – Approved

2018/91702 Erection of external gate and fencing and demolition and reconstruction of existing external steps (within a Conservation Area)- Conditional full permission

PUBLIC/MEMBERS RESPONSE

Final publicity date Expires (press notice & site notice): 20.11.25

No letters of representation have been received in respect of this application.

CONSULTATION RESPONSES

KC Conservation and Design: No objections to the proposal due to the proposal not being affixed to the existing walls. Conditions should be applied which require the removal of the fencing should the existing use cease on site.

KC Highways DM: Informal discussion; raise no objections .

POLICY

The statutory development plan comprises:

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 located within Birstall Conservation Area.

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP24 – Design

LP 35 – Historic environment

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 together with Circulars, Parliamentary Statements and associated technical guidance

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

- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

ASSESSMENT

Principle of development:

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

As previously highlighted, the site is within the Birstall Conservation Area.

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In the case, it can be stated that the principle of development could be supported subject to an assessment of impacts on visual and residential amenity and heritage assets being concluded as acceptable, as well as an assessment into other relevant material considerations to ensure comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Impact on visual and residential amenity:

In addition to the policy / legislation set out in section 1 of this report, of relevance to the consideration of this proposal is policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF which set out that development should be of an acceptable design.

The proposed fence would sit above the existing boundary wall and would make the total height of the boundary treatment along this elevation 2.6m. Due to the site being located on a corner plot in the street scene, the fence would be visible from public vantage points

In terms of impact on the visual amenity on of the Conservation area, Conservation and Design Officers were informally consulted and concluded that the fence would cause less than substantial harm to the significance of the wall by introducing a tall and visible, structure on top of the wall; however, the fencing is not a solid structure and would be visually permeable which would lessen its impact in terms of detracting from the appearance of the host building and its impact on the character of the area. It is not considered at this time that the works would cause substantial harm.

The NPPFs requires clear and convincing justification to any harm to the significance of a designated heritage asset and paragraph 213 continues that this harm should be weighed up against the public benefits of the proposal.

Policy LP35 of the Kirklees Local Plan requires proposals to maintain local distinctiveness and preserve and enhance the significance of heritage assets.

In terms of the finishing colour of the fence, it is considered that Green would decrease the visibility of the fence and would be in keeping with existing boundary treatment in the vicinity. Officers consider it appropriate to add a condition requiring the fence to be removed should the use of the site cease.

It is therefore considered that subject to the above condition, the security of the facility by erecting a fence above the existing wall outweighs the harm to the conservation area and therefore can be supported in this case, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the NPPF.

Impact on highway safety:

In terms of highway safety there are no highway issues as fencing would not impact the vehicular access of the site and there are substantially sized pavements which would result in the fencing not intercepting the visibility splays onto chapel lane. As such, the proposal would meet the aims of Policy LP21 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

None

Representations:

It should be noted that no representations have been received as a result of site publicity.

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 that the development would constitute sustainable development and is therefore recommended for approval.

Decision Authorisation - Delegated Powers

Application Number: 2025/92748

Officer Recommendation: APPROVE

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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. The colour finish of the fencing hereby approved shall be finished in green and shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity, to preserve and enhance the character of the Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and advice within Chapters 12 and 16 of the National Planning Policy Framework.

4. The hereby approved fence and associated works shall be removed in its entirety prior to the expiration of 3 months form the date when the property ceases to be in use as a primary school.

Reason: In the interests of visual amenity, to preserve and enhance the character of the Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and advice within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	PL01	1.10.2025
Proposed elevations	PL06	1.10.2025
Proposed site plan	PL04	1.10.2025
Existing Plans	PL03	1.10.2025
Existing Elevations	PL05	1.10.2025
Existing Site plan	PL02	1.10.2025
Heritage Statement		1.10.2025

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.

