

**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:	2026/62/90289/E
Site Address:	Batley Girls High School Visual Arts College, Windmill Lane, Birstall, Batley, WF17 0LD
Description:	Infill of 2 small courtyards and staff offices for the SEND facility in a third courtyard
Recommending Officer:	Jennifer Booth

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: 28-APR-2026

OFFICER REPORT

Site Description

The application site is Batley Girls High School Visual Arts College. The school is adjacent to the Batley Sports and Tennis Centre (to the northeast), and Windmill Church of England Primary School (to the west). There are fields and sports pitches to the south and southeast. Onsite parking is located to the front and rear of the site. The site is relatively level. The school itself relatively modern, appearing to have been constructed between 1980 and 1990.

There are residential properties to the north-western and south-western boundaries of the site. To the south-eastern boundary of the site is open land designated as Green Belt on the Kirklees Local Plan. The school and its grounds are located on designated Urban Greenspace on the Kirklees Local Plan (UG313). The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application is seeking planning permission to infill three inner courtyards within the school grounds.

The smallest canopy located by the dining and common room would have a width of 4.8m and a depth of 9.1m.

The medium sized canopy to form a conference area would have a width of 6.6m and a depth of 7.3m.

The largest canopy by the offices would have a maximum width of 9.5m and an overall depth of 33m.

Relevant Planning History

At the application site:

2008/90210 – Erection of temporary mobile classroom. Granted under Reg.3 General Regulations 1992.

2008/94322 – Erection of temporary accommodation for student well-being centre. Granted under Reg.3 General Regulations 1992.

2010/90951 – Erection of Conservatory. Conditional full permission.

2010/91262 – Erection of canopy in science learning garden area. Conditional full permission.

2010/91566 – Erection of single storey extension to form reception area. Conditional full permission.

2011/90935 – Formation of enclosed area to house school farm and associated facilities. Conditional full permission.

2011/91093 – Erection of Art room and 6th form entrance extensions. Conditional full permission.

2011/92412 – Erection of well being building and landscaped works. Conditional full permission.

2011/92717 – Erection of single storey classroom extension and associated landscape works. Conditional full permission.

2013/90206 – Erection of two storey teaching block. Conditional full permission.

2013/91913 – Variation of condition 2 (approved plans) on previous permission 2013/90206 for erection of two storey teaching block. Approved.

2014/91957 – Formation of car park. Conditional full permission.

2016/91261 – Erection of two prefabricated classroom units with associated access and link corridors. Conditional full permission.

2016/92458 - Erection of boundary fence. Conditional full permission.

2019/90927 – Removal of existing conservatory style building and erection of single storey extension. Conditional full permission.

2019/91781 – Erection of single storey ancillary building. Withdrawn.

2019/92912 – Erection of single storey ancillary building. Conditional full permission.

2020/92481 – Installation of plant area. Conditional full permission.

2020/91242 - Erection of single storey front extension. Conditional full permission.

2020/92716 – Erection of single storey extension. Conditional full permission

2022/91521 – erection of two storey modular building – approved

Representations

The application was advertised by site notice, which expired on 23/03/2026

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

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 on designated Urban Greenspace 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking

- **LP 24** - Design
- **LP 49** – Education and health care needs
- **LP 61** – 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, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The application site is located within the Batley Girls High School complex. The school buildings, associated school grounds and playing pitches are allocated as urban greenspace on the Kirklees Local Plan (site UG313).

The proposals are to infill three areas within the building group with canopies. This would not reduce the playgrounds or sports areas.

Local Plan Policy LP61 (Urban Green Space) does not allow for development proposals which would result in the loss of urban green space unless specific exceptions can be met. This policy states that development proposals which would result in the loss of Urban Green Space 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”.

In this case, it has been noted that the proposed development would be located within the group of buildings and would not impact or result in any loss of open space. For these reasons, officers do not consider the proposal to represent a departure from policy, as there would be no loss of Urban Green Space, and therefore the proposal would meet the aims of Policy LP61 of the Kirklees Local Plan.

Alongside the above, Policy LP49 of the Kirklees Local Plan states that 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;

c. 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.

This policy coincides with Paragraph 95(a) of the National Planning Policy Framework, which states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications.

As canopies within the group of buildings provide additional space, the proposal would continue to facilitate the operation of the school and would enhance education provision, thereby supporting the development of the established school use. It would not have a detrimental impact on existing sports or recreation facilities at the school. Therefore, given the need for additional educational facilities at the school, the proposal in principle can be supported.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning

considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

Impact on visual amenity:

Consideration in relation to the impact on the visual amenity of the host dwelling and street scene shall now be set out, taking into account Policy LP24 (a), which sets out that proposals should promote good design by ensuring “the form, scale, layout and details of all development respects and enhances the character of the townscape”.

The proposed canopies are located within an established group of school buildings and would be read in the context of the wider educational complex. Due to their siting within the school grounds, the structures would not be visible from outside the site and therefore would result in no impact on the wider streetscene or surrounding visual amenity. The canopies are limited in scale and design and would not appear visually dominant or incongruous within their setting. The use of appropriate materials, which complement the existing school buildings, would ensure the development integrates well with its surroundings. Overall, the proposal would preserve the visual amenity of the site and its context.

Having taken the above into account, subject to the issuing of a temporary permission, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, and the aims of Chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

The proposed canopies are situated within the confines of the existing school site and would be sufficiently separated from neighbouring residential properties. Given their limited scale and internal location, the development would not result in any unacceptable impacts in terms of overlooking, loss of privacy, overbearing presence, or loss of light to nearby dwellings. In addition, the nature of the proposal would not give rise to any significant increase in noise or disturbance beyond that already associated with the lawful use of the

site. As such, the proposal would not adversely affect the residential amenity of neighbouring occupiers.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policy LP24 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposal would not affect the existing car parking provision or servicing arrangements at the school, nor is it intended to increase the number of staff and pupils. The current parking arrangements are considered sufficient and would maintain appropriate access and parking provision. Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

Other matters:

Carbon Budget

The proposal is a small scale development within the grounds of the school. 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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

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.

Conclusion:

This application to erect three canopies within Batley Girls high School has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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

Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/90289

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 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 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, and to accord with Policy LP24 of the Kirklees Local Plan & Alterations SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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	Web ID	Date Received
Location Plan	1001	1124799	02/02/2026
Proposed Site Plans	1002	1124798	02/02/2026
Existing Elevations, Floor Plans and Section Plans	1101	1124801	02/02/2026
Proposed Elevations, Floor Plans and Section Plans	1102	1124802	02/02/2026
Overall School Plan	1003	1124800	02/02/2026
Additional Plan	1102	-	02/03/2026
Climate Change Statement	-	1124900	02/02/2026

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 23/04/2026

