

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:	2026/62/91652/E
Site Address:	St Patricks Catholic Primary Academy, Nova Lane, Birstall, Batley, WF17 9LQ
Description:	Change of use of former caretaker's bungalow from residential (Use Class C3) to ancillary educational accommodation
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: 27 August 2026

The Site

The application site relates to St Patricks Catholic Primary Academy, Nova Lane, Birstall, Batley, WF17 9LQ which is located to the north of Nova Lane and across from the junction with Cambridge Road.

There are no residential properties which immediately abut the site with a playground being located to the east and woodland to the north-west. The closest residential property is across Nova Lane to the south.

The application building is located in front of the main primary school and is a single storey detached outbuilding.

The Proposal

The applicant is seeking planning permission for change of use from former caretakers house (C3) to education use (F1) and associated works.

The application form states the change of use is required to provide further educational accommodation.

The proposal involves internal alterations to adapt the existing layout to meet the needs of the provision. No extensions or additional built accommodation are proposed.

The building will continue to operate as part of the wider school site and will utilise the existing access.

It is stated in the application form the property has been vacant for a duration of time as it is understood to be a former caretakers house.

History of Negotiations

Planning History

Relevant planning history for this site is summarised as follows:-

2013/92177: Erection of single storey extension. Conditional full permission

2009/91938: Erection of security fencing. Conditional full permission

2006/95421: ERECTION OF EXTENSION AND ALTERATIONS TO EXISTING RECEPTION CLASS TO FORM EARLY YEARS UNIT. Conditional full permission.

2006/93234: ERECTION OF NEW NURSERY AND INTERNAL ALTERATIONS TO FORM EARLY YEARS UNIT. Conditional full permission.

2001/92071: FORMATION OF PAVED ACCESS RAMP FOR WHEELCHAIR ACCESS. Permitted development.

Publicity & Representations

The application has been advertised by site notice and on the Council's website in accordance with the Council's adopted Development Management Charter.

Final publicity date expired 7th July 2026.

No representations were received as a result of the publicity.

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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 in the Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan (LP)

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP57**- The extension, alteration or replacement of existing buildings

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 4 Achieving sustainable development
- Chapter 5 Meeting the challenge of climate change, flooding and coastal change
- Chapter 14 Achieving well-designed places
- Chapter 15 Promoting sustainable transport
- Chapter 16 Promoting healthy and safe communities

Legislation

The Town & Country Planning Act 1990 (as amended).

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:

The site is located in the Green Belt on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

The application site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan are relevant.

Paragraph GB2 of the NPPF identifies five purposes of the Green Belt, these are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph GB7 of the NPPF states “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are:

- a) buildings for agriculture and forestry;
- a) *The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building⁴⁰. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;*
- b) *Limited infilling in villages lying within the Green Belt;*
- c) Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);
- d) *The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt*
- e) *Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes.*
 - iv) The provision of appropriate facilities (in connection with the existing use of land or a change of use).*

Officers consider that the proposal would be for the change of use of an existing substantial structure in the site that would not require any external alterations or increase in scale. Officers therefore conclude that the proposal would not impact the Green Belt’s openness or its permanence.

Chapter 16 of the National Planning Policy Framework recognises the importance of ensuring that there is sufficient choice of school places available to meet the needs of existing and new communities and that authorities should attach considerable importance to providing for sufficient education facilities (including early years, school and post-16 provision),.

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;
- a. the scale, range, quality and accessibility of education facilities are improved;
- b. 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 application is for the change of use and alterations to convert an associated residential dwelling (Class C3) to part of the existing education facility (Class F1).

The submitted Planning Statement outlines that the school would provide a additional educational space for the current school. Therefore, officers

consider that the educational facility is unlikely to compete directly with other schools in the district and would meet an identified deficiency in provision in accordance with LP49a.

With regard to LP49b, the proposal would facilitate the reuse of a vacant building and would improve the scale, range, quality and accessibility of education facilities within the area.

In relation to LP49 (c), transport considerations have been addressed with the highway safety section of the report. The educational facility would provide extra space within the existing school and due to its scale is unlikely to significant increase capacity on site.

In view of the above, the proposal would comply with Policy LP49 of the Kirklees Local Plan and as such, the principle of development is considered acceptable. 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.

2 – Impact upon visual amenity

Policy LP24 (Design) of the Council's adopted Local Plan 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, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

The application form confirms that there would be no external changes to the building and this will be adhered to via the implementation of a condition.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The site is well separated from neighbouring residential properties at a distance of over 22m. No external alterations are proposed to the building which could give rise to any harmful overlooking, overbearing or overshadowing impacts.

Whilst the proposal would serve the wider school function than that of a dwelling, it is considered the impact would not be significantly greater than

that which exists already and that resultant associated noise / disturbance would not be significantly greater than that of the overall school site.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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

The proposal is for the change of use of an existing building with no external alterations which would result in the displacement of vehicles.

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 and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 19 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposal relates to the change of use, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the 'De-minimis' exemption category within the application forms. Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

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 pre-dates 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 modest 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. A Climate Change statement has been submitted with this application.

6 – Representations:

None received

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2026/91652

Officer Recommendation: Approve

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 & LP61 of the Kirklees Local Plan and Policies within Chapters 4, 5, 14,15,16 of the National Planning Policy Framework

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan		-	19/06/2026
Existing General Arrangement	(EX) 001	-	19/06/2026

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 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 requested during the course of the application.

