
Application Reference: 2023/0446

Type: Lawful Development Certificate

Applicant: Mrs K Gagen

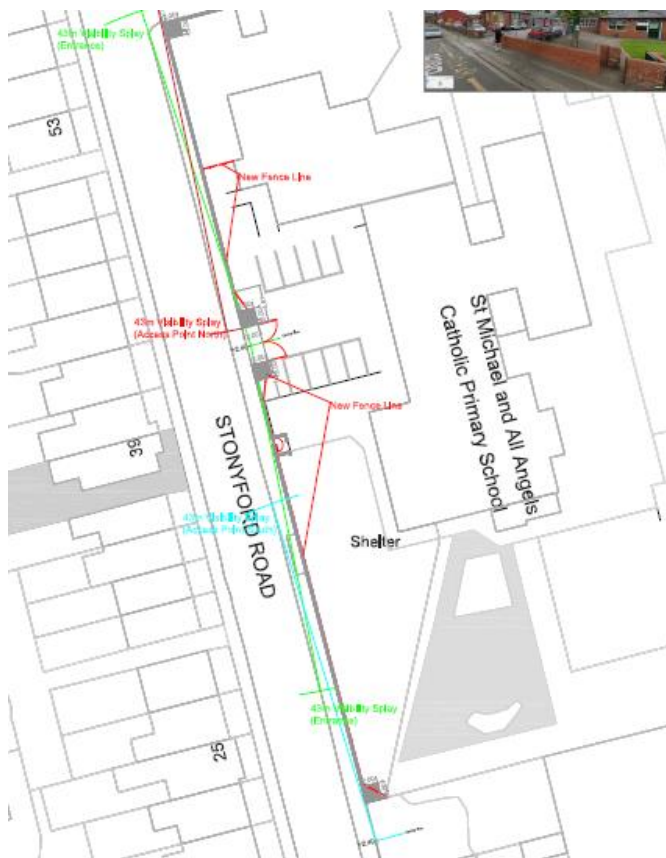
Site Address: St Michael and All Angels Roman Catholic Primary School, Stonyford Road, Wombwell, Barnsley, S73 8AF

Proposal: Certificate of Lawfulness for proposed development of fence.

Site Location & Property Description

The property is a well-established primary school located on Stonyford Road in Wombwell. The site is considerably large and features buildings, hard surfaced parking and play areas, a large rear playing field and a landscaped area at the front right hand side of the school's curtilage. At the point where the school curtilage meets the highway, an existing and old stone wall boundary treatment, intercepted by pedestrian and vehicle access points into the school provide the current boundary treatment along Stonyford Road.

Proposed Development



Extract of Amended site plan

The proposed development is the installation of a ≤2m high fence (from the existing ground level) and associated posts and gates. The fence would be a powder coated MC nylofor V mesh fence with 200mm x 50mm apertures, hot dip galvanised, and powder coated in a green colour. The fence extends from along much of the existing boundary between the school and Stonyford Road. The proposed fence would be installed within the school curtilage, close to the current boundary treatment. Approximately two thirds the way along the current boundary, the fence would turn slightly further into to school curtilage and stop at the point it meets the school building. New and matching, to the fence, school gates would also be installed within the proposed boundary treatment, as indicated on the annotated site plan. These gates would be less than the 2m maximum height permitted.

The applicant has submitted the following documents in support of their LDC application: Location Plan: TQRQM23125131755529, Fence & Installation Description: MC Engineering Fence Spec Details, Site Plan (Aerial Image), Annotated Plan with Gates, and Fencing - Indictive Layout [with Highways DC acceptable visibility splays] titled WombwellStMichaelsLayout 1 Rev C

All works relate to St Michael and All Angels Roman Catholic Primary School and its curtilage at Stonyford Road, Wombwell, Barnsley, S73 8AF

Lawful Development Certificate

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Planning History

There have previously been several applications for extensions and other works to the school with the most recent application listed below. There appears to be no previous applications in relation to boundary treatments,

2010/0260 - Erection of 2 no. single storey extensions to school – Approved 27th May 2010

Planning Context

Fences and similar boundaries or enclosures are allowed to be installed under permitted development rights outlined in Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Details of specifically

what is permeated is detailed below and includes specific reference to a school being allowed an extended height of 2 meters above ground level.

Permitted Development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, “school” includes—

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Consultees

Legal – Although the proposed fence is 2m high, this is allowed under permitted development as the premises are a school, subject to not causing a highway issue.

Highways – Highways were informally asked to provide information regarding the safety of the proposed fence. They provided relevant information which was relayed to the applicant. Consequently, the applicant has liaised with highways to provide a plan with required visibility splays. Highways have now commented that “looks ok now as it shows the new fence line does not impede visibility from the site entrance or adjacent accesses and also provides the requisite 2m x2m pedestrian intervisibility zones.”

Forestry Officer – Because it was noted that large trees were present on site, the Forestry officer was informally consulted for advice. After direct contact with the applicant and their contractors, the Forestry office was happy that the trees would be protected and no formal intervention such as an emergency Tree Protection order would be required.

Assessment

Class A, Part 2, Schedule 2 of the GPDO 2015 (as amended) allows the installation of fences of up to 1m high when located within 2m of the highway. If the fence is for a school, as in this application, the height restriction is extended to a maximum height of 2m. Conditions of this permitted development right include that any fence or wall above 1m in height does “not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons”. Using the provided documents which provide details of the proposed fence and visibility splays considered acceptable by Highways DC, the proposed fence would be unlikely to cause such danger. Consequently, the development would therefore be considered permitted development and a Lawful Development certificate may be issued.

Recommendation

Approve with conditions