

NPPF 2026

APPEAL - 6010036



AN APPEAL BY:
MR N HANNAN
PRINCIPAL DESIGNER, CH ARCHITECH
ON BEHALF OF EMMAUS SCHOOL

RELATING TO:

EMMAUS SCHOOL, SCHOOL LANE,
STAVERTON, TROWBRIDGE, BA14 6NZ

AGAINST A REFUSAL OF PLANNING
PERMISSION FOR:

RETROSPECTIVE APPLICATION FOR
APPROVAL OF SECURITY FENCING
WHICH REQUIRED TO SUPPORT THE
SAFEGUARDING, SAFETY AND
EFFECTIVE OPERATION OF THE
SCHOOL, WHILE MAINTAINING AN
OPEN AND WELCOMING
ENVIRONMENT APPROPRIATE TO ITS
EDUCATIONAL SETTING.



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1. **INTRODUCTION:**

- 1.1. I write in reference to the Inspectors request to invite the Appellant's comments on whether the revisions to the National Planning Policy Framework (NPPF) have relevance to the appeal case. The revised NPPF came into force on 17 August 2026.

2. **ASSESSMENT OF NPPF:**

- 2.1. The two grounds of refusal and the main issues identified for the appeal are:

- **Whether the 3m high fence is disproportionate and harmful to the scale of the Victorian-built stone school building and harmful to the character and appearance of the immediate surroundings and streetscene.**
- **Whether the 3m high fence harms the Victorian-era school building on-site which is considered to be a non-designated heritage asset.**
- **Whether there are other material considerations comprising benefits and justification of the appeal proposal, having regard to the scale of any harm to the significance of the non-designated heritage asset in the overall planning balance.**

- 2.2. Given the nature of this appeal, and the common ground established within Section 1 of the Grounds of Appeal Statement, this section will focus solely on the above main issues and whether the revisions to the NPPF 2026 have relevance.

(i) **Character of Area**

- 2.3. Policy DP3(1) of the NPPF 2026, states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and

integration of heritage assets. Policy DP3(2)(f) states that development should include spaces that are safe, secure, inclusive, and accessible for all ages and abilities.

2.4. The chosen fence design, material and colour exhibit a familiar school enclosure which is used on educational establishments across the country. It consists of a lightweight and permeable finish with the black colouring not being overly prominent. Importantly, given its characteristics, the enclosure allows for views through the site to the open countryside to the west of the site, allowing for a green and verdant backdrop when looking through the site from School Lane. The nature of the enclosure and its lightweight appearance ensure it does not compete with the original school building.

2.5. It is assessed that the appeal development is therefore in accordance with Policy DP3 of the NPPF.

(ii) Heritage & Balanced Judgement

2.6. Policy HE7(2) states that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

2.7. The significance of the NDHA is relatively low and as demonstrated within the Appellants case, the impacts incurred are also low based on the below assessment:

- Prior to works the northern parcel of the site was cluttered, with the northern façade of the building concealed by an unsightly modular building which was in very poor condition and a domestic appearing close boarded fence.
- Visually, the fencing is permeable and allows views of the northern façade of building when viewed from New Terrace and School Lane, better revealing itself within the public

realm. The school proposed soft landscaping climbers to provide greenery on the boundary.

- The erection of a 2m fence is permitted development. Therefore, the increase of 1m beyond what is permitted development is not considered to result harm to the original school building.

2.8. Therefore, as required, by Policy HE7(2) of the NPPF 2026, a balanced judgement is required having regard to the low scale of harm to the significance of the heritage asset. This is set out below.

2.9. Policy HC1(2) states that Authorities should attach considerable importance to providing for sufficient education facilities in a way that aligns with the needs of the local population and any wider requirements for improvements in public service infrastructure identified by the government or public agencies (recognising that some public service infrastructure serves a larger than local population). The fencing provides a secure and safe environment for pupils which should be attributed significant weight in favour of the proposal.

2.10. The fencing also reduces the probability of footballs, tennis balls etc being get kicked or thrown over the fence from the MUGA which could cause an accident on the adjacent road(s). A lower fence of 2m would result in a greater highways safety risk.

2.11. The MUGA is used to offer support to home school pupils in various ways, including for sports sciences and use of the sport facilities. The school also host other small schools for sports events that do not have adequate sports facilities themselves. The school is also actively looking to make the facilities available to summer school students, including internationals and widening the use of the MUGA for afterhours clubs. There are therefore benefits of offering a safe recreational space for the wider community.

2.12. Based on the low significance and low impact on the NDHA as a result of the fencing, the importance attributed to alter schools in the NPPF, mitigation of highways risk, and the positive

community benefits of the proposal outweigh any harm in this instance. On this basis the fencing is acceptable and in accordance with Policy HC1(2) of the NPPF 2026.

3. CONCLUSIONS:

- 3.1. The Appellant reiterates the conclusions of the Grounds of Appeal Statement in light of the adoption of the NPPF 2026. Taking all material factors into account, it is respectfully requested for this appeal to be allowed.