

<u>No:</u>	BH2026/00745	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Varndean School Balfour Road Brighton BN1 6NP		
<u>Proposal:</u>	Installation of approximately 500 meters of 3 metre high mesh fencing around school grass fields, incorporating 3no single leaf gates and 2no double leaf gates.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	07.05.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.07.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Varndean School Balfour Road Brighton BN1 6NP		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan			27-Mar-26
Block Plan			27-Apr-26
Proposed Drawing	026927-01		07-May-26
Proposed Drawing	026927-02		07-May-26
Proposed Drawing	026927-03		07-May-26

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Any fence posts or excavation works to be carried out within a Tree Root Protection Zone of existing trees, shall be hand dug to ensure that the approved development does not harm any trees on the site.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8,

CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Biodiversity Net Gain

- 1.2. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.
- 1.3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

2. SITE LOCATION

- 2.1. The application relates to Varndean School, a large secondary school campus located on Balfour Road, close to the junction with Ditchling Road. Friar Road adjoins the site along the northern boundary. The site contains a range of educational buildings, hard-surfaced areas, sports facilities and extensive grassed playing fields. The large (predominantly) grassed area is shared by Varndean College and Varndean School and can currently be accessed by the public, with public access along Stringer Way. The site is classified as Open Space, a Nature Improvement Area and is subject to a Tree Preservation Order.
- 2.2. The area affected by the application relates to the western and northern parts of the school grounds, encompassing existing grassed playing fields and a long jump facility situated to the rear of the main school buildings. This land forms part of the wider school estate and is currently used in connection with the school's educational and recreational activities. The development does not incorporate any of the grassed area south of Stringer Way which remains open.

3. RELEVANT HISTORY

- 3.1. **BH2024/02726** Installation of 10 no. 10m high Tubular Lighting Columns with 16No 968W flat glass LED Floodlights and associated alterations. Approved.
- 3.2. **BH2024/00290** Installation of 10 no. ten metre high tubular lighting columns with LED floodlights to existing games courts. Refused.
- 3.3. **BH2020/00080** Erection of cantilevered first floor extension over existing south courtyard area and erection of second floor extension to south annex to provide additional classrooms & dining hall, installation of new fencing to school entrance and remodelling & refurbishment works. Approved.
- 3.4. **BH2020/01327** Erection of single storey mobile classroom (D1). Approved.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of approximately 500 metres of 3-metre-high green mesh security fencing around part of the school's grass playing fields. The proposed fencing would incorporate three single-leaf access gates and two double-leaf access gates to facilitate access between the enclosed area, the wider school site and Stringer Way.
- 4.2. The fencing is proposed as a security and safeguarding measure to provide a clearly defined and secure boundary around the operational school grounds, whilst retaining visibility through the mesh design and maintaining access to the wider school site.

5. REPRESENTATIONS

- 5.1. **Thirty Six (36)** representations have been received, objecting to the proposed development for the following reasons:
 - Loss of green space
 - Public health
 - Loss of access/routes through
 - Excessive fencing
 - Loss of character
 - Inappropriate height
 - Damage to trees
 - Impact on nature and biodiversity
 - Insufficient information
 - Legal rights
 - Land ownership
 - Lighting impacts
 - Loss of use of the 3G pitch
 - Lack of pre-application advice
- 5.2. **Five (5)** representations have been received, supporting the proposed development for the following reason:

- Safeguarding and pupil safety

6. CONSULTATIONS

Internal:

6.1. **Arboriculture:** Comment

The fencing could have a minor conflict with some of the trees located on the southern boundary. Conditions should be attached to ensure that the post hole construction is undertaken by hand within the root protection areas of these trees. The existing hard surface path way should be utilised for access.

6.2. Full details of consultation responses received can be found online on the planning register.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP16	Open Space Areas

Brighton and Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact on the trees/biodiversity on site and the impact on neighbouring amenity.

Design and Appearance

- 9.2. The proposed fencing would be situated to the rear of the main school buildings, extending along the northern and western boundaries of the operational school site. The fence line would partially run parallel to Stringer Way and would enclose the existing long jump facility and associated school grounds. Along its northern boundary, the fencing would be positioned adjacent to the rear gardens of properties fronting Friar Road.
- 9.3. The fencing would measure approximately 3.3 metres in height and would comprise a green powder-coated weld mesh design. The structure has been selected as a visually permeable form of boundary treatment, allowing views through the fencing as it would not be a solid design. The green finish would further ensure the fencing does not stand out within its surroundings and would reduce its visual prominence when viewed from both the school grounds and surrounding public vantage points.
- 9.4. No lighting is proposed as part of the development, thereby avoiding any additional visual clutter or potential impacts associated with artificial illumination.
- 9.5. The proposed scheme incorporates a number of gates, including three gates onto Stringer Way and two gates in the north-western corner of the enclosed area. These gates would maintain connectivity with the wider school grounds and ensure continued access to the substantial areas of open space that lie beyond the fenced enclosure.
- 9.6. Consideration is given to the operational requirements of the school and the need to provide a safe and secure environment for pupils and staff. Government guidance relating to school security recognises the importance of effective perimeter treatments and generally advises that boundary fencing should exceed 2 metres in height where security considerations warrant such measures. The applicant has advised that lower sections of fencing elsewhere on the site have not provided an adequate level of security and that the proposed height is necessary to address safeguarding concerns and unauthorised access to the school site.

- 9.7. Whilst the fencing would be noticeable within the wider site, its open mesh construction, colouring and location adjacent to existing school grounds ensure that it would not appear unduly intrusive or dominant within the surrounding context. Furthermore, the public benefits associated with enhanced safeguarding and site security carry substantial weight in favour of the proposal.
- 9.8. Overall, the proposed fencing is considered acceptable in design terms. The development would preserve the character and appearance of the area whilst delivering important security benefits and is therefore considered to accord with Policies DM18 and DM21 of the Brighton & Hove City Plan Part Two and Policies CP10 and CP12 of the Brighton & Hove City Plan Part One.
- Loss of open space:**
- 9.9. Policy CP16 seeks the retention and enhancement of existing open space and resists development resulting in the loss of open space, unless specific exceptions apply.
- 9.10. The use of the land is school playing fields within the Varndean School grounds, which is designated 'Open Space - School Grounds and Sports Pitches' typology. There would be no change to the use of this land as a result of the proposed development.
- 9.11. A number of representations raise concerns regarding the loss of open space. Whilst the proposed fencing would enclose part of the wider school grounds, the proposal would not result in the physical loss of open space through built development, nor would it prevent access to, or use of, the substantial areas of open space that would remain within the wider school site. The plans demonstrate that the majority of the existing open land would be retained and would continue to function as open space.
- 9.12. The proposal is considered ancillary to the established use of the school and is intended to improve the safety and security of pupils and staff. In this regard, the development aligns with CP16(1)(c), which recognises that development ancillary to the use of an open space may be acceptable where it facilitates better use and management of the site. The fencing would enable the school to manage its grounds more effectively and provide a secure environment for educational activities.
- 9.13. Significant weight is also attached to the safeguarding requirements of the school. The provision of secure boundaries is an important operational and safety measure and is necessary to ensure the welfare of pupils, particularly given the need to control access and movement within the school grounds. The proposal would therefore deliver clear educational and community benefits.
- 9.14. The existing paths through the wider site would still be accessible, including the access from Stringer Way.

- 9.15. The remaining open space would continue to be available and accessible for its intended use, and the benefits arising from improved school security and pupil safety are considered to outweigh the limited impact arising from the enclosure of the land. The proposal is therefore considered acceptable in relation to Policy CP16 of the Brighton & Hove City Plan Part One.

Impact on Amenities

- 9.16. Policy DM20 of the Brighton and Hove City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.17. With regard to amenity, no significant adverse impacts are expected as a result of the development. The new perimeter fence does not detrimentally overshadow any residential dwelling. The height of the fencing and gates are not considered to be inappropriate for their use or overbearing to local residents using the recreational grounds or visitors to the school.
- 9.18. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy and no significant harm has been identified.
- 9.19. Overall the development has not caused any harm to the neighbours amenity in accordance with Brighton & Hove City Plan Part Two policies DM20 and SPD12 guidance.

Impact to Trees and wildlife

- 9.20. There are a number of mature trees lining the site along Balfour Road. Part of the new fencing would be positioned in close proximity to these trees. The Arboriculture Officer has recommended that post holes are dug by hand if they are within the root protection zone of these trees and that the hard standing path is utilised for access.
- 9.21. No trees, hedgerows, or other habitats of ecological value would be removed as part of the development. The works are limited to the installation of fencing within an area that is already in established educational use and would not result in the loss of any identified ecological features.
- 9.22. The application has not been accompanied by any ecological surveys or technical reports. However, having regard to the nature and scale of the proposal, it is not considered that such information is necessary in this instance.
- 9.23. Given that no habitat loss is proposed and the existing open land would remain undeveloped, the proposal is not considered likely to result in any significant adverse effects on biodiversity, protected species, or the wider ecological value of the site. Furthermore, no external lighting is proposed, thereby avoiding any potential impacts on nocturnal wildlife, including bats.

- 9.24. It is therefore considered that the proposal would comply with Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

Other Matters Including Those Raised in Representations:

- 9.25. Matters of ownership have been raised. The applicant has signed certificate B and have notified the land owner, Brighton and Hove City Council, which is the correct procedure as part of a planning application
- 9.26. A number of representations refer to a document submitted with the application which shows an additional area of the land to be fenced. This document was amended to reflect the development being applied for, and this is shown clearly on the block plan. In the interests of clarity the lower field on the Balfour Road side of the site is not included in the application.

Biodiversity Net Gain

- 9.27. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.