



Appeal Decision

Site visit made on 8 May 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/Z4718/W/24/3356783

2 Robin Hood Road, Huddersfield HD2 1NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Abassi of Haven Care Group against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/91803/W.
 - The development proposed is change of use from C3 residential home to C2 children's carehome.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2024 after the Council's decision, however there were no substantive changes relevant to the appeal before me.

Main Issue

3. The main issue is whether the proposed development would be a suitable location for future occupiers, with particular regard to safeguarding.

Reasons

4. The appeal property is a four-bedroom semi-detached dwelling located on the corner of Robin Hood Road and Long Hill Road, a predominantly residential area. The proposal is to change the use of the property to a care home providing residential accommodation for three children or young people, aged between eight and seventeen years old.
5. The Council's concern relates to safeguarding and specifically whether there would be a risk to the children and young people residing at the care home from crime and disorder in the local area. West Yorkshire Police (WYP) were consulted on the planning application and were unable to support the proposal. They advised that because of crime in the area there would be a vulnerability and risk, especially to children in care.
6. The appellant submitted further information requested by the Council during the consideration of the planning application, including a Planning Statement and a Management Plan. However, the Planning Statement refers to the proposed care home being in Milton Keynes and Luton. I cannot therefore be certain that the information submitted relates specifically to Huddersfield, or to the appeal property, or whether the accuracy of the information can be relied upon.

Nevertheless, the documents clearly relate to children's care homes in general, and I can still rely on the information provided to a certain extent, whilst acknowledging the potential inaccuracies.

7. The information states that the proposal would provide much needed specialised housing for young people with learning difficulties which would address a recognised gap in the area. However, no substantive evidence has been provided which identifies a need for the proposal in this local authority area, or this part of Huddersfield, or why the appeal property has been chosen, save it is of a suitable size.
8. The Planning Statement states that there is a significant increase in local authorities seeking, either through voluntary agreement or court orders, young people being brought into the care system, because of the safeguarding issues faced. However, there is no evidence before me that the Council has a specific requirement for a children's care home, or indeed whether the Council would even place children in this particular location.
9. The Planning Statement refers to those existing care homes operated by the appellant offering long-term residential care to young people between seven and seventeen years old, categorised as having emotional difficulties resulting from poor early childhood experiences from primary care givers. However, the evidence states that the proposal would provide care for vulnerable children aged between five and eighteen years old with learning difficulties. The vulnerabilities of these groups of children and young people may, or may not, be similar but, on the evidence before me, it is not possible to fully assess the safeguarding risks, such that I would be satisfied that this is a suitable location for the proposal.
10. The proposed care home would be regulated by OFSTED and I acknowledge that the appellant has experience of operating similar facilities in communities elsewhere, and has committed to collaborating with the local authority and police. Further, staff members would be comprehensively trained and qualified and there would be on-site supervision throughout the day and night, with a minimum ratio of one staff member per child or young person.
11. However, despite the above, I do not find the information provided to be adequate in respect of the appeal property's security. For example, those circumstances when children would be allowed to leave the property (potentially unaccompanied) are not set out in detail, the scope of risk assessments associated with curfews is not provided, and nor is the procedure should a curfew be breached. The appellant refers to detailed policies for all situations, including emergencies, having been successfully implemented at similar institutions without any issue, but there is no evidence of such policies before me.
12. I have had regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, but also to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. In this case, due to the concern raised by WYP in respect of crime and disorder, and the absence of any substantive evidence to demonstrate how risk would be minimised and managed, I am not persuaded that the proposed development would foster

good relations, or advance equality of opportunity for those children and young people residing in the care home.

13. I therefore conclude that the proposed development would not be a suitable location for future occupiers, with particular regard to safeguarding. It would conflict with Policy LP1 of the Kirklees Local Plan Strategy and Policies (2019) in so far as it requires development to improve the social conditions in the area. It would also conflict with Paragraph 96 and 135 of the Framework which together require that planning decisions achieve healthy, inclusive and safe places where crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion.

Other Matters

14. The appellant raises concern that the Council's decision stems from a lack of understanding regarding the unique needs and circumstances of vulnerable children and identifies that there is no link between care homes and crime. I have nothing in the evidence before me to suggest the care home itself would cause an issue, and the Council's evidence explicitly recognises that an adverse impact on the local community is not typically inherent in the character of a children's home. The principal concern is the safeguarding and safety of the children and young people residing at the care home.

Planning Balance and Conclusion

15. The planning application form states that there would be a total of two full-time equivalent employees associated with the care home, but I note the appellant also states that approximately 12-15 new local jobs would be created, directly contributing to economic growth and development of the area. It is not clear how this higher number of jobs has been derived, but the proposal would nonetheless generate jobs and there would be stability and training opportunities for staff.
16. Additional benefits would be that young people would be in a family home and would be able to access local support services, continue their education and training, as well as maintaining contact with family, where appropriate.
17. I would expect the management of a children's care home to be approached with a high level of diligence and the above matters clearly weigh in favour of the proposals. However, on the evidence, they are not sufficient to outweigh the fundamental concern I have identified in respect of the suitability of this location.
18. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR