

**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:	2024/62/93457/W
Site Address:	95, Tunnacliffe Road, Newsome, Huddersfield, HD4 6QJ
Description:	Erection of first floor side and front extension and alterations and change of use class from C3 to C2
Recommending Officer:	Jennifer Booth

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 4-FEB-2026

OFFICER REPORT

Site Description

95 Tunnacliffe Road is a stone built, attached dwelling with an existing single storey front and rear extension with a rear garden.

The surrounding area is residential with a mix of house type although the surrounding properties are similar in terms of age.

Description of Proposal

The application is seeking planning permission to change the use of the property to supported accommodation for 2 young people aged 16 – 18 with at least two members of staff at all times.

The scheme also includes a proposed first floor side extension.

Relevant Planning History

None

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Negotiations have taken place regarding the design and scale of the extension and the number of children proposed/staff ratio.

Representations

The application was advertised by neighbour letters, which expired on 25/02/2025.

As a result of the above publicity, 17 representations have been received. The material planning matters raised are summarised as follows:

- Disruptive incidents.
- Crime & anti-social behaviour.
- Out of keeping with the residential character of the area.
- Lack of parking.
- Impact of the extension on the adjacent dwelling.
- Trade style bins may be used and would cause issues.

Consultation Responses

None

Policy

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 UNALLOCATED on the Kirklees Local Plan Proposals Map

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 predates 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

Kirklees Planning Guidance for Children's Homes 2025 provides guidance to assist applicants, planning officers, and stakeholders in the preparation and assessment of planning applications for children's homes within Kirklees. While it sets out key considerations, policy context, and good practice principles, it is important to note that this guidance does not form part of the statutory development plan and has not been adopted as a Supplementary Planning Document (SPD). As such, it carries limited weight in the formal decision making process but may be used as a material consideration where relevant to the planning judgement of individual cases

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and 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.

- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable travel
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements. Locally, the Kirklees Local Plan (adopted 2019) supports the delivery of a range of housing types to meet identified needs. Whilst the Local Plan has no policies specifically relating to care homes. Policy LP1 promotes sustainable development that improves the economic, social, and environmental conditions of the district. LP7 supports meeting housing needs by promoting the efficient reuse of existing buildings and brownfield land, helping deliver sustainable development while preserving local character and minimising land consumption and Policy LP11 encourages a mix of housing to meet the needs of all groups, including those requiring care. Therefore, there is no presumption against such a use.

In terms of extending and changing the use of the building, Policy LP7 and LP24 of the Kirklees Local Plan are relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.

Therefore, in this case, the principle of the extension and change of use of the building is considered acceptable and the development shall be considered against all other material considerations including the character of the area, residential amenity and highway safety.

Impact on visual amenity:

In accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework (NPPF), which emphasise the importance of achieving high-quality design in development proposals, the proposed change of use has been carefully considered to ensure it remains acceptable in terms of design and visual impact.

The proposals include the extension of the existing building with a first floor side extension. Given the design and scale proposed together with the use of matching materials, the extended property would be in keeping with the character of the area and would retain its residential appearance.

The proposal is for a supported accommodation facility for 2 young people aged between 16 and 18, with at least two staff at all times. The scheme is intended to provide a stable home environment for young people preparing to transition into independent adult life, offering guidance and supervision around the clock rather than intensive residential care. In planning terms, this differs from a children's home, which typically operates as a higher-intensity care use with continuous supervision and a more institutional character. While support will be available at all times, the proposed use is designed to function primarily as a domestic living environment, with an emphasis on independence and life-skills development, and should therefore be assessed in that context.

It is anticipated that staff arriving and departing from the property would not result in a significant change to the character of the area. There may be at times a number of other professional staff required to be in attendance at the property due to the nature of the change of the use of the building, however any additional visitors would not be considered to be dissimilar in nature to the current use of the building as a residential dwelling.

It is noted that the amenity space is similar to other residential properties in the area.

It is not considered the proposed change of use would cause harm to visual amenity where there would be sufficient justification to refuse the application

on the basis of impact on visual amenity on both the property itself or the wider street scene.

It is therefore considered that the proposed works would accord with Policy LP24 and advice within Chapter 12 of the NPPF.

Impact on residential amenity:

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In terms of the impact on the neighbouring properties at 91 and 93 Tunnacliffe Road, these dwellings are set back to the northwest of the application site. The proposed extension would be positioned adjacent to a limited area of the open front garden of these properties, but due to the set-back relationship and the absence of any windows on the side elevation, there will be no direct overlooking or loss of privacy. The extension is therefore considered to have a minimal impact on residential amenity, with no significant overshadowing or overbearing effect given the separation distance and orientation.

It is not considered that a change of use from a dwellinghouse to a care home would result in significant noise or disturbances to neighbouring properties to an unacceptable degree over and above what would be expected from a residential property within a residential area, in this case.

Having considered the above, the development is not considered to result in any significant adverse impact upon residential amenity of any surrounding neighbouring residential properties, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Crime and Anti-Social Behaviour:

The fear of crime is a material planning consideration. Chapters 8 and 12 of the NPPF state that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. In addition, and under Section 17 of the Crime and Disorder Act 1998, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon and to do all it reasonably can to prevent crime and disorder.

Chapter 8 of the NPPF states that planning decisions should achieve healthy, inclusive and safe places which are accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is further reiterated under Chapter 12 of the NPPF which goes on further to state that planning decision should create spaces that are safe, inclusive and accessible which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and

disorder and the fear of crime to not undermine the quality of life or community cohesion and resilience.

Policy LP1 of the Kirklees Local Plan forms a provision for development which do not have specific policies to ensure that permission can be granted unless there are material considerations including adverse impacts, which the potential for crime and disorder would be a significant factor, where the adverse impact would outweigh the benefits.

The potential for increased crime or anti-social behaviour associated with the operation of a children's home at the application site is a commonly held perception; however, national and local guidance clarify that there is no substantive evidence to support a direct link between children's homes and increased crime levels. The guidance issued by Kirklees Council explicitly identifies this as a prevalent myth and notes that such homes are regulated by Ofsted and operate under stringent safeguarding and management frameworks.

The safety and wellbeing of the future occupants of the proposed children's home is a key consideration in the assessment of this application. Kirklees Council's guidance emphasises the importance of locating such facilities in safe, inclusive, and accessible areas, supported by appropriate safeguarding measures in line with the NPPF and KLP. However, West Yorkshire Police have confirmed the presence of significant threat factors in the local area which pose a substantial risk to vulnerable residents, including looked-after children.

The Designing Out Crime Officer (DOCO) for West Yorkshire Police initially raised concerns regarding staffing levels and whether they would be sufficient to ensure appropriate care and supervision of the young people. The Local Planning Authority acknowledges these concerns, noting that safe operation requires at least two staff members on site at all times when young people are present. This is essential to manage any accident, incident, or illness effectively and maintain the safety of residents. Following engagement with the applicant's agent, confirmation has been provided that a minimum of two staff members will be present at all times when young people are in residence. In addition, a revised and cohesive management plan has been submitted, which includes appropriate protocols for safeguarding, including procedures for missing persons. As a result, the DOCO's initial reservations have been mitigated, and the proposal now demonstrates a clear commitment to ensuring adequate supervision and robust safeguarding measures.

Impact on highway safety:

Local Plan Policy LP21 states that '*All proposals shall:*

- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...

e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;'

This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management (KC HDM) have also been consulted as part of this application.

It is noted that the property does not benefit from off-street parking, and the two staff members associated with the proposal would therefore rely on on-street parking. However, the site previously operated as a dwelling (or HMO) where residents similarly had no dedicated parking provision and would have also used on-street spaces. As such, the proposal is not considered to materially alter the existing parking situation or result in a significant increase in demand beyond what could reasonably occur under its former use.

There may be times when additional vehicles will arrive on site, such as at drop off times and when associated professionals visit. However, the number of visitors is not considered to be over and above what would reasonably be expected from a property in C3 use and less than as a HMO for 6 adults. Care plans that relate to the number of professionals will be provided on a child-by-child basis. Social workers are likely to visit the site once a month. The type of care provided is suitable for long-term, permanent stays, limiting the frequency of drop-off periods.

It is therefore considered that the proposal would not cause significant detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other matters:

Biodiversity

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 'Di-Minimus' exemption category within the application forms. A change of use would not result in a loss of wildlife habitat. Therefore, the officer agrees, the application is exempt from a BNG uplift.

Carbon Budget

The proposal is a comparative change of use to an existing building with a small extension. As such, no special measures were required in terms of the

planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

17 representations have been received. The material planning matters raised are summarised as follows:

- Disruptive incidents – **Officer Response:** *While it is acknowledged that there have been disruptive incidents associated with the site in the past, these historical issues do not form the basis for determining the current application. The proposal has been assessed on its own merits, taking into account the submitted management plan and revised operational arrangements, which are intended to ensure improved oversight and mitigate potential impacts. The planning process focuses on the suitability of the proposed measures rather than past occurrences.*
- Crime & anti-social behaviour – **Officer Response:** *Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan which seeks to demonstrate the home would be well managed, including appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.*
- Out of keeping with the residential character of the area – **Officer Response:** *As the property would be the primary residence of the young people, the use is considered to be appropriate within a residential area.*
- Lack of parking – **Officer Response:** *It is noted that the property does not benefit from off-street parking, and the two staff members associated with the proposal would therefore rely on on-street parking. However, the site previously operated as a dwelling (or HMO) where residents similarly had no dedicated parking provision and would have also used on-street spaces. As such, the proposal is not considered to materially alter the existing parking situation or result in a significant increase in demand beyond what could reasonably occur under its former use.*
- Impact of the extension on the adjacent dwelling – **Officer Response:** *In terms of impact on neighbouring properties at 91 and 93 Tunnacliffe Road, these dwellings are set back to the northwest of the application site. The proposed extension would be positioned adjacent to a limited area of the open front garden of these properties, but due to the set-back relationship and the absence of any windows on the side elevation, there will be no direct overlooking or loss of privacy. The extension is therefore considered to have a minimal impact on*

residential amenity, with no significant overshadowing or overbearing effect given the separation distance and orientation.

- Trade style bins may be used and would cause issues – **Officer Response:** *Concerns have been raised about the possible introduction of trade waste bins; however, this matter falls outside the scope of planning control. Waste management arrangements, including the provision and storage of trade bins, are typically addressed through separate Environmental Health or licensing regimes. The planning assessment focuses on land use and operational impacts as set out in the application, and there is no evidence to suggest that the proposal would result in unacceptable harm in this regard.*

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

No more than 2 children on site and to operate in line with the management plan, to ensure operation of the home is in line with the management plan.

Conclusion:

This application to use 95 Tunnacliffe Road as supported living accommodation for two young people with two staff at all times has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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.

As set out above, 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: 2024/93457

Officer Recommendation: Approve

Conditions and Reasons

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.

2. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The number of young people living within the building shall not exceed 2 at any time, until the site's use falls outside of the scope of use pursuant to this permission.

Reason: To prevent undue noise and disturbance to neighbouring occupants and to ensure the safe and efficient flow of traffic on Newsome Road, in accordance with LP21, LP22 & LP24 of the Kirklees Local Plan and Chapters 9 & 12 of the NPPF.

5. The use hereby permitted shall be operated in accordance with the submitted supporting statements referenced on the plans table for the lifetime of the development.

Reason: In the interests of safe operation and community cohesion and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapters 8 and 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan, Site Plan and Existing Floor Plans	02	1069915	18/12/2024
Existing Elevations	01	1069017	18/12/2024
Proposed Elevations	01	1090301	16/05/2025
Proposed Floor Plans	02	1090298	16/05/2025
Management Plan	-	1113765	13/11/2025
Climate Change Statement	-	1069018	18/12/2025

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 Planning 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.

Negotiations have taken place regarding the design and scale of the extension and the number of children proposed.

Report Dated 27/01/2026

