

## OBJECTION TO PLANNING APPLICATION 2025/62/90273/W

re 21 Delves Wood Road, Beaumont Park, Huddersfield, HD4 7AS

We are both putting forward our objections to this application for change of use from C3 to C2 in the strongest terms.

### **Application**

Firstly, we wish to raise the fact that there are material inaccuracies on the application. This not only means that the application in itself is incorrect but also goes to the credibility of the applicant. These are as follows with reference to the sections on the application:

### ***Applicant Details***

The name of the applicant's company is withheld. It is clear from Companies' House that he has set up a recent company for the purposes of trading as children's homes. This information should be provided to be transparent.

### ***Existing Use***

Is the site currently vacant – no.

There is nobody living at this residential address as their home and apart from short and intermittent spells there has not been for the last 20 years, when the property was last sold in 2006.

### ***Trees and Hedges***

Are there trees or hedges adjacent to the site....that might be important as part of the local landscape character – no

The land backs directly onto woods which are subject to a tree preservation order and form an important part of the local landscape. The applicant or those owning the site since the last conveyance have cut down trees in breach of the TPO.

### ***Waste Storage and Collection***

The applicant states that there are no arrangements and nothing in the plans for the collection and storage of waste. Whilst this is not an inaccuracy, it is concerning, as a business would require trade waste collection arrangements and storage in place.

### ***Residential/Dwelling Units***

Does your proposal include the gain, loss or change of use of residential units – no

The whole application basis is to change use from a private residential dwelling to a children's home business so yes it does.

### ***Employment***

Are there any existing employees on site – yes

There are no such employees on site.

### ***Proposed Employees***

The figures do not even add up (2 FT plus 1 PT do not equal 2 FT equivalent) but this is incorrect in any event, his original lawful certificate application PP-13570365 states “there will be 2 staff members on site 24 hours a day plus a manager working office hours 9-5 Mon to Fri – that means a minimum of 5 staff and possibly more to cover holidays etc.

(It appears his company has one existing home at St Thomas House from his company website, companies house documents submitted by him state that he has 10 employees relating to that home)

Evidence submitted in support of his last application on request by the planning officer for more information was that “shift patterns would be day staff 10am to 10pm then the following day 8am to 10.30am. The applicant stated the shift patterns could be flexible. On weekends there would be senior members of staff on shift” He also said that there would be “visits to the site by support workers, other professional visitors such as therapists, medical professionals etc based on the needs of the young persons”

### ***Ownership Certificates***

Is the applicant the sole owner of all the land to which the application relates and has the applicant been the sole owner for more than 21 days – yes

This is a falsehood which cannot be ignored. The land is owned and registered at HM Land Registry

. There is a restriction on the title that she cannot dispose of the estate other than by charge without the lenders consent. He is not therefore the owner. Any lessee with 7 years left to run would have to register with the Land Registry, there are no pending applications showing in that regard at the Land Registry. Even if he were a lessee she is still an owner and he has stated that he is the sole owner. would also have to consent, they do not offer commercial lending for children's homes (as checked with an independent mortgage advisor) and would not consent to a venture, which would seriously impact their security on the property.

### ***Site Visit***

Can the site be seen from a public road – no

The site is on Delves Wood Road and can very clearly be seen from the public road.

Moving on from the application form itself.

### **The Applicant's Company**

Although not stated on the application, the applicant's company is Nurturing Children's Services. The accounts filed at companies house show no property assets. The company was only set up on 28<sup>th</sup> August 2023 with 2 directors but by 10<sup>th</sup> Feb 2024 the other director had resigned.

The company website states that the company is OFSTED registered but there is no trace of the company or either address or St Thomas House address on the OFSTED website, which states that if there is no trace then it can be taken that the organisation is not registered. Whilst we accept that this may not be an immediate concern of the planning committee, given the above falsehoods/inaccuracies and the fact that vulnerable children are at the heart of this application we believe that this requires further investigation.

### **Property Title**

There are restrictive covenants in the title of the property stating that "the property shall be used for private residential purposes only and no trade or business shall be carried on" so as to preserve the residential nature of the area for the benefit of all land owners on the estate and the deeds also state that the front gardens should remain a lawned garden. This has already been covered to use as parking, presumably for this application, although the application states that no development has begun. According to Kirklees own guidance we believe this would require planning permission due to the nature of the materials and the fact that it is over 5m square but no such application can be seen on Kirklees site.

### **Notice**

We are concerned that no notice was given to neighbours or those in the local area of this application. We found out by someone having seen by chance and telling a neighbour who then informed us. Kirklees guidance – Kirklees Development Management Charter, states that all applications not otherwise listed (and this is not simply a lawful certificate application any longer but a full application) should be advertised by statutory notices in the immediate vicinity for the public to see at the very least and we would argue that the nature of this full application for change of use is one that should also have required letters to neighbours and a press notice. This has not occurred and is therefore we believe ultra vires, giving objectors very little time to assimilate information and make full objections on such an important decision. Many people are probably still unaware as

those neighbours who tried to make others aware online were subjected to torrents of abuse, which would not have been necessary if the council had followed due process.

## **Objections in Addition to the Above Important Issues**

### **Increased Traffic and Parking**

Due to the number of staff and other visitors, who will undoubtedly be involved on a regular basis in such a venture including social workers, tutors, counsellors, medics, police and others there will undoubtedly be a significant increase in traffic and parking in the area over and above what would be expected of a usual residential dwelling of this nature. When required review meetings take place there are likely to be at least 5 people present on top of the usual carers. This will have a severe impact in the neighbourhood and cannot be ignored. This is a quiet neighbourhood. This proposed venture will entail traffic and parking on a regular basis at all times including comings and goings around the clock. We have been aware of such issues in a professional capacity at other such homes housing children in care and especially those with complex needs. This will completely change the nature of the environment and is unfair on other residents who chose the peaceful environment, many of whom have lived on the street for decades.

The road simply cannot cope with this additional traffic and parking in a safe way. The applicant has stated in his application that he is reducing parking from 4 to 2, which will have an even worse impact. As mentioned, the parking is we believe in breach of planning as no permission has been obtained and is also in breach of the restrictive covenant in the title. Even as it stands it will not provide sufficient parking for all the staff (including handovers, meetings etc) and all the other visitors that such a home will inevitably have. Even though the property has been largely unoccupied for the last 20 years, when people have been there on occasions, they have in the most part not used the drive but have parked on the road. The issues are exacerbated as the property is directly opposite a busy junction, which is difficult for visibility, when driving out of in any event. The parked cars outside this house force the cars coming uphill onto the wrong side of the road directly approaching that junction with Moor Park Avenue. We have personally seen numerous near misses on that junction without all the additional traffic. Cars are also regularly parked right up to neighbours drive exits making it difficult to get out without going backwards and forwards or mounting the kerb, this was particularly so when the snow was on the ground and parking outside this house caused significant issues. That has been when there has been only one or perhaps two cars there on occasions and not the amount that this proposed application would result in. It is simply not a suitable and safe location for such a home. This traffic noise pollution around the clock is intrusive and unsuitable for such a residential area.

## **Noise and Disturbance/Nuisance**

As well as the parking, it is pretty much inevitable that noise and disturbance will arise as a direct result of the children it is proposed to be housed at the property. The companies own website states that they provide for children from 9-17 with complex needs including emotional, mental health and behavioural problems. Again we have awareness of such issues in a professional capacity. These are not just children that are upset at being taken into care, they are children that cannot be fostered, as their behaviour is such that they cannot be taken into a foster carers home as they pose a risk to others within or outside the home or themselves in many instances. It is inevitable in the circumstances that there will be noise, disturbance and nuisance including the very real possibility of antisocial or criminal behaviour due to the issues that many such children have. It is fact and not just assumption that such children, are, as a result of trauma often involved in criminality, they are sometimes abusers themselves, which is often a reason why children cannot be fostered (again from professional, experience). The report below evidences that such children are more likely to offend.

<https://www.childrenscommissioner.gov.uk/blog/new-findings-on-how-children-in-care-interact-with-the-criminal-justice-system/>

We note that the applicant on Companies House is an \_\_\_\_\_, he has no background in such complex care. Care staff leave and are difficult to find. He does not have the background to deal with such issues if his one manager were to leave by way of example and his staffing plans such as they are already chaotic. The complete lack of transparency, risk assessment and reassurance to residents in that regard is telling. We have already alluded to the OFSTED position as it appears above. We understand that they need help and care but do not accept that this quiet area, where the house and garden is in immediate proximity to other houses, a busy road junction and private woods from the back garden, where they could easily flee, as such children often do is the right place for them or the locality. The applicant states that there will be 2 full time equivalent employees. That is insufficient to meet the needs of children with such complex needs. Given the ages of the children that will be housed if they chose to run away, as such children often do, or engage in disturbing behaviour inside or outside of the property, the staff will simply be unable to prevent this. This means that the children will be more at risk and the neighbours (including their children) will be subjected to nuisance and disturbance, which will impact their lives and wellbeing.

## **Loss of Privacy**

The property is immediately adjacent to our property. It has been extended already since we moved here. We would not have chosen to live next to anything other than a family home and chose the house as the area was quiet and we felt safe and could bring up our

family here. Behaviours that will undoubtedly occur will not only impact our privacy, as the property overlooks ours at the side, from their gym and into the gardens, but is very likely to result in us feeling unsafe in our own home. The property already has CCTV cameras at quite an intrusive level, which is only likely to get worse if this application is allowed.

### **Impact on the Characterhood of the Neighbourhood**

The road is a quiet residential street where people have remained for decades and brought up their families. There are many families with children, professional people and elderly people. The area is a clean, peaceful and safe residential area. By allowing a change to business use and a business that for all the reasons stated and more could be extremely disruptive, is likely to change the whole nature of the road and go against the covenants in the title that were placed there exactly to preserve the existing character of the area. One person's venture as a means of profiteering should not be allowed at the expense of everyone else in the local neighbourhood and indeed the children, who deserve a home that is well thought out, properly managed and set up for the purposes of caring and not profit, which is only likely to put them even more at risk.

Beaumont Park is, save for the park a purely residential area, there is no village as such. All clubs etc for children are not in the immediate area and public transport is not great to get to other such areas. This is not the best for children who do not have parents who will make the effort to transport them about, are not from the area and could result in further isolation rather than feeling that they are part of a community. There have already been issues with schooling, we were unable to get our children into a good rated local school and had to transport them to other state schools out of the immediate area. Bringing children in, that will be prioritised will only worsen this situation for local people. Most of these children are brought from out of area eg in Stockport of 264 children in private residential homes, only 26 were from the local area. There is evidence of children in residential homes being exploited by criminal gangs etc and many such children are moved from one home to another in a different area of the country, potentially spreading such issues across the country. The report below highlights this.

<https://howardleague.org/publications/victims-not-criminals-protecting-children-living-in-residential-care-from-criminal-exploitation/>

### **Other Considerations**

We believe that the applicant making such plans should have carried out a risk assessment report but there is no evidence of this. His plans in his application, as limited as they are stated, are all over the place, contradictory and full of falsehoods/inaccuracies.

The decision made in the applicant's previous application 2024/CL/93312/W, which most of us were not aware of, as neighbours, includes evidence given that is contrary to this application and the companies website. Para 10.15 and 10.16 point to the concerning lack of credible information provided in relation to the comings and goings of staff, and staffing levels, let alone all other visitors. Para 10.17 decides that the parking was inadequate when he said there were 3 spaces, which in his current application he has said he has reduced from 4 to 2. This clearly is therefore inadequate, a decision having already been made on this point and that was for staff alone, without any other visitors. The decision also states this is a material change in the character of the property and as a direct result of that it is a material change in the characteristics of the vicinity and neighbourhood, which is detrimental to the area and other householders. Para 10.18 and 10.19 of the past decision points to the concerning issues of vehicle movements and parking further.

If the statement on his website that he is OFSTED registered is untrue, as it appears from the OFSTED site having no record, then this is very concerning not least for the children and cannot be ignored.

The Children's Commissioner has reported on illegal children's homes in December 2024 and raised very serious concerns about profit making by private companies being prioritised over the wellbeing of the country's most vulnerable children.

<https://www.childrenscommissioner.gov.uk/resource/illegal-childrens-homes/>

There are increasing numbers of unregistered homes being set up.

<https://www.gov.uk/government/publications/unregistered-childrens-homes/unregistered-childrens-homes>

It is concerning how many planning applications for children's homes are being made in the Kirklees area with many applicants appearing to be connected to other applicants in some way.

We refer you to Kirklees planning application 2024/62/91803/W. which was refused. This was an application for change of use from C3 to C2 Children's care home. In relation to the decision reasons in the delegated report at paragraph 4 in relation to crime and anti-social behaviour is relevant. Everyone who has objected is concerned about crime, it is clear from this decision that these are legitimate concerns, which cannot be ignored. In this application the website says the children have complex needs but there appears to be no risk assessment of any sort. The decision in the earlier application above stated that these are material concerns.

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to "do all that it reasonably can to prevent crime and disorder in its area". Chapter 8 of the NPPF relates specifically to promoting healthy and safe communities. Para 96 of the

NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible so that crime and disorder do not undermine the quality of life or community cohesion...

**Conclusion** Given all of the above, we respectfully ask that the application is rejected and the change of use be refused.