

Kirklees Planning Department

Re Planning Application Number 2025/90375

FAO Charlotte Hancock, Case Officer

Dear Ms Hancock,

Objection to the application for a lawful development certificate in relation to a proposed change of use of 9 Park Drive, Huddersfield, HD1 4EG

1. We refer to previous correspondence, and write to register our objection to the above application for a lawful development certificate in relation to the above property, to change its use from an HMO (use class C4) to a residential care home (use class C2), specifically a residential children's home (C2) for semi-independent living to support 6 children, aged 16-18.

2. First, we wish to put on record our concern that the owner of the property is trying to achieve this change of use by means of a lawful development certificate, rather than through submitting a full planning application, which is what, in our view, such a major change in the proposed use of the property requires. Indeed, architects, developers and others advise property-owners to obtain 'certificates of lawfulness', in order to avoid the possible complications and inconveniences involved in a full planning application:

A certificate of lawfulness ... allow[s] you to carry out specific building projects without the need for planning permission ... The main advantage of obtaining a certificate of lawfulness is that it removes the uncertainty and potential issues that can arise if planning permission is needed ... Additionally, it can help you avoid enforcement action if your development is later found to be non-compliant.

Interestingly, this extract from a Shear Architectural blog (08/03/23) is entitled: 'Certificate of Lawfulness: The **Secret** [my italics] to Successful Permitted Development in the UK'.

3. In fact, you drew attention to this 'advantage' of lawful development certificates over full planning applications in your email to us of 24th March 2025 – '...there is no statutory requirement to consult third parties including parish councils or neighbours and the views expressed by third parties on the planning merits of the case ... are irrelevant when determining the application'. Indeed so: and how convenient for all involved, apart from neighbours and others who may be adversely affected. We note, however, that your reference to government guidance on consultation about an application for a lawful development certificate omitted the following important sentence:

It may, however, be reasonable for a local planning authority to seek evidence from these sources [such as neighbours], if there is good reason to believe they may possess relevant information about the content of a specific application.

4. We regret the fact that the planning authority chose not to consult neighbours and others about this application, as we would maintain that there is always good reason

to believe that they will possess relevant information about such applications. We gave one such example in our email to you of 20th March 2025:

9 Park Drive has been an HMO for well over 10 years, and we have had reason to complain to Kirklees Environmental Health about noise and disturbance from the property, on a number of occasions. This noise and disturbance, which has occurred during night and day, has had a particularly adverse effect on our elder son, who has Down's syndrome and severe learning difficulties, and is especially sensitive to excessive noise. We have also been aware of litter and cleanliness issues at No. 9.

As we know from our own experience, 9 Park Drive was not well-run as an HMO, and one of our objections to its becoming a residential children's home is that this situation would continue with potentially more serious, adverse effects for all concerned.

5. In our email to you of 20th March 2025, we also made the following points:

As residents of a neighbouring property, 8 Park Drive, and having studied the related documents, we are very concerned about the application and, in particular, the significant lack of important detail in it.

The application is made by the present owner of the property, but there is no indication about who is going to manage the residential children's home, if the application is approved. Is it going to be run by an organization with expertise in the field of providing accommodation/caring for young people, with staff who have the qualifications and experience essential to carry out this role effectively and successfully?

Our concern on this point is heightened by the surprising claim, in the application, that: 'Given that there is no material change of use, and similar applications have been granted in the past, we believe this proposal meets the necessary criteria for approval'.

Our view, with which we are sure most people would agree, is that there is a huge difference between (operating) an HMO and (running) a residential children's home.

Our core objection to this application for a certificate of lawful development is that we wholly reject the claim that changing 9 Park Drive from an HMO to a children's home is not a material change of use'.

We maintain that it involves a huge change of use, and, as the proposal is to provide accommodation for children/young people, the issue is so serious that it demands a full planning application, so that the suitability and viability of the proposal can be properly and fully investigated.

6. The application claims that the proposed change of use, '... is essential in enabling local authorities to meet their legal obligation to provide a safe and supportive environment for young people who require this level of care, which cannot be provided within their own family homes.'

However, as the application admits that no pre-application assistance or prior advice has been sought from the local authority in relation to the application, the applicant

provides absolutely no evidence in support of their claim that such a change of use is 'essential'.

7. It is claimed in the application that, 'This operation would generate a similar level of activity of the same character as the HMO currently generates'.

Again, there is nothing in the application to support this claim. Indeed, the description of the staffing arrangements at the proposed residential home, which include day, night and additional staff at weekends and other times, indicates that there would be a very substantial addition to traffic movement at the property and to the availability of parking on Park Drive, with a potentially adverse effect on other residents of the street.

8. The application for a lawful development certificate is recorded as having been received by Kirklees Planning Authority on 12th February 2025. However, extensive alteration and refurbishment work was carried out on 9 Park Drive during the autumn of 2024, months before the application was submitted to the authority. This work included the conversion of the double-garage into office premises, presumably for the proposed residential children's home, with a glass frontage, which completely changes its appearance. We can find no evidence that permission was sought or obtained for these developments.

9. 9 Park Drive is a well-established roost and resting-place for bats, which have been in occupation there for many years. As you will be aware, all bat species and their roosts/resting-places in Britain are protected by the *Wildlife and Countryside Act, 1981* and *The Conservation of Habitats and Species Regulations, 2017*.

There is no reference, in the application, to the fact that 9 Park Drive is a bats' roost/resting-place, or to what steps are going to be taken to prevent any disturbance to the bats or their roost/resting-place, in the event of a change of use at the property. However, it is vitally important that this serious issue is given full and appropriate consideration.

10. Further, we cannot find any indication that a bat mitigation licence was sought or obtained in relation to the extensive building-work carried out at 9 Park Drive in the autumn of 2024.

Yours sincerely,

8 Park Drive, Huddersfield, HD1 4EG

30th March 2025