

**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:	2025/62/91435/W
Site Address:	9, Park Drive, Huddersfield, HD1 4EG
Description:	Change of use from HMO (use class C4) to residential care home (use class C2) (within a Conservation Area)
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: 21-JAN-2026

OFFICER REPORT

Site Description

The application site at 9 Park Drive, Huddersfield is a three-storey detached property constructed of stone. The property is currently used as a House of Multiple Occupation (HMO) and has a small amenity area to the front as well as a garden to the rear. The property has a large driveway to the east of the site with a double garage located to the rear. There is a small stone boundary wall to the front as well as small iron gates which frame the entrance to the driveway.

The application site is located in a residential area characterised by large semi-detached properties of the same architectural style and material pallet. The property is located opposite allocated Urban Green Space, Greenhead Park, which is located to the South of the property. The property is located within the Greenhead Park/ New North Road Conservation area and is within a Bat Alert area.

Description of Proposal

The application is seeking planning permission to change the use of the property to supported accommodation for 4 young people aged 16 – 18 with at least two members of staff at all times.

Relevant Planning History

2025/90375 – Certificate of lawful use for HMO - Refused

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. Additional information and clarification has been sought to address staffing levels.

Representations

The application was advertised by site notice, which expired on 27/06/2025

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

- Potential traffic congestion
- Business use would be out of character with the residential area.
- The use would be unregulated.
- Potential impact on bats.
- Lack of parking.

- Potential for noise.

Consultation Responses

K.C. Designing Out Crime Officer (DOCO) – Concerns raised with regard to the initially proposed staffing levels.

Officer Comment: This matter was addressed during the processing of the application and is further discussed in the Assessment section of this report.

K.C. Commissioning - Kirklees Children's Service have an identified need for additional supported accommodation and therefore support this application. Kirklees Children's Service are keen to work in partnership with providers to ensure only the right, high quality provisions in the right locations that meets our placement needs are developed in Kirklees.

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. However, the property is sited within the Northfields Conservation Area

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
- **LP 30** – Biodiversity
- **LP 35** - Historic Environment

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

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 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.

The application site lies within a designated Conservation Area. However, the proposed development would not result in any external alterations to the appearance of the building. As such, the proposal would preserve the character and appearance of the Conservation Area and would not result in harm to the significance of the designated heritage asset. The development is therefore considered acceptable in principle and compliant with Policy LP35 of the Kirklees Local Plan and the heritage objectives set out in Chapter 16 of the National Planning Policy Framework.

Therefore, in this case, the principle of the 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 site currently hosts a six bedroom dwelling with accommodation across three floors with gardens to the front and rear as well as a drive to the side. There is a detached outbuilding to the rear. There is no proposed change to the exterior of the dwelling or its outdoor area. Notwithstanding the change of use, there will therefore be no visual changes to the site. It will therefore retain its residential appearance.

It is proposed that the house would provide accommodation for 4 young people between 16 & 18 with at least 2 staff.

The proposal is for a supported accommodation facility for up to four young people aged between 16 and 18, with 24-hour on-site staff support. 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, 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.

The proposal indicates the internal accommodation would be retained as existing with no enlargements to the building. As such, it is not considered that to change the use of the dwelling would result in impacts from overshadowing or from being overbearing.

The building is residential with no changes proposed in terms of fenestration. There would be no additional opportunities for overlooking over and above the existing arrangements on site.

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 to not undermine the quality of life or community cohesion. In addition, and under Section 17 of the Crime and Disorder Act 1988, 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 for West Yorkshire Police (DOCO) has raised concerns that the proposed staffing levels may be insufficient to ensure

the appropriate care and supervision of the young people. The Local Planning Authority acknowledges these concerns and officers agree with the DOCO in the context than in order to safely operate, there need to be at least two staff on site at all times when the young people are in the house as if there is an accident, incident or illness with only one staff member on site who would ensure the safety of the residents. To ensure that the young people have sufficient supervision, officers engaged with the applicant's agent, who has confirmed that a minimum of two staff members will be present on site at all times when young people are in residence; however, the DOCO maintains a degree of reservation.

Notwithstanding this, the proposal is for supported living accommodation, where the primary purpose is to prepare young people for the transition into independent adult life through guidance and supervision around the clock, rather than the provision of intensive residential care associated with a children's home. In this context, the staffing levels proposed, provide adequate support in a planning context with insufficient planning grounds to warrant a refusal of the application on the basis of crime and anti-social behaviour in this instance.

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.

There is not considered to be a material difference to the current parking situation of the building. There are at least two parking spaces to the side of the property.

There may be times when additional vehicles will arrive on time, 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.

It is noted that a number of comments received relate to bats. However, the proposals include no physical alterations to the building. Although works to renovate the property may have taken place prior to the submission of the application, this would not be a planning matter.

Carbon Budget

The proposal is a comparative change of use to an existing building. 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:

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

- Potential traffic congestion – **Officer Response:** *This is a material consideration. As stated in the Visual Amenity section and the Highways section of the above Assessment, the use is not likely to lead to any significant additional traffic over and above that of the HMO and indeed may represent a reduction.*
- Business use would be out of character with the residential area – **Officer Response:** *As the property would be the primary residence for up to 4 young people, the use is considered to be appropriate within a residential area.*

- The use would be unregulated – **Officer Response:** *This is not a material planning consideration however it is noted that it is illegal to operate an unregulated home. The applicant has indicated that all appropriate registrations will be carried out, all of which are controlled through regulatory functions outside the planning system.*
- Potential impact on bats – **Officer Response:** *It is noted that a number of comments received relate to bats. However, the proposals include no physical alterations to the building. Although works to renovate the property may have taken place prior to the submission of the application, this would not be a planning matter. However, should planning permission be approved, a footnote is advised to be attached to alert the applicant to their legal responsibilities in regards to protected species.*
- Lack of parking – **Officer Response:** *There is a drive to the side with space for at least two vehicles which is considered sufficient.*
- Potential for noise – **Officer Response:** *The facility will be similar to the use of a large family home, and it is not expected that the use will intensify noise generation over and above a large residential property.*

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 4 young people 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 9 Park Drive as supported living accommodation for 4 young people between 16 & 18 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: 2025/91435

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 and the aims of the National Planning Policy Framework.

3. The number of young people living within the building shall not exceed 4 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.

4. 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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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	-	1090016	21/05/2025
Proposed Site Plan	-	1090017	21/05/2025
Application Form	-	1090015	21/05/2025
Staffing & Management Plan	-	1121360	30/10/2025

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.

Additional information and clarification has been sought in regard to staffing levels at the property.

Report Dated 19/01/2026

