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Planning - PO Box 1720, Huddersfield, HD1 9EL
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Mohammed

Surname

Iqbal

Company Name

MSA PROPERTIES (HUDDERSFIELD) LTD

Address

Address line 1

60 cowcliffe hill road

Address line 2

Address line 3

Town/City

Huddersfield

County

Country

United Kingdom

Postcode

Hd22pe

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- Yes
 No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- Yes
 No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Application for Lawful Development Certificate re: use of a (C3) residential dwelling house to a children's residential home (C2) for a maximum of one vulnerable child aged between 6-18 years old who will be cared for 24 hours a day by the local authority and the staff who will co-parent the child. There will be up to 3 support staff within a homely environment likened to a family home. There will be up to two support staff and 1 manager working office hours at the home during the day and a maximum of two staff sleeping in the home caring for the child on a rota bases. No external alterations will be made to the property.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

Currently used as a residential home C3 housing tenants until the application has been hopefully approved

Has the proposal been started?

- Yes
 No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The property is currently a lawful three-bedroom family home under Use Class C3, providing private residential accommodation for tenants. This aligns with planning regulations for residential properties, where individuals live independently. No previous restrictions prevent continued residential use.

The proposed change seeks to transition the property to a C2 residential children's home, serving one vulnerable child who will receive 24-hour care in a structured, family-like environment. Despite the shift in classification, the fundamental nature of the property remains residential, ensuring stability, care, and security akin to a traditional home.

This is not an institutional facility but a long-term home where the child will reside for several years, potentially into adulthood. Qualified therapeutic staff will provide continuous care, mirroring the role of parental guardians. Staffing will be controlled, with a maximum of three staff members during the day and two overnight, sleeping within the property on a rotational basis. Visitor frequency will be minimal, limited to scheduled visits from professionals, ensuring the home remains peaceful and fully integrated within the community.

Traffic and parking concerns are addressed by the property's two off-road parking spaces within a private driveway. Further parking is available nearby, ensuring ample space for staff and visitors without disrupting neighbors or causing congestion. Since only one child will reside in the home with a small team of caregivers, there is no anticipated increase in traffic volume or disruption to road usage.

The home will blend seamlessly into the neighborhood, reinforcing its residential character and supporting community integration. The child will participate in local activities, attend school, and experience normal family life. Safeguarding measures will be discreetly incorporated, ensuring the child's safety while preserving the property's domestic nature.

Given the long-term residency, strong resemblance to a family home, controlled staffing levels, minimal visitor frequency, and negligible impact on traffic and community concerns, this transition does not constitute a material change of use requiring planning permission. The property will continue to function as a residential dwelling, offering stability, security, and equal opportunities to the child, just as a traditional family home would.

The lawful status of the property remains unchanged, and its proposed use falls within a reasonable continuation of residential occupancy, aligning with local planning policies and established precedents.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

location plan

site plan

supporting statement

Previous Successful Permission Granted for similar properties.

48, New Lane, Moorside, Cleckheaton, BD19 6LG Application number: 2024/CLD/91435/E

11, Thorgrow Close, Fenay Bridge, Huddersfield, HD8 0FY Application number: 2024/CLD/91535/W

58, Cliffe Street, Dewsbury, WF13 1RD Application number: 2023/CLD/92548/E

41, Greenhead Lane, Dalton, Huddersfield, HD5 8EE Application number: 2025/CLD/90663/W

26 Newhall Park Drive, Bradford, BD5 8JX Application Number: 24/01049/CLP

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Is the proposed operation or use

Permanent

Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The proposal does not constitute a material change of use, the property will continue functioning within its lawful residential classification. The transition from C3 (dwelling house) to C2 (residential children's home) maintains its residential nature, ensuring lawful continuity.

The property will provide a long-term home environment for one vulnerable child, offering stability, care, and security akin to a family setting. The child will reside permanently, potentially until adulthood, ensuring belonging and integration into the community.

Concerns about traffic and local impact are addressed with two off-road parking spaces within a private driveway. Additional parking is available nearby, ensuring ample space for staff and visitors without disrupting neighbors or causing congestion. Given the small scale of occupancy, housing one child with a small care team, there is no anticipated increase in traffic volume or road disruption.

Operationally, the home will function as a family residence, with three staff members during the day and two overnight, who will sleep within the property on a rotational basis. This ensures a stable home environment rather than an institutional facility. Visitor frequency will be limited, restricted to scheduled visits from social workers and professionals, however this is similar to guests within a private home.

Since care staff work in shifts and do not reside full-time at the property, a technical change of use from C3(a) to C2 will occur. However, as the day-to-day activities reflect a conventional residential dwelling, the use does not lead to increased activity or disturbance beyond a typical domestic household, ensuring that this is not a material change.

Legal precedent supports this conclusion. In North Devon District Council v First Secretary of State [2003], the ruling confirmed that children alone do not constitute a fully functioning household without a resident carer living full-time at the property. The judgment determined that while a change of use from C3 to C2 occurred, it was not deemed material and did not require planning permission.

Additionally, the home will blend seamlessly into the neighborhood, reinforcing its residential character and supporting community integration. The child will attend school, engage in local activities, and participate socially, just as any other child in a family home would. Safeguarding measures will be discreetly incorporated, ensuring the child's safety while preserving the domestic nature of the property.

Given the long-term residency, resemblance to a family home, controlled staffing levels, minimal visitor frequency, and negligible traffic impact, this transition does not require planning permission and should be recognized as a continuation of lawful residential use. A Lawful Development Certificate should be granted to confirm the property's ongoing compliance with local planning policies and established precedents.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes
- No

Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Mohammed Iqbal

Date

10/06/2025