

**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:	2025/62/92153/W
Site Address:	315A, Old Wakefield Road, Moldgreen, Huddersfield, HD5 8AA
Description:	Change of use of dwelling (C3) to children home (C2) including associated works
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 28th January 2026

Officer Report

Site Description

The application site comprises a two-storey semi-detached dwellinghouse located in Moldgreen, Huddersfield. The existing property comprises 4 bedrooms and a bathroom at first floor, while the ground floor consists of a lounge, reception room, dining room, kitchen and W/C. The property currently has no definitive off-street parking but there does appear to be scope for parking in the access track serving the property to the rear. The amenity space for the property is located to the front.

The site is unallocated on the Kirklees Local Plan.

Description of Proposal

The Scheme

The application seeks a change of use of the existing dwelling (Use Class C3) to a children's residential home (Use Class C2) accommodating up to 3 children at any time. Staffing arrangements will comprise up to 2 members at any one time and will either have day or a night shift pattern. There are no changes externally to the building, however parking for one vehicle will be created to the front of the property.

Internally on the ground floor the W/C will become a storeroom, and a W/C will be created in the reception room and the living room will be altered to be a staff room/office. On the first floor three of the bedrooms will remain the same, the fourth bedroom will be altered to be an office.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Management plan (Document received 31st October 2025)

History of Negotiations and Amendments Received

The agent was contacted to provide an arboricultural impact assessment and management plan for the site. Amended plans were also sent showing the proposed parking area reduced to 23 square metres to ensure that the site remains exempt from the Biodiversity Net Gain (BNG) requirement. This also showed two parking spaces, access and bin location to satisfy highway requirements.

Relevant Planning History

No relevant planning history for the site, it is noted that consent for a 10 apartment scheme on land to the north (approved in May 2021) has since lapsed with no lawful commencement appearing to have taken place.

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by way of site notice and via the Council's website. The statutory publicity period expired on 29th August 2025.

There was one public letter of representation, which was an objection; material planning considerations raised are summarised as follows:

- The application has a number of inaccuracies including vehicular access and car parking.
- Trees which would have to be felled

The third party representations received are taken into account and addressed in the 'assessment' section of this report.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management Team – Three off-street parking spaces should normally be provided. However, in this case there is currently no designated parking for the current property. It appears that residents park to the rear on the access track which only serves the applicant property. In this case given that the numbers of staff, children and visitors is low and like that that could be generated by a C3 residential use and due to one parking space being provided in addition to parking which could take place on the access track as existing there are no objections.

West Yorkshire Police Designing Out Crime Officer – No Objection and no concerns with the site's location, however the applicant is advised that consideration should be given to ensuring the perimeter be secured with a new 1.8m timber fence, thumb turn locks, the installation of buzzers/alarms on external door sets, the design of ground floor windows and CCTV operation.

KC Trees – Originally stated that there is a significant, mature Sycamore tree that is located where the proposed entrance to the car park is and another Ash tree currently located with the garden of 315A. These plans suggest the trees would require removal to facilitate the development. An arboricultural impact assessment was requested. However, the agent stated that these two

trees had been removed. The tree officer was reconsulted and stated that mitigation planting would be an appropriate approach given the removal.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and 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 within the Kirklees local Plan (Adopted 2019)

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

LP 1 – Achieving sustainable development
LP 2 – Place shaping
LP 21 – Highways
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity & Geodiversity
LP 33 – Trees

National Policies and Guidance

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12th December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 5 Delivering a sufficient supply of homes

- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- 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.

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017
- Section 17 of the Crime and Disorder Act 1998

Assessment

1.Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The proposal seeks a change of use to a children's residential home (Use Class C2). The Kirklees Local Plan does not contain a policy specifically relating to C2 uses, and as such the principle must be assessed against the relevant development management policies of the Kirklees Local Plan and the National Planning Policy Framework (NPPF).

As the proposal does not involve the creation of new dwellings, the Council's five-year housing land supply position is not a material consideration in this case. The site is located within a predominately residential area with good access to local services and transport links, and the proposed use broadly compatible with the surrounding context subject to detailed assessment of amenity, highway safety, and other site specific matters considered below.

In terms of changing the use of the building, Policy LP24 of the Kirklees Local Plan is 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 submitted operational statement confirms that the proposed change of use would accommodate up to 3 children under the age of 18, supported by a maximum of 2 staff on site at any one time. Staff would work in day and night shift patterns, sharing responsibility for care, including overnight stays. The statement also indicates that professional visitors (such as social workers) would attend on a flexible basis, averaging every 6 weeks depending on the children's needs. It further notes that children would attend school and there would be no regular visits from other professionals.

As an existing 4-bedroom dwelling, the property currently has the capacity to accommodate up to 8 people at any one time. The proposed use would involve a lower occupancy of 5 people in total (3 children and 2 staff members), with occasional visits from professionals. The use is therefore considered to operate in a broadly similar way to a family home (Use Class C3), with children living as a household and continuing their education during the day.

Therefore, in this case, the principle of the use of the building is considered acceptable as the proposed C2 use will not have a dissimilar impact to a C3 use. The development shall be considered against all other material considerations including the character of the area, residential amenity and highway safety.

2 . Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities.

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. Of key importance,

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: the form, scale, layout and details of all

development respects and enhances the character of the townscape, heritage assets and landscape.

The property is semi-detached and would remain as existing in appearance. There will be a small parking area and access to the front of the property however the majority of the garden area to the front will remain and this is not considered to have a visually harmful impact.

Removal of mature vegetation has impacted in terms of the appearance and character of the site and it is considered a visual improvement could be achieved through replacement planting which is recommended to be secured by inclusion of an appropriately worded condition.

Subject to condition it is therefore considered the proposal would not have an adverse impact on the character or visual amenity of the area in accordance with Policy LP24 and Chapter 12 of the NPPF.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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 internal layout of the property would largely remain as existing, on the ground floor the W/C will become a storeroom and a W/C will be created in the reception room and the living room will be altered to be a staff room/office. On the first floor three of the bedrooms will remain the same, the fourth bedroom will be altered to be an office. No external alterations or extensions are proposed, and therefore there would be no implications in terms of overshadowing or overlooking.

While the proposal involves a change in the nature of occupation from a single family dwellinghouse to a small-scale children’s residential home, this is not considered to result in any material harm to residential amenity. The intensity of occupation and associated day-to-day operational movements are expected to be comparable to those generated by a dwellinghouse and would not represent a significant change in activity at the site.

The arrival and departure of staff for shift changes would be comparable in nature and frequency to the comings and goings associated with a typical family home of this scale. Similarly, visits from professionals involved in the care of the children would be infrequent and would not materially differ from the pattern of visitors or guests to a private dwelling.

Taking the above into account, subject to condition the development is within the parameters as applied for, it is considered that the development would not result in an adverse impact on the residential amenity of neighbouring properties. The proposal therefore complies with Policy LP24 of the Kirklees Local Plan and Paragraph 135 (f) of the NPPF.

4. Crime and Antisocial 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 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.

Although there were no objections received to this nature there are often concerns raised that the proposed change of use from a three-bedroom dwelling (Use Class C3) to a children's residential home (Use Class C2) could lead to increased crime and anti-social behaviour in the area. It is noted that the management plan submitted on 31st October 2025 provides further details on staffing, supervision, occupancy levels, and safeguarding arrangements.

There is no substantive evidence to indicate that accommodating three children under 18 in a regulated care setting would result in any increase in crime or disorder. Children's homes are regulated by Ofsted and must operate under strict safeguarding and management frameworks, with staff on site to

provide around the clock supervision and support. These operational requirements are intended to ensure the safety and wellbeing of residents and the wider community. The West Yorkshire Police Designing Out Crime Officer was consulted on this application raising no objection in relation to the sites location and supporting the proposed security measures including CCTV and specific locks.

In the event that planning permission is approved, it is recommended that conditions are attached to any permission limiting the maximum number of children living within the building to 3 and to secure the submitted management plan (submitted 31st October 2025) to prevent the potential of undue noise and disturbance to neighbouring occupants, in the interests of safe operation and community cohesion.

In light of the above and taking into account the applicants management plan (submitted 31st October 2025), it is considered that the proposal would not result in any demonstrable or unacceptable increase in crime or anti-social behaviour. Subject to conditions limiting the number of children residing at the property to three and securing compliance with the submitted management plan, the proposal is considered to accord with Policy LP1 and Policy LP24 of the Kirklees Local Plan, and Chapters 8 and 12 of the NPPF.

5. Highways Safety

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide are relevant. Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

In this instance three off-street parking spaces should normally be provided for the existing property being for a four bedroom house. There are no objections from KC Highways (detailed earlier in this report).

Amended plans were sent showing how access to parking spaces from the front of the property would be achieved and which are shown to be within the redline on the applicants location plan. These plans also show bin location which is considered acceptable by KC Development Management Highways.

Accordingly, the proposal is not considered to conflict with policies LP21 and LP22 of the Kirklees Local Plan and the Council's adopted Highway Design Guide.

6. Climate Change

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.

Given the proposal involves a change of use with no external works or significant operational changes to affect energy use. The absence of a statement is not considered to weigh significantly against the scheme. Any technical measures relating to energy efficiency, ventilation, or water use arising from any future internal works would be addressed through Building Regulations, if applicable.

7. Other Matters

Biodiversity and Ecology

The Councils Biodiversity Net Gain (BNG) Technical Advice Note, Policy LP30 of the Kirklees Local Plan, and Chapter 15 of the NPPF, require most developments to deliver a 10% net gain in biodiversity.

As the proposal is a change of use with the parking area to the front being reduced on amended plans to 23 square meters it is exempt from mandatory BNG requirements. The site also lies within a Bat Alert Zone and Twite Buffer. However, with no building or enlargements proposed, there is no reasonable likelihood of harm to protected species or habitats, and no further ecological assessment is required.

It is noted that the ecological value of the site has reduced through removal of vegetation and trees and it is considered appropriate that a level of enhancement is secured through an appropriately worded landscaping condition requiring replacement planting.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

In KC Trees original formal response they stated that there is a significant, mature Sycamore tree that is located where the proposed entrance to the car park is and another Ash tree currently located with the garden of 315A. An arboricultural impact assessment was requested. However, the agent stated that these two trees had been removed. The tree officer was reconsulted and stated that mitigation planting would be required. This would be achieved, in this case, through inclusion of a biodiversity landscaping scheme condition upon any grant of permission.

8. Representations

There was one public letter of representation, which was an objection; material planning considerations raised are summarised as follows:

- The application has a number of inaccuracies including vehicular access and car parking.
- Trees which would have to be felled

Impact to access, parking and trees have been discussed with the relevant sections of the report.

It is considered sufficient information has been submitted as part of this application to enable the LPA to determine the application.

9. Conclusion

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/92153

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

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 Policies LP1, LP2, LP21, LP22, LP24, LP30 & LP33 of the Kirklees Local Plan, and policies within Chapters 2, 4, 5, 8, 9, 11, 12 and 15 of the National Planning Policy Framework.

3. The development shall not be brought into use until a biodiversity landscaping scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The submitted scheme shall detail how locally native trees, hedgerows, and grassland mixes will be incorporated. The development shall be completed in accordance with the approved scheme within the first planting season following any part of the development hereby approved being brought into use. The approved scheme shall thereafter be retained and maintained for the lifetime of the development. All areas of soft landscaping approved by this condition shall remain soft landscaped for the lifetime of the development.

Reason: To provide suitable ecological enhancement and replacement planting as part of the development to accord with policies LP30 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

4. The number of residents at the premises outlined in red upon submitted drawing PL02revC shall not exceed 3 persons and the number of support staff shall not exceed 2 persons at any one time.

Reason: In the interests of residential amenity as well as the 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.

5. The use hereby permitted shall be operated in accordance with the submitted document management plan, received 31st October 2025, for the lifetime of the development.

Reason: In the interests of residential amenity as well as the 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: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act

1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	PL01	-	31/07/2025
Existing floor plans	PL03	-	31/07/2025
Proposed floor plan	PL04	-	31/07/2025
Proposed site/block layout	PL02	C	22/01/2026
Management plan	-	-	31/10/2025
Application form	-	-	

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local 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. The agent was contacted to provide additional information which was subsequently submitted.