

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:	2025/62/92414/W
Site Address:	92, Balmoral Avenue, Crosland Moor, Huddersfield, HD4 5LJ
Description:	Change of use from dwelling (C3) into childrens care home (C2) for 1 child
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: 12-Nov-25

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OFFICER REPORT

Site Description

92 Balmoral Avenue is a rendered, semi-detached dwelling on the corner of Balmoral Avenue and Stainecross Avenue. The property has gardens to the front and rear with a drive to the side.

The property is on a residential street with similar house types surrounding.

Description of Proposal

The applicant is seeking permission to change the use to provide a residential home for children.

The submitted details outline the intention to provide accommodation for one child between 7 and 17 with 2 carers at all times and a manager during the day.

Relevant Planning History

2025/91098 – certificate of lawful use for children's home - refused

Representations

The application was advertised by site notice, which expired on 13/10/2025

As a result of the above publicity, three representations have been received. The material considerations raised are summarised as follows:

- Traffic & Noise – Increased visits from staff and professionals may disrupt the quiet residential area.
- Safety Concerns – The location is on a school route; potential risks to children passing by.
- Change to Residential Character – A care home may alter the nature and feel of the neighbourhood.
- Behavioural Concerns – Worries about emotional and behavioural issues affecting local children's safety.

The following matters have been raised, however, they are not material planning considerations.

- Risk of Future Expansion – Potential for increased impact if the care provision grows.
- Property Value Impact – Concern about reduced desirability and value of nearby homes.
- Applicant's Motives – Perceived financial gain over community wellbeing.

Consultation Responses

K.C. DOCO – concerns raised

K.C. Commissioning – comments received

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

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

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

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

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 Local Plan has no policies specifically relating to care homes. Therefore, there is no presumption against such a use. The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements.

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.

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:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The site currently hosts a detached stone building, formerly a barber shop with accommodation across three floors with a small area to the front and an enclosed yard at 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 1 child with 2 staff members in attendance at the property on a shift basis.

Staff arriving and departing from the property is not considered to result in a change to the character of the area due to the limited number of staff in attendance. 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 limited to a small, enclosed yard at the rear. However, this 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. Furthermore, the submitted Management Plan outlines appropriate operational procedures and security measures which contribute to the safeguarding of both residents and the wider community. As such, the proposed development is not considered to result in any demonstrable or unacceptable risk of crime or disorder in the locality.

The safety and wellbeing of the future occupants of the proposed children's home is a key consideration in the assessment of this application. The guidance provided by Kirklees Council highlights the importance of locating such facilities in safe, inclusive, and accessible areas, with appropriate safeguards in place to protect vulnerable children. The application is

supported by a detailed Management Plan which outlines the operational arrangements to ensure a safe living environment.

The comments provided by the Designing Out Crime Officer (DOCO) are appreciated and have been carefully considered. While the concerns raised relate to activities within the wider area, they are geographically broad and lack specific relevance to the application site. The location of the property is comparable to many typical family homes, and the concerns presented are vague in planning terms. As such, they do not provide sufficient justification to refuse of the application.

Taking into account the nature of the proposal, its location, and the operational controls in place, it is considered that the development would not present an unacceptable risk of crime to its future occupants.

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 three/four parking spaces at the front 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. 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:

Sufficiency

Comments have been received from the Council's Commissioning Manager regarding the sufficiency of provision, specifically in relation to the number of homes currently operating within Kirklees. While these observations are noted and provide useful context, it is important to clarify that sufficiency alone is not a material planning consideration that would justify refusal of the application. The planning assessment must remain focused on land use and planning policy matters, and as such, the concerns raised do not form a basis for refusal.

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.

Carbon Budget

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

Three representations have been received. The material considerations raised are summarised as follows:

- Traffic & Noise – Increased visits from staff and professionals may disrupt the quiet residential area. **Response:** *the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.*
- Safety Concerns – The location is on a school route; potential risks to children passing by. **Response:** *as the property is intended to form a primary residence for a "looked after" child in a home style environment, it remains to be seen how this differs from any other dwelling in the area.*

- Change to Residential Character – A care home may alter the nature and feel of the neighbourhood. **Response:** *As the property would be the primary residence of a child, the use is considered to be appropriate within a residential area.*
- Behavioural Concerns – Worries about emotional and behavioural issues affecting local children's safety. **Response:** *While concerns about behavioural issues are understood, care homes are regulated environments with trained staff and safeguarding measures in place to ensure the safety of both residents and the wider community. Planning decisions must be based on land use and cannot be influenced by assumptions about individuals. Given that the proposal is for a single child, the scale of impact is expected to be minimal.*

The following matters have been raised; however, they are not material planning considerations.

- Risk of Future Expansion – Potential for increased impact if the care provision grows.
- Property Value Impact – Concern about reduced desirability and value of nearby homes.
- Applicant's Motives – Perceived financial gain over community wellbeing.

Negotiations:

None

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 1 child 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 92 Balmoral Avenue as a children's home for one child, 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.

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: 2025/92414

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 children living within the building shall not exceed 1 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 document supporting statements validated with the submission on 10/09/2025 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: 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
Application form	-	1103291	10/09/2025
Location plan	-	1103289	10/09/2025
Front elevation & ground floor plans	1	1103287	10/09/2025
Rear elevation & first floor plans	2	1103290	10/09/2025
Statement	-	1104610	10/09/2025
Climate change statement	-	1103288	10/09/2025

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 06/11/2025

