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:	**2025/62/92612/W**
Site Address:	1A, Park Drive South, Huddersfield, HD1 4HT
Description:	Change of use from residential (C3) to a children's residential care home (C2) (within a Conservation Area)
Recommending Officer:	Jennifer Booth

DECISION - REFUSED

I hereby authorise the refusal 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: 18-Dec-25

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OFFICER REPORT

Site Description

1a Park Drive South is a detached bungalow of stone construction with gardens to the front, a drive to the side leading to a detached garage and with enclosed gardens to the rear.

The property faces onto Greenhead Park and the surrounding properties are a mix in terms of house type and age. The property is within the Greenhead Conservation Area.

Description of Proposal

The applicant is seeking permission to change the use of the dwelling to a children's home.

The home would be for 2 children between 7 & 17 with at least two members of staff.

There would be no external alterations.

Relevant Planning History

None

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. There are site-specific characteristics associated with the proposed location that give rise to safeguarding concerns which cannot be adequately mitigated through the operational arrangements put forward in the application. The nature and severity of the risks identified—particularly those relating to crime, anti-social behaviour, and other confirmed external threat factors—are considered to present a level of vulnerability for future occupants that exceeds what can reasonably be addressed through site management alone. Given the sensitivities of the proposed user group, these risks are material to the planning assessment and indicate that the location is fundamentally unsuitable for this particular use.

Representations

The application was advertised by site notice, which expired on 27/10/2025

As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Crime Prevention – objects to the application on the grounds of safeguarding

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**
- **LP7 – Efficient use of buildings**
- **LP11 – Housing mix**
- **LP 22 – Parking**
- **LP 24 - Design**
- **LP 30 – Biodiversity**

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

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.

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 is a three bedroom dwelling with accommodation across two floors with gardens to the front, side and 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 2 children with at least 2 staff.

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 area 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.

In the recent appeal decision APP/Z4718/W/25/3369781, the Inspector highlighted the relevance of the Public Sector Equality Duty (PSED) under the Equality Act 2010, which requires decision-makers to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. In this case, the duty applies specifically to the safety of future child occupiers of the proposed accommodation, who would have a protected characteristic. The Inspector stated that these interests must be kept at the forefront of the decision-making process. However, they are qualified rights, and interference may be justified in the public interest, with proportionality being a key consideration.

Although the application is supported by a Management Plan outlining operational arrangements, serious concerns remain regarding the suitability of the site given the proximities involved. The Designing Out Crime Officer (DOCO) has formally objected to the proposal, citing concerns about the area's crime profile and its potential impact on the safety and emotional welfare of future occupants. This objection reinforces the assessment that the proposed location does not meet the necessary criteria for a safe and secure environment.

The Inspector in the same appeal also referenced Section 17 of the Crime and Disorder Act 1998, which places a duty on local authorities to do all that they reasonably can to prevent crime and disorder in their area. Additionally, Section 12, Part 1 of The Children's Homes (England) Regulations 2015 was cited, which sets out the protection of children standard, including the requirement that premises are located so that children are effectively safeguarded.

In light of the confirmed external threat factors, the statutory duties under the Equality Act and Crime and Disorder Act, the professional objection raised by the DOCO, it is considered that the development would expose future occupants to an unacceptable risk of harm. The proposal therefore fails to meet the safeguarding objectives set out in local and national policy and does not demonstrate that the site is appropriate for the intended residential care use.

<u>Impact on highway safety</u>:

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.

The proposed change of use to a children's home for up to two children, supported by undisclosed staffing, has the potential to result in an increased demand for on-site parking compared to a typical residential dwelling. Although there is no drive, the area to the front of the dwelling is paved and could accommodate two vehicles, with potential for a third to park on the road. While this arrangement is not ideal in terms of overall capacity, there is some on-street parking available in the vicinity which may accommodate occasional overflow, such as during staff changeovers.

There may be times when additional vehicles are present at the property simultaneously, for example during drop-off periods or when professionals involved in the children's care attend the site. However, the volume of such visits is not considered to exceed what could reasonably be expected from a dwelling in C3 use. Care plans, which dictate the number and type of professionals attending, will be provided on a child-by-child basis. Social worker visits are typically expected to occur once per month. Moreover, the type of care proposed is suitable for long-term, stable placements, limiting the frequency of arrivals and departures associated with more transient or short-term accommodation.

The site is also located within approximately 400 metres of a high-frequency bus route, which provides a reasonable level of accessibility by sustainable transport for staff and visitors.

On balance, and although the parking arrangement is not ideal, the proposal is not considered to result in significant impacts on highway safety that justify the refusal of the application. Accordingly, the development is deemed acceptable in terms of parking and access, in line with Policy LP21 of the Kirklees Local Plan and paragraph 111 of the National Planning Policy Framework.

<u>Other matters:</u>

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 change of use with no external works 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:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to use 1a South View Drive as a Children's Home for two children 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 proposed use as a C2 residential institution, by reason of safeguarding issues identified in the immediate vicinity of the site, represents a significant risk to the safety of vulnerable residents from crime and disorder resulting in a conflict with existing uses/circumstances. To permit the development would be contrary to Policy LP1 of the Kirklees Local Plan with respect to the potential for significant adverse impacts on the future occupants of the property, chapter 8, paragraph 92 together with chapter 12, paragraph 130(f) of the National Planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers
Application Number: 2025/92612
Officer Recommendation: Approve
Conditions and Reasons

1. The proposed use as a C2 residential institution, by reason of safeguarding issues identified in the immediate vicinity of the site, represents a significant risk to the safety of vulnerable residents from crime and disorder resulting in a conflict with existing uses/circumstances. To permit the development would be contrary to Policy LP1 of the Kirklees Local Plan with respect to the potential for significant adverse impacts on the future occupants of the property, chapter 8, paragraph 92 together with chapter 12, paragraph 130(f) of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	640764	23/09/2025
Proposed site plan	-	1106350	23/09/2025
Existing floor plan	-	1105874	23/09/2025
Proposed floor plan	-	1106351	23/09/2025
Confirmation statement	-	1106431	23/09/2025
Management plan	-	1106349	23/09/2025

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.

There are site-specific characteristics associated with the proposed location that give rise to safeguarding concerns which cannot be adequately mitigated through the operational arrangements put forward in the application. The nature and severity of the risks identified—particularly those relating to crime, anti-social behaviour, and other confirmed external threat factors—are considered to present a level of vulnerability for future occupants that exceeds what can reasonably be addressed through site management alone. Given the sensitivities of the proposed user group, these risks are material to the planning assessment and indicate that the location is fundamentally unsuitable for this particular use.

Report Dated 16/12/2025