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:	**2025/62/93282/E**
Site Address:	2, Cross Park Street, Batley, WF17 5NY
Description:	Change of use of from residential care home (C2) to supported living accommodation (C3b)
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 16 January 2026

Officer Report
Reference No. 2025/62/93282/E
Site Address: 2, Cross Park Street, Batley, WF17 5NY
Proposal: Change of use from residential care home (C2) to supported living accommodation (C3b)

Site Description
The site relates to 2 Cross Park Street, a two-storey end-terrace property located in Batley. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. The majority of the surrounding dwellings are faced in stone and are of varying architectural styles. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal
The application seeks planning permission for the change of use from a residential care home (C2) to supported living accommodation (C3b). The details of the proposal are summarised below:
- No external alterations are proposed as part of the application.
- The home will accommodate four young people with one carer any one time.
- The young people would be between 16-18 years old and would reside at the property for typically 2 years.
- The care home will be staffed 24/7 and each carer would operate on a shift pattern of 24 hrs, except at changeover times, which will last around fifteen to thirty minutes.

Relevant Planning History
- **2024/92918:** Certificate of lawfulness for proposed use of dwellinghouse (C3a) as a Care Home for a maximum of two children (C2). Planning application details | Kirklees Council – Certificate of Lawful Use Granted

Representations
The application was publicised by site notice, which expired on 9th January 2026. No representations were received following the statutory publicity.

Parish/Town Council Comments
Not Applicable.

Local Ward Members
Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology - No comments
KC Crime Prevention - Objection
KC Highways Development Management - No objection

Planning Policy Background
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. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2024, 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. 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. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

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 supported living accommodation. 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.

The application site is considered to be within a sustainable location in terms of proximity to transport links including bus stops, education facilities and services.

Therefore, in this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would have a neutral visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed works would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposal is unlikely to result in any detrimental harm upon the residential amenity of any surrounding neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application seeks a change of use from a residential care home (C2) to supported living accommodation (C3b) at 2 Cross Park Street, , Batley. The proposal will accommodate four young people at any one time and the maximum number of staff on duty will be one. In effect, the facility will be similar to the use of the property as a family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal residential property. The provision of waste collection will remain as existing and is unaffected by the proposals. These proposals are therefore considered acceptable to KC Highways Development Management.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this

stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Crime and Anti-Social Behaviour

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to *"do all that it reasonably can to prevent crime and disorder in its area."* Chapter 8 of the NPPF relates specifically to promoting healthy and safe communities. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which "*are safe and accessible, so that crime and disorder do not undermine the quality of life or community cohesion."*

Chapter 12 of the NPPF states under Paragraph 135(f) that planning decisions should *"create places that are safe, inclusive and accessible and 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, do not undermine the quality of life or community cohesion and resilience."*

Policy LP1 of the Kirklees Local Plan forms a provision for proposals 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 impacts would outweigh the benefits.

The safety and wellbeing of the future occupants 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 National Planning Policy Framework and the Kirklees Local Plan. However, West Yorkshire Police have confirmed the presence of multiple, significant threat factors in the local area which pose a substantial risk to vulnerable residents, including looked after young people.

These concerns are material considerations, and it is considered therefore that there is a real potential to undermine the quality of life of the people living at the proposed premises and therefore Officers agree with West Yorkshire Police comments. As such, the proposal would fail to accord with Policy LP1 of the Kirklees Local Plan and Chapters 8 and 12 of the NPPF.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the change of use from residential care home (C2) to supported living accommodation (C3b) at 2 Cross Park Street 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 proposed use as a C3b dwellinghouse, 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 96 together with Chapter 12, Paragraph 135(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: 2025/93282
Officer Recommendation: Refuse
Reasons for Refusal

1.The proposed use as a C3b dwellinghouse, 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 96 together with Chapter 12, Paragraph 135(f) of the National Planning Policy Framework

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PP-14520228v1	-	26/11/2025
Site Plan	10004/001	A	26/11/2025
Existing and Proposed Floor Plans	10003/001	A	26/11/2025
Planning Statement – Full	-	-	26/11/2025

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: 13/01/2026