

**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:	2025/62/93366/W
Site Address:	2, Kaffir Road, Edgerton, Huddersfield, HD2 2AN
Description:	Change of use from residential to C3 (b) children's care facility (within a Conservation Area)
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.

John Holmes

AUTHORISED OFFICER

Date: 13th April 2026

OFFICER REPORT

Site Description

2, Kaffir Road is a two-storey detached property located within the Edgerton Conservation Area. The dwelling is set within a large plot and benefits from amenity space to the front and rear of the dwelling. 2, Kaffir Road is built from natural stone with blue slate roof and stained wooden window frames. No.2,2A Halifax Road is a Listed Building which is located to the south-west of the site. To the rear boundary are trees which are protected by area Tree Preservation Orders.

The surrounding area is comprised of primarily of dwelling located within plots of various sizes. Halifax Road (A629) is to the south of the site.

Description of Proposal

The applicant is seeking permission to change the use of the dwelling to a care home for 3 children with 2 Carers.

The submitted Management Plan which accompanies the application sets out that the proposal would be for up to 3 children ages 8 – 17. Two staff are on shift during the day (08:00–22:00) and two sleep-in staff remain on site overnight (22:00–08:00). Both sleep-in staff sleep in designated staff bedrooms.

Parking arrangements allow for off street parking of staff and visitors where possible.

Relevant Planning History

2025/90611 – Erection of extensions and alterations – Conditional Full Permission

Whilst this is an extant permission which can be undertaken in the event of any approval of this proposal. It is noted that the proposal the subject of this application seeks permission for the use of the building only and as such in the event the permission was implemented it would not affect the nature of the proposal under consideration / or its undertaking.

2024/91425 – Erection of extensions – refused

1990/02960 – Erection of detached dwelling with integral double garage – Conditional Full Permission

1986/04892 – Erection of dwelling – Granted Conditionally

Representations

The application was advertised by site notice, which expired on 06/02/2026

As a result of the above publicity, two representations have been received. One of which queried the lack of site notice and neighbour letters. The second one raised the following material considerations:

- A children's home would be out of character.
- Risk for the vulnerable occupants being targeted by drug dealers.
- With a recent change of use of another property to a special needs school nearby, continued changes of use could result in the area becoming non-residential.
- Noise as a result of the proposed use

Consultation Responses

K.C. Crime Prevention – Objects on the grounds of potential threats to children residing at the property in the wider area.

K.C. Children's Commissioning Team – Does not support the proposals given an over provision of children's homes in Kirklees.

Policy & Legislation

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 within the Edgerton Conservation Area within the Kirklees Local Plan. The site is within an area with a known presence of bats and an area identified as being at lower risk of ground movement as a result of former mining activity.

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 7** – Efficient use of buildings

- **LP 11** – Housing mix
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 35** – Historic Environment
- **LP 52** – Protection and Improvement of Environmental Quality

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.

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.

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
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

It is noted that when making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'. Given the nature of the proposal, being for change of use of the building, and the scale of the proposed change of use it is considered the development would not affect the setting of nearby grade II listed buildings with the closest being 23m to the south west and the next closest being to the north east approx. 40m in distance.

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.

The application site lies within a designated Conservation Area. However, the proposed development seeks permission for the use only and would not result in any external alterations to the appearance of the building. As such, the

proposal would preserve the character and appearance of the Conservation Area and would not result in harm to the significance of the designated heritage asset. The development is therefore considered acceptable in principle and compliant with Policy LP35 of the Kirklees Local Plan and the heritage objectives set out in Chapter 16 of the National Planning Policy Framework.

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 & Heritage Assets:

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.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*.

This is further supported by paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The site currently hosts a five bedroom dwelling with gardens to the front and rear as well as a drive to the side. There is a detached outbuilding to 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 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 of the host property or wider locality. Furthermore the proposal, being for change of use, is not considered to lead to harm to the Conservation Area or its setting. This conclusion is drawn on the basis of the scale of the use for which permission is sought and fact the proposal relates solely to the use.

As such it is considered that the proposal for which permission is sought meets the requirements of the aforementioned policies and is acceptable in this regard.

Impact on residential amenity:

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. 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 proposed that the house would provide accommodation for 3 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 not considered that a change of use from a dwellinghouse to a care home for 3.no children 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. A condition requiring the development to be undertaken in accordance with the submitted detail and be for no more than 3. no children would be included to ensure the development as considered is undertaken within the parameters of that for which permission is being sought.

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 Policies LP24 & LP52 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 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. 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.

The Designing Out Crime Officer (DOCO) has objected and highlighted concerns about potential threat factors to occupiers of the site within the wider area. However it is noted that these are not located in close / immediate proximity to the application site.

In addition, the comments from the DOCO also include the input from neighbourhood policing team, who have raised no objection in principle.

Whilst the concerns raised from the West Yorkshire Police Designing Out Crime Team are noted, it is considered that it would be unreasonable of the LPA to refuse permission in this case on the basis of potential wider threats in the wider locality to occupiers of the property. The comments of West Yorkshire Police are informed by the neighbourhood policing team which raise no objection.

No immediate or threat in close proximity is identified by the DOCO in their response and on balance, in this case it is considered the scale / nature of the proposal would not be such that refusal could be substantiated in this case.

The proposal is therefore concluded acceptable having regard to the aforementioned policy / legislation.

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.

The proposed change of use to a children's home for three children with two staff at all times and a manager during the day, has the potential to result in an increased demand for on-site parking compared to a typical residential dwelling. The property does have space to the front for at least three vehicles on site. This part of Kaffir Road is considered to have potential for on street parking capacity.

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 95 metres of a high-frequency bus route, which provides a reasonable level of accessibility by sustainable transport for staff and visitors.

Given the proposal would be for 3.no children and 2.no staff it is considered that the impact upon access and highway safety would not be significant taking account the extent of off street parking which is available within the site. On the basis of inclusion of conditions restricting the use to that for which permission is being sought it is considered the proposal is acceptable in this regard and the proposal is not considered to result in severe impacts on highway safety. 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.

Other matters:

Biodiversity

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

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. Furthermore, given the nature of the proposal being for change of use, it is considered the proposal would not have a significant impact upon bats.

Therefore the proposal is considered acceptable having regard to the aforementioned policies.

Carbon Budget

The proposal is a comparative change of use 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.

Representations:

Two representations have been received. One of which queried the lack of site notice and neighbour letters. The second one raised the following material considerations:

- A children's home would be out of character –

Response: *As the property would be the primary residence of 3 children, the use is considered to be appropriate within a residential area.*

- Risk for the vulnerable occupants being targeted by drug dealers –

Response: *The 'Crime and Anti-social behaviour' section of this report sets out considerations in relation to impact of the change of use upon occupants of the development. It is concluded that, on balance, refusal on the basis of impact to future occupants could not be substantiated in this case.*

- With a recent change of use of another property to a school nearby, continued changes of use could result in the area becoming non-residential –

Response: *The concern regarding the cumulative impact of recent and potential future changes of use in the area is noted. However, the introduction of a children's home, in itself, does not result in the loss of a residential property, as the proposed use remains residential in nature. The nearby change of use to a special needs school is acknowledged, but this does not, on its own, indicate a wider shift away from the residential character of the area, nor does it establish a precedent that would lead to an erosion of the residential function of surrounding properties. Each planning application is assessed on its own merits, and there is no evidence to suggest that the current proposal would materially alter the predominantly residential character of the locality. Accordingly, the concern that the area could become non-residential is not considered to carry significant weight in the assessment of this application.*

- Noise as a result of the proposed use

Response: *This is considered and addressed within the 'Impact on residential amenity' section of this report.*

A site notice was erected and in place on 23rd January 2026, in addition a notice was published in the local press.

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.

It is considered appropriate to include conditions to restrict the occupancy to three children and require that the use is carried out in accordance with the management plan.

Conclusion:

This application to use 2 Kaffir Road as a children's home for 3 children with 2 staff at all times and a manger during the day has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations SPD, 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: 2025/93366

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 LP1, LP2, LP7, LP11, LP22, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan and policies within Chapters 2, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The number of young people receiving care living within the building shall not exceed 3 at any time.

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 & LP52 of the Kirklees Local Plan and policies within Chapters 9 & 12 of the NPPF.

4. The use hereby permitted shall be operated in accordance with the submitted Management Plan for the lifetime of the development.

Reason: In the interests of safe operation and community cohesion and to accord with Policies LP21, LP22, LP24 & LP52 of the Kirklees Local Plan and policies within Chapters 8, 9 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
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Plan Type	Reference	Web ID	Date Received
Location plan	-	1117625	15/12/2025
Proposed site plan	-	1117626	15/12/2025
Floor plans – ground	-	1117630	15/12/2025
Floor plans – first	-	1117628	15/12/2025
Floor plans – loft	-	1117627	15/12/2025
Management plan	-	1118045	15/12/2025
Heritage statement	-	1117629	15/12/2025
Climate change statement	-	1117631	15/12/2025

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.