

**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:	2025/62/93550/W
Site Address:	57, Adelphi Road, Marsh, Huddersfield, HD3 4BB
Description:	Change of use from dwelling (C3) to residential children's home C3(b) accommodating one child
Recommending Officer:	Joshua Merriman

DECISION – Refusal

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 16/03/2026

Officer Report – 2025/93550

Site Description

The application site refers to 57, Adelphi Road, Marsh, Huddersfield, HD3 4BB, a two-storey semi-detached property faced in stone, with a hipped tiled roof, and uPVC windows and doors. The application property lies in a uniform street scene, surrounded by dwellings of a similar size, scale, character, and appearance. Furthermore, the dwelling benefits from a small area of amenity space to the front as well as a front porch, and amenity space to the rear which could be used as garden space or a hard-standing parking area as is seen at neighbouring properties.

Description of Proposal

The Scheme

The applicant is seeking permission for Change of use from dwelling (C3) to residential children's home C3(b) accommodating one child.

The details of the proposal are summarized below:

- No external alterations are proposed as part of the application.
- The home will accommodate one child aged 8-17 years and a maximum of two care staff at any one time.
- The care home will operate 24/7 and will operate on a 1:1 staffing ratio, meaning one staff member is allocated to support the child.
- The maximum number of staff present at the property at any one time will be two, with staff operating on a rota basis and changes in shift happening discreetly inside the property.

Supporting Information

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

- Climate Change Statement
- Hanivilla Management Plan – Adelphi House
- Supporting Statement

History of Negotiations / Amendments Received

Case officers requested the provision of two parking spaces, and a site plan which showed the rear amenity space at the dwelling to be used as a parking area for staff members. This was following an informal consultation with KC Highways Development Management, and the plan was provided in due course.

Relevant Planning History

There is no relevant planning history at the application site.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 26/02/2026. 8 Letters of objection have been submitted.

Letters of Objection

- There is a strong belief between residents that the area is not suitable for this type of facility.

Officer Comment: This will be addressed within the Principle section of this report.

- As residents, we are extremely frustrated that we only became aware of this planning application through a single notice posted on a lamppost.

Officer Comment: As per the Development Management Charter 2024, most planning applications are to be advertised via a site notice in the vicinity of the application property, therefore, the erection of a site notice to the front of the application site reflects this.

- All properties will be severely affected in terms of noise, potential anti-social behaviour, and the car park.

Officer Comment: The noise, and anti-social behaviour aspects will be addressed in the Residential Amenity section of this report, however, the proposed parking area to the rear of the site would reflect similar instances at neighbouring properties which have been introduced with no further issues.

- The staff operating hours will be 24/7 which will cause disruptions to local residents.

Officer Comment: This will be addressed within the Residential Amenity section of this report.

- If the unadopted road at the rear of the property is to be used for parking, this would raise additional highway safety concerns. Increased vehicle movements at unpredictable hours could pose risks, particularly to local children who use this area.

Officer Comment: This will be addressed within the Highway Safety section of this report.

- The proposal may place additional strain on local services, including:
 - Healthcare
 - Social Services
 - Emergency Services.

The application does not provide evidence that the local infrastructure has capacity to support the additional and specialist needs associated with a residential care setting.

Officer Comment: This does not constitute a material planning consideration.

- The property is located within a peaceful, family-orientated residential terrace. The introduction of a staffed institutional use represents a significant departure from the established character of the area.

Officer Comment: This will be addressed within the Principle section of this report.

Consultation Responses

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

KC Crime Prevention (Formal) - West Yorkshire Police have safeguarding concerns with regard to the location of the proposed children's home. As outlined within "The protection of children standard", Section 12 of The Children's Homes (England) Regulations 2015, the premises used to house children in care must be "located so that children are effectively safeguarded".

West Yorkshire Police object to this application and respectfully request that it is refused.

KC Children's Commission (Formal) - Comments have been received from the Council's Commissioning Manager which outline that although the type of accommodation proposed is in line with placement needs, the location of the home and facilities provided is unsuitable for the type of children's home being proposed.

There is a significant over provision of children's homes in Kirklees that far exceeds our children's home placement needs. The over provision of children's home provision in Kirklees leads to children from other local authorities being placed in Kirklees, this is not in line with government policy.

Officer comment: The over provision of children homes in Kirklees is not a material planning consideration.

KC Highways Development Management (Informal) – The use of space to the rear of the property as a parking area, as shown to the rear of neighbouring

properties, would ensure the property was able to meet parking requirements. Following the submission of a site plan showing a proposed parking area to the rear, there are no objections.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer.

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP49 Educational and health care needs
- LP52 Protection and Improvement of Environmental Quality

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, 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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of Development

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.

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

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

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.

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

In terms of making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this

case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

As there are no external alterations proposed to the dwelling, it is considered that the property will remain in character with the surrounding locale and street scene.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

The 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 and the aims of Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

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

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

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The 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.

Officers consider that the unit would not be materially different to the functions of a family home and therefore there would be no significant impacts upon neighbouring occupiers regarding noise, disturbance, or anti-social behaviour.

A maximum of two staff operating 24/7 at the site is not considered to be significant enough to cause significant disruption and impacts upon residential amenity.

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.

4. 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.

The application seeks a change of use from a dwelling (C3) to a residential children's home (C2) at 57 Adelphi Road in Marsh, Huddersfield. The proposal will accommodate one child at any one time and the maximum number of staff on duty will be two. 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.

Following an informal consultation with KC Highways Development Management, the use of the rear amenity space on site was suggested to be used as a hard-standing parking area, as has been provided at neighbouring properties with no resulting impacts. As a result, the applicant submitted an amended site plan detailing the use of the rear amenity space at the dwelling as a hard-standing parking area, with adequate parking provision to meet the requirements of all employees visiting the site. The proposal is therefore considered acceptable by KC Highways Development Management.

The provision of waste collection will remain as existing and is unaffected by the proposals.

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.

5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

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 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. 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 children.

These concerns are material concerns, 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 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.

7. Representations

All representations have been addressed earlier in this report.

8. Conclusion

This application for the change of use from a dwelling (use class C3) to a residential children's home (use class C2) at 57 Adelphi Road 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 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 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

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2025/93550

Officer Recommendation: Refusal

Reason for Refusal

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 135(f) of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	19/01/2026
Floor Plans	-	-	19/01/2026
Application Forms	-	-	19/01/2026
Hanivilla Management Plan – Adelphi House	-	-	19/01/2026
Climate Change Statement	-	-	19/01/2026
Supporting Statement Change of Use from Class C3 to Class C2	-	-	19/01/2026

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. The case officer sought it necessary to request plans detailing a parking area to the rear of the site, however, following an objection from KC Crime Prevention, it is considered that the objection received outweighs the amendments made to make the development acceptable and the application will therefore be refused.

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:

26/02/2026

