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:	**2026/62/90086/E**
Site Address:	2, Mavis Street, Scout Hill, Dewsbury, WF13 3RX
Description:	Change of use of existing dwelling (C3) to children's residential home (C2)
Recommending Officer:	Jennifer Booth

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 5-OCT-2026

OFFICER REPORT

Site Description

2 Mavis Street is a brick and rendered, end terraced property with dormers in the front and rear roof planes and a single storey rear extension. The property has no amenity space to the rear and a drive for 1 vehicle to the front.

The property faces onto an undeveloped area of land and is surrounded by properties of a similar age and style.

Description of Proposal

The application is seeking planning permission to use the property as a children's home for 2 children with 2 carers at any given time and a manager during the day.

Relevant Planning History

2011/93090 – Erection of single storey rear extension and dormers – Refused

2012/90588 – Erection of single storey rear extension with front & rear dormers - Approved

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. Additional information has been requested in terms of the management plan together with layout and provided.

Representations

The application was advertised by site notice, which expired on 09/03/2026

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

Consultation Responses

K.C. Designing Out Crime Officer (DOCO) – Objection to application

K.C. Children's Commissioning – Comments received not supporting the application

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1 –** Achieving sustainable development
- **LP 2 –** Place shaping
- **LP 22 –** Parking
- **LP 24 -** Design
- **LP 52 –** 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 August 2026, 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 4 – Achieving sustainable development (S3: Presumption in favour of sustainable development)
- Chapter 5 – Meeting the challenge of climate change (CC2: mitigation of climate change & CC3: Adaption to climate change)
- Chapter 14 – Achieving well-designed places (DP3: Key principles for well-designed places & DP4: The design process)
- Chapter 15 – Promoting sustainable transport (TR1: Locating development in sustainable locations, TR4: Street design, access and **parking**)
- Chapter 16 – Promoting healthy communities (HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits)
- Chapter 17 – Pollution, public protection and security (P5: Maintaining public safety and security)
- Chapter 19 – Conserving and enhancing the natural environment (N2: Improving the natural environment, N6: Areas of particular importance for biodiversity and geodiversity)

Assessment

<u>Principle of development</u>:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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

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

In terms of changing the use of the building, Policy LP24 of the Kirklees Local Plan is relevant in conjunction with Chapters 14, 16 and 17 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.

A children's home is different from a standard residential dwelling because, although the children live there full-time, the home is run with professional care staff working in shifts rather than as a single household. This means the use functions more like a residential care facility than a typical family home. As a result, children's homes are generally classed as Use Class C2 (Residential Institution), whereas ordinary houses fall under Use Class C3 (Dwellinghouse).

A single children's home can be an appropriate use within a residential street because it operates in a similar way to a family household, with a small number of children living together in a domestic setting. The scale of activity, comings and goings, and day-to-day use are typically comparable to those of other homes in the area. With appropriate management and staffing, a children's home does not usually generate levels of noise, traffic, or disturbance that would be out of character with a residential neighbourhood, and therefore can sit comfortably within a typical residential street.

Impact on visual amenity:

In accordance with Policy LP24 of the Kirklees Local Plan and Chapter 14 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 currently hosts a three bedroom end terrace with small paved area to the front and an existing single storey extension 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 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 14 of the NPPF.

Impact on residential amenity:

The National Planning Policy Framework requires 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 14 of the NPPF.

Crime and Anti-Social Behaviour:

The fear of crime is a material planning consideration. Chapters 14 and 17 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 17 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 14 of the NPPF which goes on further to state that planning decision should create spaces that are safe, inclusive and accessible which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime to not undermine the quality of life or community cohesion and resilience.

Policy LP1 of the Kirklees Local Plan forms a provision for development which do not have specific policies to ensure that permission can be granted unless there are material considerations including adverse impacts, which the potential for crime and disorder would be a significant factor, where the adverse impact would outweigh the benefits.

The potential for increased crime or anti-social behaviour associated with the operation of a children's home at the application site is a commonly held perception; however, national and local guidance clarify that there is no substantive evidence to support a direct link between children's homes and increased crime levels. The guidance issued by Kirklees Council explicitly identifies this as a prevalent myth and notes that such homes are regulated by Ofsted and operate under stringent safeguarding and management frameworks. Furthermore, the submitted Management Plan outlines appropriate operational procedures and security measures which contribute to the safeguarding of both residents and the wider community. As such, the proposed development is not considered to result in any demonstrable or unacceptable risk of crime or disorder in the locality.

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

The application is supported by a comprehensive Management Plan which sets out the proposed operational arrangements for the site, including measures intended to ensure the safety, wellbeing and effective management of future occupants. Officers are satisfied that the document provides an appropriate framework for the day-to-day operation of the accommodation and demonstrates that the use can be managed in a manner that would provide a safe and suitable living environment.

The comments received from the Designing Out Crime Officer (DOCO) are acknowledged and have been given careful consideration as part of the assessment of the application. Whilst the concerns raised regarding crime and anti-social behaviour are understood, they largely relate to broader issues experienced within the wider locality rather than site-specific circumstances directly associated with the proposed development. In planning terms, significant weight can only be afforded to material considerations that have a clear and evidenced relationship with the application proposal. The site itself occupies a location comparable to many residential properties within the district and there is insufficient evidence to demonstrate that the use of the building for the purposes proposed would give rise to unacceptable crime, safety, or community safety impacts.

Furthermore, the concerns identified are expressed in general terms and are not supported by specific evidence demonstrating that the proposal would materially exacerbate existing issues or result in harm that could not be appropriately managed through the operational measures outlined within the submitted Management Plan. As such, whilst the comments of the DOCO are noted, officers do not consider that they establish a robust planning basis upon which the application could reasonably be refused. The proposal is therefore considered acceptable in this regard.

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 property has parking space to the front for at least two vehicles as the front drive is 6.7m by 6.4m. There is also space to the side for another 2 vehicles as the drive to the side has a width of 2.6m and a depth of 10m.

There may be times when additional vehicles will arrive on time, such as at drop off times and when associated professionals visit. However, the number of visitors is not considered to be over and above what would reasonably be expected from a property in C3 use. Care plans that relate to the number of professionals will be provided on a child-by-child basis. Social workers are likely to visit the site once a month. The type of care provided is suitable for long-term, permanent stays, limiting the frequency of drop-off periods.

It is therefore considered that the proposal would not cause significant detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other matters:

Sufficiency

Comments have been received from the Council's Commissioning Manager regarding the sufficiency of provision within Kirklees, particularly in relation to the number of similar homes that are currently operating across the borough. These observations are acknowledged and provide useful background information regarding the wider context of service provision. However, the planning system is principally concerned with the use and development of land, and decisions must be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst the question of whether there is an identified need for, or oversupply of, a particular type of accommodation may be relevant to commissioning and service delivery considerations, it does not in itself constitute a material planning reason to resist development where the proposed use is otherwise acceptable in land use terms. The assessment of the application must therefore focus on matters such as the principle of the development, its impact on the character of the area, residential amenity, highway safety, and other relevant planning policy considerations.

In this case, no evidence has been provided to demonstrate that the number of existing facilities within the borough would result in any direct planning harm arising from the proposed development. The concerns raised relate primarily to the strategic delivery of services rather than to the land use

impacts of the proposal itself. Whilst officers have had regard to the comments received and recognise the importance of effective service planning, such matters fall outside the scope of the planning decision-making process and cannot be afforded significant weight in the determination of the application.

As a result, officers conclude that the observations regarding the sufficiency of existing provision, whilst noted, do not provide a robust or defensible planning basis upon which planning permission could reasonably be refused. The proposal must therefore be assessed on its individual planning merits and against the relevant policies of the development plan and other material planning considerations.

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the '*Di-Minimus'* exemption category within the application forms. A change of use would not result in a loss of wildlife habitat. Therefore, the officer agrees, the application is exempt from a BNG uplift.

Carbon Budget

The proposal is a comparative change of use to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

<u>Representations</u>:

None

<u>Proposed conditions</u>

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 restrict the occupancy to two children and require the use is carried out in accordance with the management plan.

Conclusion:

This application to use 2 Mavis Street as a children's home for 2 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

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: 2026/90086
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The number of young people living within the building shall not exceed 2 at any time with 2 members of staff at all times, until the site's use falls outside of the scope of use pursuant to this permission.
Reason: To prevent undue noise and disturbance to neighbouring occupants and to ensure the safe and efficient flow of traffic on Mavis Street, in accordance with LP21, LP22 & LP24 of the Kirklees Local Plan and Chapters 14 & 16 of the NPPF.

4. The use hereby permitted shall be operated in accordance with the submitted supporting statements referenced on the plans table for the lifetime of the development.
Reason: In the interests of safe operation and community cohesion and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapters 8 and 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	-	1123084	26/01/2026
Block Plan	-	1122933	26/01/2026
Indicative Floor Plans	-	1158772	24/09/2026
Management Plan	-	1151288	30/07/2026
Neighbourhood Survey	-	1142543	20/04/2026

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 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.

Additional information has been requested in terms of the management plan together with layout and provided.

Report Dated 28/09/2026