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:	**2026/62/90313/W**
Site Address:	373, Meltham Road, Netherton, Huddersfield, HD4 7EL
Description:	Change of use from dwelling (C3) into a Childrens Home (C2) for 1 child
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: 7-APR-2026

OFFICER REPORT

Site Description

373 Meltham Road is a brick built bungalow with gardens to the front, a garage to the side and gardens to the rear.

The property backs onto a wooded area and the surrounding properties are residential with a mix of house type.

Description of Proposal

The application is seeking planning permission to use the property as a childrens home for 1 child with 2 staff.

Relevant Planning History

None

Representations

The application was advertised by site notice, which expired on 16/03/2026

As a result of the above publicity, two representations have been received. Material planning matters raised are summarised as follows:

- Approving a change of use could open up the property for a more intensive use.
- The occupants could pose a threat to the safety of the neighbours.
- The future occupants could be at risk of harm from the overgrown and steep wooded area to the rear.

Whilst the comments received have also questioned the potential occupancy as being children from outside Kirklees, this is not a material planning matter.

Consultation Responses

K.C. Crime Prevention – Objects on the grounds of potential threats 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. Has mentioned that there is a need for this type of housing but additional concerns raised in terms of safety given the drop from the rear terrace and the position of the house on a main road.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the

Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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

Kirklees Local Plan Policies

- **LP 1 –** Achieving sustainable development
- **LP 2 –** Place shaping
- **LP7 –** Efficient use of buildings
- **LP11 –** Housing mix
- **LP 22 –** Parking
- **LP 24 -** Design
- **LP 30 –** Biodiversity

Kirklees Planning Guidance for Children's Homes 2025 provides guidance to assist applicants, planning officers, and stakeholders in the preparation and assessment of planning applications for children's homes within Kirklees. While it sets out key considerations, policy context, and good practice principles, it is important to note that this guidance does not form part of the statutory development plan and has not been adopted as a Supplementary Planning Document (SPD). As such, it carries limited weight in the formal decision making process but may be used as a material consideration where relevant to the planning judgement of individual cases

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Assessment

Principle of development:

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

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

The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements. Locally, the Kirklees Local Plan (adopted 2019) supports the delivery of a range of housing types to meet identified needs. Whilst the Local Plan has no policies specifically relating to care homes. Policy LP1 promotes sustainable development that improves the economic, social, and environmental conditions of the district. LP7 supports meeting housing needs by promoting the efficient reuse of existing buildings and brownfield land, helping deliver sustainable development while preserving local character and minimising land consumption and Policy LP11 encourages a mix of housing to meet the needs of all groups, including those requiring care. Therefore, there is no presumption against such a use.

In terms of changing the use of the building, Policy LP7 and LP24 of the Kirklees Local Plan are relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.

Therefore, in this case, the principle of the use of the building is considered acceptable and the development shall be considered against all other material considerations including the character of the area, residential amenity and highway safety.

Impact on visual amenity:

In accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework (NPPF), which emphasise the importance of achieving high-quality design in development proposals, the proposed change of use has been carefully considered to ensure it remains acceptable in terms of design and visual impact.

The site currently hosts a three bedroom bungalow with gardens to the front and rear. There is no proposed change to the exterior of the dwelling or its outdoor area. One bedroom would be used by the child with two bedrooms for the staff. Notwithstanding the change of use, there will therefore be no visual changes to the site. It will therefore retain its residential appearance.

It is proposed that the house would provide accommodation for 1child with at least 2 staff at all times and a manager during the day.

It is anticipated that staff arriving and departing from the property would not result in a significant change to the character of the area. There may be at times a number of other professional staff required to be in attendance at the property due to the nature of the change of the use of the building, any additional visitors would not be considered to be dissimilar in nature to the current use of the building as a residential dwelling.

It is noted that the amenity space is similar to other residential properties in the area.

It is not considered the proposed change of use would cause harm to visual amenity where there would be sufficient justification to refuse the application on the basis of impact on visual amenity on both the property itself or the wider street scene.

It is therefore considered that the proposed works would accord with Policy LP24 and advice within Chapter 12 of the NPPF.

Impact on residential amenity:

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

The proposal indicates the internal accommodation would be retained as existing with no enlargements to the building. As such, it is not considered that to change the use of the dwelling would result in impacts from overshadowing or from being overbearing.

The building is residential with no changes proposed in terms of fenestration. There would be no additional opportunities for overlooking over and above the existing arrangements on site.

It is not considered that a change of use from a dwellinghouse to a care home would result in significant noise or disturbances to neighbouring properties to an unacceptable degree over and above what would be expected from a residential property within a residential area, in this case.

Having considered the above, the development is not considered to result in any significant adverse impact upon residential amenity of any surrounding neighbouring residential properties, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Crime and Anti-Social Behaviour:

The fear of crime is a material planning consideration. Chapters 8 and 12 of the NPPF state that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder and the fear of crime to not undermine the quality of life or community cohesion. In addition, and under Section 17 of the Crime and Disorder Act 1988, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon and to do all it reasonably can to prevent crime and disorder.

Chapter 8 of the NPPF states that planning decisions should achieve healthy, inclusive and safe places which area accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is further reiterated under Chapter 12 of the NPPF which goes on further to state that planning decision should create spaces that are safe, inclusive and accessible which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime to not undermine the quality of life or community cohesion and resilience.

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

The potential for increased crime or anti-social behaviour associated with the operation of a children's home at the application site is a commonly held perception; however, national and local guidance clarify that there is no substantive evidence to support a direct link between children's homes and increased crime levels. The guidance issued by Kirklees Council explicitly identifies this as a prevalent myth and notes that such homes are regulated by Ofsted and operate under stringent safeguarding and management frameworks.

The safety and wellbeing of the future occupants of the proposed children's home is a key consideration in the assessment of this application. Kirklees Council's guidance emphasises the importance of locating such facilities in

safe, inclusive, and accessible areas, supported by appropriate safeguarding measures in line with the NPPF and KLP.

The proposed change of use to a children's home has been carefully assessed, taking into account the consultation responses received. Although the Designing Out Crime Officer (DOCO) has highlighted concerns about potential threat factors within the wider area, these are not located in close proximity to the application site. Consequently, they are not considered to pose a significant constraint in determining the application. In addition, the neighbourhood policing team has raised no objection in principle, which further supports the view that the proposal would not result in unacceptable safety or security issues. Notwithstanding the above, these matters would be those that will be considered, amongst all other matters, under regulatory structures outside the planning system. For these reasons, the concerns identified are not considered sufficient not significant to reasonably substantiate refusing the application in this instance.

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 one child 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 two vehicles.

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 on a bus route with bus stops near the property, which provides a reasonable level of accessibility by sustainable transport for staff and visitors.

On balance, and although the parking arrangement is not ideal, the proposal is not considered to result in 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

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 building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

Two representations have been received. Material planning matters raised summarised as follows:

- Approving a change of use could open up the property for a more intensive use – ***Officer Response:*** *Officers are considering the use as outlined in the application form and management plan. Should this proposal be approved, it would be conditioned to operate in line with the submitted detail and management plan*. *Any operations that deviate from the agreed plans/documents, would be subject to a further planning application/consideration.*

- The occupants could pose a threat to the safety of the neighbours – ***Officer Response*****:** *The proposed occupation of the property would be subject to established safeguarding, management, and support arrangements. There is no evidence to suggest that the children intended to occupy the dwelling would pose a risk to neighbouring residents. Similar uses operate successfully in residential areas across the borough without adverse impact. The proposal is considered compatible with the surrounding residential character and would not result in harm to the safety or amenity of neighbours.*
- The future occupants could be at risk of harm from the overgrown and steep wooded area to the rear – ***Officer Response:*** *This concern is noted and the topography of the site was observed by the officer on the site visit. It is also noted that this concern has been raised by the Children's Commissioning team. It seems reasonable to include a condition requiring fencing on the grounds of safeguarding the occupants should the application be approved*.

Whilst the comments received have also questioned the potential occupancy as being children from outside Kirklees, this is not a material planning matter.

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.

Given the steep drop to the rear of the building, it is considered to be reasonable and necessary for the safeguarding of the future occupants to condition the provision of a 1.5m fence.

It is considered appropriate to restrict the occupancy to one child and require the use is carried out in accordance with the management plan.

Conclusion:

This application to use 373 Meltham Road as a children's home for 1 child with 2 staff at all times and a manger during the dayhas 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 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: 2026/90313
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. A 1.5m fence shall be erected at the rear of the terrace level. The fence shall be erected prior to the first occupation and shall be retained in situ for the lifetime of the development.
Reason: In the interests of safeguarding the future occupants and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

4. The number of young people living within the building shall not exceed 1 at any time, 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 Newsome Road, in accordance with LP21, LP22 & LP24 of the Kirklees Local Plan and Chapters 9 & 12 of the NPPF.

5. 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	-	1125969	10/02/2026
Site Plan	-	1124965	10/02/2026
Existing Floor Plans	-	1124967	10/02/2026
Proposed Floor Plans	-	1124966	10/02/2026
Management Plan	-	1124962	10/02/2026

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 02/04/2026