



APPEAL STATEMENT

SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION BY KIRKLEES COUNCIL

APPEAL SITE: 143 CHURCH LANE, GOMERSAL,
CLECKHEATON, BD19 4QN

APPELLANT: MR EDDIE ELLIOTT-SMITH - HARMONY HOUSE
RETREAT LTD

APPLICATION REFERENCE: 2026/62/90484/E

PREPARED BY: LRJ PLANNING LTD

DATE: AUGUST 2026



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1. AUTHOR'S BACKGROUND

- 1.1 My name is Lloyd Jones. I am a Chartered Town Planner and I hold a degree in City and Regional Planning from Cardiff University. I am a member of the Royal Town Planning Institute and prior to establishing LRJ Planning I worked in Local Government for 15 years dealing with a range of applications from householder schemes to major residential development.



2. INTRODUCTION

- 2.1 This Appeal Statement has been prepared by LRJ Planning on behalf of the appellant in support of an appeal against the decision of the Kirklees Council to refuse planning permission (planning reference: 2026/62/90484/E) for the following development at 143 Church Lane, Gomersal, Cleckheaton, BD19 4QN:

“Change of use from dwelling to C2 for 4 children, erection of first floor extension and front porch, internal and external alterations”

- 2.2 The application dated 18th February 2026 was refused at Committee, contrary to the positive officer recommendation for the following reasons set out in the decision notice dated 7th August 2026:

“ 1. The proposed first floor side extension, by reason of its scale, height and massing, would result in a dominant and overbearing addition that would appear incongruous within the street scene. The development would fail to reflect the character and appearance of the host dwelling and surrounding development, causing harm to the visual amenities of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed first floor side extension, by reason of its scale, height, bulk and proximity to neighbouring properties, would have an unacceptable overbearing impact on the occupiers of No. 1 The Coppice and No. 3 The Coppice. The proposal would result in an undue sense of enclosure and harm to the living conditions of neighbouring residents, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed first floor side extension would introduce opportunities for overlooking towards the neighbouring residential properties at No. 1 The Coppice and No. 3 The Coppice. The proposal would not adequately protect the privacy of adjacent occupiers and would result in an unacceptable loss of privacy, contrary to Policy LP24 of the



Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Insufficient information has been submitted to evidence that the proposed parking provision of two off-street parking spaces would be sufficient to serve the operational requirements of a children's home accommodating four children. Having regard to staffing requirements, visitors to the site and the limited opportunities for on-street parking within the surrounding area, the proposal would be likely to result in increased on-street parking demand to the detriment of highway safety and the amenity of existing residents. The proposal is therefore contrary to the parking and highway safety objectives of Policies LP21 & LP22 of the Kirklees Local Plan.”

- 2.3 A copy of the committee report and decision notice is attached at **Appendix A.**



3. APPEAL SITE LOCATION AND PROPOSED DEVELOPMENT

Appeal Site

- 3.1 The appeal site comprise a detached five-bedroom dwelling, positioned on the northern side of Church Lane.
- 3.2 Church Lane comprises a varied mix of residential properties of differing ages, designs and scales, contributing to an established and diverse residential character. The appeal proposal therefore sits within an existing residential context characterised by a range of dwelling forms and built development.
- 3.3 The site lies outside of any designated Conservation Areas and does not include, nor is it sited adjacent to, any Listed Buildings.
- 3.4 An aerial view of the site is provided at **Appendix B**.

Proposed Development

- 3.5 The application seeks planning permission for the change of use of the property to a small scale children's home providing accommodation and care for up to four children. The home would be operated on a domestic, household basis, with care provided by a registered manager and a dedicated team of staff.
- 3.6 The proposed staffing arrangement would comprise up to four staff members during the day, alongside the manager, with two staff members providing overnight supervision. The staffing model is intended to provide continuity, stability and a consistent level of care for the children living at the home.
- 3.7 It should be noted that Ofsted will independently assess the suitability of the accommodation and its internal arrangements as part of the registration process.
- 3.8 The proposal includes limited external alterations to the property, which are incorporated within this planning application. The existing internal



arrangement and renovations are substantially complete and provide suitable accommodation for the proposed residents.

- 3.9 The children's home would operate in a manner broadly comparable to a family household, with residents undertaking normal day to day activities, attending education and accessing local facilities and services as appropriate. The small scale nature of the provision, together with the proposed staffing arrangements, is intended to create a stable and supportive home environment rather than an institutional setting.
- 3.10 Overall, the proposal would provide a small, purposefully managed home for children requiring care, enabling them to live within a domestic setting and remain connected to local education, services and their wider community.
- 3.11 A copy of the appeal proposal plans and documents are attached at **Appendix C.**



4. PLANNING POLICY CONTEXT

- 4.1 Since the Council's decision on the application, the Government has published a substantially revised National Planning Policy Framework ("NPPF"), which came into effect on 17 August 2026. The revised Framework represents a significant restructuring of national planning policy, including the introduction of a new suite of national decision-making policies. The revised NPPF is therefore a material consideration in determining this appeal.
- 4.2 The revised NPPF expressly confirms at paragraph 3 that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise, and that the national decision-making policies within the Framework are material considerations in making planning decisions.
- 4.3 Policy S3 states that decisions on development proposals should apply a presumption in favour of sustainable development. It further provides that development proposals which accord with both an up-to-date development plan and the national decision-making policies should be approved without delay.
- 4.4 Of particular relevance to this appeal is the new Policy S4 – Principle of development within settlements. Policy S4 provides that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.
- 4.5 The appeal property is located within an established residential settlement and the proposal relates to the extension and continued use of an existing residential property. The proposal is therefore precisely the type of development to which the new settlement based approach in Policy S4 is relevant.



- 4.6 The new Policy S4 is material to the appeal because it establishes a positive starting point for development within settlements. The question is not simply whether there are any impacts arising from the proposal, but whether any adverse effects would substantially outweigh the benefits of approving the development when the national decision-making policies are considered as a whole.
- 4.7 The revised NPPF has also introduced a new and more explicit policy framework concerning the provision of accommodation for different groups within the community.
- 4.8 Policy HO1 – Assessing the need for homes requires development plans to take into account the size, type and tenure of housing or other accommodation needed for different groups. Importantly, the groups expressly identified include families with children, looked after children and those who require other specialist community-based accommodation, where evidence of need is available from the relevant local authority.
- 4.9 This is directly relevant to the appeal proposal, which provides accommodation for up to four children through a managed children's home. The revised Framework therefore expressly recognises the accommodation needs of looked after children and those requiring specialist community-based accommodation as a legitimate planning consideration.
- 4.10 The Appellant considers that Policy HO7 represents a material change in the national policy position since the Council's decision. The appeal proposal provides accommodation for a specific group within the community, namely children requiring residential care and accommodation. The contribution made by the proposal to meeting that need should therefore be afforded substantial weight where supported.



- 4.11 Policy DP3 provides the national framework for assessing design quality. It requires proposals to respond to their context and establishes principles relating to built form, movement, public space, nature, identity and climate. It also confirms that substantial weight should be given to compliance with relevant development plan design policies.
- 4.12 Policy DP3 is particularly relevant to the first reason for refusal. The proposal should be assessed in the context of the existing dwelling and surrounding street, rather than by considering the extension's dimensions in isolation.
- 4.13 Policy L2 requires development within residential curtilages to maintain acceptable living standards for residents and neighbours, including daylight, sunlight, privacy and external amenity space.
- 4.14 Policy TR2 – Local parking standards requires parking requirements to reflect the area's transport vision and factors including connectivity, sustainable transport opportunities, car ownership and travel trends.
- 4.15 Parking should therefore be assessed having regard to the actual operation of the development and local circumstances, rather than a theoretical maximum number of vehicles.
- 4.16 The August 2026 NPPF represents a material change in the national planning policy context. Of particular relevance are the following policies:
- Policy S3 – Presumption in favour of sustainable development;
 - Policy S4 – Principle of development within settlements;
 - Policy HO7 – Meeting the need for homes;
 - Policy L2 – Making effective use of land;
 - Policy DP3 – Key principles for well-designed places; and
 - Policy TR2 – Local parking standards.
- 4.17 These policies support the proposal. It is within an established settlement, makes effective use of an existing residential property,



provides accommodation for children requiring residential care, and represents an appropriately designed addition which would not cause unacceptable harm to neighbouring amenity or highway safety.

The Development Plan

- 4.18 The development plan pertinent to the appeal site and the development proposal comprises the Kirklees Local Plan (2019). The following is a summary of the relevant planning policies in the consideration of this appeal.

Kirklees Local Plan (2019):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 7 – Efficient use of buildings
- LP 11 – Housing mix
- LP21 – Highway and Access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 57 – Green Belt



5. MAIN PLANNING CONSIDERATIONS

5.1 Having examined the LPA's Officer Report and reasons for refusal, I am of the opinion that the principal considerations relating to this appeal are:

i. The effect of the proposed first floor side extension on the character and appearance of the host dwelling and the surrounding street scene, having regard to its scale, height, massing and relationship with the existing property;

ii. The effect of the proposed first floor side extension on the living conditions of the occupiers of No. 1 The Coppice and No. 3 The Coppice, with particular regard to overbearing effects and an undue sense of enclosure;

iii. The effect of the proposed first floor side extension on the privacy of neighbouring occupiers, having regard to the potential for overlooking; and

iv. Whether the proposed provision of two off street parking spaces would be adequate to serve the operational requirements of the children's home, and whether the proposal would result in unacceptable additional on-street parking demand or harm to highway safety and residential amenity.

5.2 The concerns raised by the decision notice, which was contrary to the officer recommendation are not accepted by the appellant. In the first instance it is considered that the proposal would comprise sustainable development as defined in the NPPF. Additionally, it is the appellant's grounds of appeal that there are no significant adverse impacts that would outweigh the presumption in favour of sustainable development. Indeed, it is contended that the Council has failed to objectively assess the application.



5.3 Section 6 of this statement will set out the appellant's case and full grounds of appeal, with the reasons for refusal considered in depth below.



6. STATEMENT OF CASE

CASE IN FAVOUR OF THE PROPOSED DEVELOPMENT

i. The effect of the proposed first floor side extension on the character and appearance of the host dwelling and the surrounding street scene, having regard to its scale, height, massing and relationship with the existing property

- 6.1 The first reason for refusal alleges that the proposed first floor side extension, by reason of its scale, height and massing, would constitute a dominant and overbearing addition which would appear incongruous within the street scene and fail to reflect the character and appearance of the host dwelling and surrounding development.
- 6.2 The Appellant does not accept this assessment. The proposal was subject to detailed consideration by the Council's professional planning officer, who reached the opposite conclusion following assessment against Policy LP24 of the Kirklees Local Plan, the NPPF and the Council's House Extensions and Alterations SPD.
- 6.3 As set out at paragraph 10.14 of the officer report, the first floor side extension would be set back from the front of the dwelling and incorporate a corresponding set down of the roof. These design measures ensure that the extension remains visually subordinate to the main dwelling and avoids appearing as a dominant addition.
- 6.4 The proposed external materials would match those of the existing property, ensuring an appropriate relationship between the extension and the host dwelling. The proposal would therefore read as an appropriately designed addition to an existing detached house rather than as a separate or competing element within the street scene.
- 6.5 The scale of the proposal should also be considered in the context of the immediate surroundings. In particular, the proposed extension above the garage is relatively small when compared with the extension



constructed at No. 1 The Coppice in 2019. This provides relevant context when considering whether the proposed development would appear excessive or incongruous within the established residential environment.

- 6.6 The officer also gave specific consideration to the character of Church Lane, recognising that the street comprises a mixture of house types, ages and architectural styles. The existing street scene is therefore not characterised by a uniform architectural form against which the proposal would appear incongruous.
- 6.7 The officer concluded that the set back, reduced roof form, matching materials and relationship with the existing dwelling resulted in an appropriate and subservient addition. The officer report goes on to state at paragraph 10.16 that the proposed works would not cause significant harm to visual amenity and would accord with Policy LP24 and the NPPF.
- 6.8 The Appellant considers that this is a well-founded assessment. The main dwelling would remain clearly identifiable as the principal built form, with the proposed extension reading as a secondary element. The scale and massing should be considered in the context of the existing dwelling and surrounding development rather than in isolation.
- 6.9 The refusal reason does not identify which particular aspect of the extension's scale, height or massing is considered to override the design measures identified by the officer. Nor does it explain why the officer's assessment of the surrounding mixed character of Church Lane is incorrect.
- 6.10 Overall, it is therefore considered that the alleged harm to the character and appearance of the area has not been demonstrated. The proposal represents an appropriately designed extension which respects the host dwelling and its surroundings and complies with Policy LP24 and the NPPF.



ii. The effect of the proposed first floor side extension on the living conditions of the occupiers of No. 1 The Coppice and No. 3 The Coppice, with particular regard to overbearing effects and an undue sense of enclosure

- 6.11 The second reason for refusal alleges that the first floor side extension, by reason of its scale, height, bulk and proximity to neighbouring properties, would have an unacceptable overbearing impact upon the occupiers of Nos. 1 and 3 The Coppice and result in an undue sense of enclosure.
- 6.12 Again, this matter was specifically considered within the officer assessment. The professional planning officer considered the individual relationship with each neighbouring property rather than relying on a generalised assessment of potential harm.
- 6.13 In respect of No. 1 The Coppice, the officer report recognised that the property is situated at a lower land level than the appeal property and has limited openings within its western elevation adjacent to the proposed extension. The officer also considered the relationship with the side garden serving as the principal amenity space.
- 6.14 The officer consequently concluded that the increase over and above the existing arrangement would not result in any additional harm. This is supported by the physical relationship between the properties. The difference in levels, orientation and existing built form are important considerations in determining the actual experience of the proposed extension from No. 1 The Coppice.
- 6.15 The Appellant also considers it relevant that the proposed extension above the garage is relatively small when compared with the extension constructed at No. 1 The Coppice in 2019. The existing built context therefore provides an important benchmark when considering the scale and visual effect of the proposal.



- 6.16 Turning to No. 3 The Coppice, the officer noted that the property lies to the north of the appeal site and that the proposal would face its side elevation. Importantly, that elevation is blank, with the principal habitable room openings located on the east and west elevations. On that basis, the officer concluded that the size and scale of the proposed extension would not significantly affect the occupiers of No. 3 The Coppice.
- 6.17 The Appellant acknowledges that the extension will be visible from neighbouring properties. However, the relevant planning consideration is not whether the development will be noticeable, but whether it would create an oppressive or unreasonably overbearing relationship resulting in a material loss of residential amenity.
- 6.18 The officer's detailed assessment found that this threshold would not be reached. The Committee's conclusion is not supported by identified evidence demonstrating why the relationships assessed by the officer would nevertheless result in unacceptable enclosure.
- 6.19 Overall, the Appellant therefore considers that the second reason for refusal is not justified. The proposed extension has been appropriately designed having regard to the surrounding properties and would not result in an unacceptable overbearing impact or undue sense of enclosure. The proposal is therefore compliant with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

iii. The effect of the proposed first floor side extension on the privacy of neighbouring occupiers, having regard to the potential for overlooking

- 6.20 The third reason for refusal alleges that the proposed first floor side extension would introduce opportunities for overlooking towards neighbouring residential properties and result in an unacceptable loss of privacy.



- 6.21 The Appellant does not accept this assessment. Privacy and overlooking were specifically considered by the Council's professional planning officer as part of the residential amenity assessment.
- 6.22 In considering this issue, it is important to have regard not only to the proposed development but also to the existing and historical use of the area in which the extension is proposed. The area above the garage was historically an open rooftop outdoor activity area. It was previously accessed directly from the house by a door at the top of the internal stairs. That door has since been bricked up.
- 6.23 The former rooftop area was therefore capable of being occupied as an elevated external space. A metal railing extended around the rear perimeter of the roof area, and the space provided an elevated viewing position over the surrounding gardens. The photographic evidence submitted by the Appellant at **Appendix B** demonstrates the nature of the former rooftop area and the views available from it.
- 6.24 Of particular relevance, the former rooftop area provided the opportunity, if occupied, to look towards the gardens of both Nos. 1 and 3 The Coppice. The Appellant has provided photographic evidence at **Appendix B** illustrating the view from the former rooftop area towards the garden of No. 1 The Coppice, together with historical imagery showing the rooftop arrangement over a number of years.
- 6.25 The proposed extension would remove this elevated viewing platform. Instead of retaining an accessible rooftop area from which views could be obtained towards neighbouring gardens, the proposal would create a built form. This is an important material consideration when assessing whether the proposal would result in a loss of privacy.
- 6.26 In practical terms, the proposal would therefore remove an existing opportunity for overlooking rather than create a new elevated viewing opportunity. The Appellant considers that this represents a privacy betterment for the neighbouring properties.



- 6.27 This is particularly relevant in circumstances where there are no windows proposed on the side elevation of the extension facing the neighbouring properties. There would therefore be no new side-facing window providing a direct view towards the neighbouring gardens.
- 6.28 The officer specifically found that there were no proposed openings which would result in unacceptable levels of overlooking. This is an important point. The refusal reason refers generally to opportunities for overlooking, but does not identify a specific window, room or viewpoint that would result in an unacceptable loss of privacy.
- 6.29 In respect of No. 1 The Coppice, the existing rooftop arrangement meant that an elevated viewing position was historically available. The proposed development would remove that position and would not introduce side-facing windows overlooking the property. The Appellant therefore considers that the proposal would result in a better privacy relationship than the former rooftop arrangement.
- 6.30 In relation to No. 3 The Coppice, the same consideration applies. The removal of the former rooftop viewing area eliminates an existing opportunity for views from that elevated position.
- 6.31 In addition, the physical relationship between the proposed extension and No. 3 The Coppice is important. The rear wall of the proposed extension and the bedroom window are more than 11 metres from the gable end of No. 3 The Coppice. Furthermore, the gable end of No. 3 The Coppice contains no windows or other openings and is therefore a blank elevation facing the proposal.
- 6.32 The combination of these factors substantially limits the potential for any harmful overlooking relationship. The proposed extension does not face a series of habitable-room windows within No. 3 The Coppice; rather, it faces a blank gable elevation, with a separation distance of more than 11 metres.



- 6.33 The Appellant therefore considers that it is difficult to identify a material privacy harm arising from the proposal in relation to No. 3 The Coppice. The existing elevated viewing platform is removed, the extension does not contain side-facing windows, the relevant separation distance exceeds 11 metres and the neighbouring gable elevation is blank.
- 6.34 The existence of potential views between neighbouring properties is not, in itself, materially harmful. Established residential areas commonly contain mutual views between properties and gardens. The appropriate consideration is whether the proposal would introduce an unreasonable or materially harmful degree of overlooking beyond that which could reasonably be expected within the existing residential context.
- 6.35 In this case, the evidence points in the opposite direction. The proposal removes an existing elevated viewing opportunity and replaces it with a built form that contains no side-facing windows towards the neighbouring properties.
- 6.36 The officer's assessment concluded that the proposal would not result in unacceptable overlooking. The Appellant considers that this conclusion is consistent with the actual physical relationship between the properties and the existing rooftop arrangement.
- 6.37 Overall, the proposal would not result in an unacceptable loss of privacy. Indeed, by removing the former rooftop viewing area, the proposal would provide a greater degree of privacy to neighbouring gardens than the existing or historical arrangement. The proposal therefore complies with Policy LP24 and the relevant provisions of the NPPF.



iv. Whether the proposed provision of two off-street parking spaces would be adequate to serve the operational requirements of the children's home, and whether the proposal would result in unacceptable additional on-street parking demand or harm to highway safety and residential amenity

- 6.38 The final reason for refusal states that insufficient information was submitted to demonstrate that the proposed two off-street parking spaces would be sufficient to serve the operational requirements of a children's home accommodating four children.
- 6.39 The refusal further alleges that staffing requirements, visitors and limited on-street parking opportunities would result in increased on-street parking demand to the detriment of highway safety and residential amenity.
- 6.40 The Appellant does not agree with this assessment. The operational characteristics of the proposed children's home were specifically considered by the Council's professional planning officer, including staffing arrangements, staff changeovers, professional visits and the presence of another children's home in close proximity.
- 6.41 Particular concern appears to have been raised during the Committee discussion regarding the number of vehicles being present at staff changeover times twice each day. However, this appears to have been based upon an assumption that staff changes would occur on a conventional daily shift pattern.
- 6.42 The submitted staff rota demonstrates that the staffing arrangements operate on a 48-hour rota system and that sufficient parking is provided.
- 6.43 The officer acknowledged that there may be occasions when additional vehicles are present, particularly during staff changes, professional visits or drop-off and collection periods. However, having considered the likely frequency and nature of these movements, the officer



concluded that they would not result in severe or unacceptable pressure on parking provision or the surrounding highway network.

- 6.44 The assessment is particularly important because the Council did not simply consider the parking provision in isolation. The officer considered the operational nature of the use and the potential for cumulative impacts arising from another children's home nearby.
- 6.45 The proposal would accommodate a maximum of four children and would operate on a managed basis. Professional visits would be relatively infrequent, with social workers typically visiting on a monthly basis. The officer also had regard to the fact that the care model would involve stable, long-term placements rather than a high-turnover or intensive institutional use.
- 6.46 Two off-street parking spaces are available to the front of the property and the Appellant has submitted a parking policy intended to ensure that the available on-site parking is utilised as far as practicable.
- 6.47 It is also relevant to consider the established parking characteristics of the immediate area. The frontage parking arrangement is not unusual within the locality and is comparable with arrangements already used by neighbouring properties. For example, No. 141 Church Lane is regularly parked on the frontage, while No. 139 Church Lane accommodates four vehicles, including one on the frontage.
- 6.48 These examples demonstrate that the use of property frontages for vehicle parking is an established characteristic of the immediate surroundings. The proposed parking arrangement should therefore be considered in the context of the existing street and not against an assumption that frontage parking is inherently unacceptable.
- 6.49 Most importantly, the Council's own Highways representative was present at the Committee meeting and raised no objection to the proposal. The Highways officer indicated that parking was acceptable from the highway authority's perspective. This is significant evidence



when considering the allegation that the proposal would give rise to an unacceptable highway or parking impact.

- 6.50 The officer therefore concluded at paragraph 10.28 of the report that the development was acceptable in terms of highway safety and parking and was consistent with the relevant policy objectives.
- 6.51 The refusal reason refers to insufficient information, notwithstanding that the officer report demonstrates that the Council had considered the operational arrangements in detail and reached a positive conclusion.
- 6.52 The Appellant considers that the refusal is based upon an assumption that staff changeovers and visitors will necessarily result in unacceptable parking conditions. That assumption is not supported by evidence demonstrating that the proposal would create a severe or unacceptable highway impact, particularly when considered against the submitted 48 hour staff rota and the absence of an objection from the Council's Highways officer.
- 6.53 It is also important to distinguish between occasional periods of increased activity and a sustained or severe parking problem. A residential use, including a children's home, will inevitably generate some vehicle movements and occasional overlap. Such activity does not automatically result in an unacceptable impact.
- 6.54 Finally, the Planning, Design and Access Statement confirms at Section 1.4 that the site is capable of accommodating parking for four vehicles. The parking layout plan that was also shown at Planning Committee and is attached at **Appendix D** illustrates this provision. The frontage parking arrangement is consistent with the established parking pattern at neighbouring properties, including Nos. 139 and 141 Church Lane. Furthermore, the Council's Highways Officer attended the Committee meeting and raised no objection to the parking arrangements. It is therefore considered that the site provides adequate parking provision for the proposed development and that this



should not have been considered a major concern in determining the application.

- 6.55 In this case, the Council's professional planning officer considered the likely operational pattern and concluded that the impact would not be unacceptable. The available on-site parking, together with the submitted parking management arrangements, provides an appropriate basis for managing vehicle movements associated with the use.
- 6.56 The Appellant therefore considers that the fourth reason for refusal is not supported by sufficient evidence. The proposal would not result in an unacceptable impact on highway safety or residential amenity and is consistent with the relevant parking and highway objectives of the Kirklees Local Plan.



7. CONCLUSION

- 7.1 This statement sets out the appellant's case in favour of permission for this high quality, sustainable development. The four reasons for refusal relate to matters which were all considered within the Council's professional officer assessment.
- 7.2 In each case, the officer reached a reasoned conclusion that the proposal would not result in unacceptable harm. The officer's recommendation for approval was therefore based upon a detailed assessment of the same matters subsequently relied upon by the Committee in refusing permission.
- 7.3 The Appellant recognises that the Committee was entitled to reach a different planning judgement. However, the evidence available to the Committee does not demonstrate the degree of harm alleged in the decision notice.
- 7.4 In particular, the proposed extension is appropriately designed and subordinate to the host dwelling; its scale is modest in the context of the immediate surroundings; and the relationship with Nos. 1 and 3 The Coppice would not result in an unacceptable overbearing impact or undue sense of enclosure.
- 7.5 In relation to privacy, the proposal should be considered against the existing and historical rooftop arrangement. The area where the extension is proposed was previously an accessible elevated outdoor area from which views could be obtained towards neighbouring gardens. The proposed extension would remove this viewing platform. There are also no windows on the side elevation facing the neighbouring properties. In relation to No. 3 The Coppice, the proposed extension is more than 11 metres from the blank gable elevation, which contains no windows or openings.



- 7.6 In relation to parking and highway matters, the submitted operational information and 48-hour staff rota demonstrate that the assumption of up to eight vehicles attending twice daily does not accurately reflect the proposed operation. The existing use of frontages for parking within the immediate area also demonstrates that such parking is an established characteristic of the locality. Most importantly, the Council's professional planning officer considered the parking and highway implications acceptable and the Council's Highways representative did not object at the Committee meeting.
- 7.7 Given the above reasons, the Appellant respectfully requests that the Inspector allows the appeal and grants planning permission.



APPENDIX A



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2026/62/90484/E

To: Eddie Elliott-Smith,
Harmony House Retreat Ltd
The Grange, 1, Town End
Leeds
LS27 7HB

For: Eddie Elliott-Smith, Harmony House Retreat Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

CHANGE OF USE FROM DWELLING TO C2 FOR 4 CHILDREN, ERECTION OF
FIRST FLOOR EXTENSION AND FRONT PORCH, INTERNAL AND EXTERNAL
ALTERATIONS

At: 143, CHURCH LANE, GOMERSAL, CLECKHEATON, BD19 4QN

In accordance with the plan(s) and applications submitted to the Council on 02-Mar-2026. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed first floor side extension, by reason of its scale, height and massing, would result in a dominant and overbearing addition that would appear incongruous within the street scene. The development would fail to reflect the character and appearance of the host dwelling and surrounding development, causing harm to the visual amenities of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed first floor side extension, by reason of its scale, height, bulk and proximity to neighbouring properties, would have an unacceptable overbearing impact on the occupiers of No. 1 The Coppice and No. 3 The Coppice. The proposal would result in an undue sense of enclosure and harm to the living conditions of neighbouring residents, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed first floor side extension would introduce opportunities for overlooking towards the neighbouring residential properties at No. 1 The Coppice and No. 3 The Coppice. The proposal would not adequately protect the privacy of adjacent occupiers and would result in an unacceptable loss of privacy, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Insufficient information has been submitted to evidence that the proposed parking provision of two off-street parking spaces would be sufficient to serve the operational requirements of a children's home accommodating four children. Having regard to staffing requirements, visitors to the site and the limited opportunities for on-street parking within the surrounding area, the proposal would be likely to result in increased on-street parking demand to the detriment of highway safety and the amenity of existing residents. The proposal is therefore contrary to the parking and highway safety objectives of Policies LP21 & LP22 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan, Existing Site Plan, Elevation and Floor Plans	01	1127986	02/03/2026
Proposed Site Plan, Elevations and Floor Plans	02 rev B	1146750	26/05/2026
Management Plan	-	1128737	02/03/2026
Planning Design and Access Statement	-	1146752	26/05/2026
Staff Parking Policy	-	1146751	26/05/2026
Climate Change Statement	-	1128736	02/03/2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were received which reduced the size of the porch.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [the Planning Inspectorate website](#)
Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless

there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 07-Aug-2026

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2026/62/90484/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Report of the Head of Planning and Development**DISTRICT-WIDE PLANNING COMMITTEE****Date: 30-Jul-2026****Subject: Planning Application 2026/90484 Change of use from dwelling to C2 for 4 children, erection of first floor extension and front porch, internal and external alterations 143, Church Lane, Gomersal, Cleckheaton, BD19 4QN****APPLICANT**Eddie Elliott-Smith,
Harmony House Retreat
Ltd**DATE VALID**

02-Mar-2026

TARGET DATE

27-Apr-2026

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Liversedge & Gomersal

Ward Councillors consulted: NO

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to the District Wide Planning Committee due to receiving a significant number of representation contrary to officer recommendation in accordance with the Council's Scheme of Delegation. 40 representations have been made.
- 1.2 The Chair has reviewed the application and confirmed the application should be referred to planning committee for decision, in line with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 143 Church Lane is a detached, brick built dwelling with garden and drive to the front, a garage attached to the side and single and two storey extensions with a rear garden. The property is located on Church Lane with a mix of house ages and types.

3.0 PROPOSAL:

- 3.1 The application is seeking planning permission to change the use to a children's home. The home is to provide care for four children with up to four staff members (1 per child) during the day and two staff overnight with a manager during the day.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Amended plans were sought and received altering the design of the front extension.

6.0 PLANNING POLICY:

- 6.1 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).

6.2 Kirklees Local Plan (2019):

- **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 57** – Green Belt

6.3 Supplementary Planning Guidance / Documents:

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.

Insofar as the extensions to the building relate to a building which is currently a dwelling it is considered that the House Extensions and Alterations SPD is relevant to the consideration of this application.

6.4 National Planning Policy Framework (NPPF):

- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable travel
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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.

6.5 Legislation

- The Town & Country Planning Act 1990 (as amended).
- Section 17 of the Crime and Disorder Act 1998 (as amended)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity has been undertaken in accordance with the Council's Development Management Charter. Site notice with an expiry date of 09/04/2026. Following this publicity, 40 representations have been received. The matters raised are summarised as follows:

- Ongoing works without planning permission in place.
- The modern design would be out of character with the area.
- The scale of extension is too large for the green belt.
- The plot is constrained; further extensions would further constrain the plot.
- Overbearing impact.
- Overlooking.
- Noise from the future occupants.
- Parking concerns in terms of staff, shift changeovers and visitors.
- Intensification and institutionalisation of the property.
- Suitability of the location for vulnerable children.
- Compatibility of the use as a children's home in a residential area.
- The police have objected on safeguarding grounds.
- Children's Services have commented that there is sufficiency in the wider area and that this model of children's home is not currently required.
- The broad scope of a C2 use could result in future uses that are incompatible with the residential area.
- The management plan is internally inconsistent and lacks operational credibility.
- The loss of an "ordinary" dwelling from housing stock.
- The future residents may display anti-social behaviour.
- Inadequate space to the rear for the proposed occupants.
- The bus stops in close proximity represent a danger to the children.
- The cost of housing in the area is such that 18-year-olds leaving children's homes to access appropriate, semi-independent accommodation locally.
- Inadequate bathroom provision.

7.2 The representations received are addressed within the following report.

8.0 CONSULTATION RESPONSES:

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

8.2 **K.C. Children's Commissioning** – Comments received which are not in support of the application

9.0 MAIN ISSUES

- Principle of development
- Green belt
- Visual amenity
- Residential amenity
- Highway issues
- Crime & antisocial behaviour
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF chapter 13.
- 10.2 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.
- 10.3 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.
- 10.4 In terms of changing the use of the building, Policy LP24 of the Kirklees Local Plan is relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.
- 10.5 A children's home differs from 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 as a residential care facility than a typical family home. As a result, the development falls under use Class C2 (Residential Institution), rather than a dwelling which is use Class C3 (Dwellinghouse).
- 10.6 On the basis the development is considered acceptable in respect of all relevant material considerations, as discussed within the following report, the principle of development is considered to be acceptable and accord with the aforementioned policies.

Green Belt:

- 10.7 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.8 Paragraphs 154 and 155 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 154 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

- 10.9 Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.10 The site lies within the designated Green Belt; however, it is located within the built-up stretch of road with residential properties to either side. As such, the proposal would not encroach into open countryside, and the openness of the Green Belt—both in spatial and visual terms—would not be harmed. The porch and first floor side extension represents modest additions to the host dwelling, with its scale, footprint and overall massing considered to be modest relative to the existing building. The main house remains the dominant element, and the proposal does not result in disproportionate additions over and above the size of the original dwelling. The scheme therefore preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, in accordance with national and local Green Belt policy.

Visual amenity

- 10.11 Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.
- 10.12 The site currently hosts a detached dwelling. The proposal would include a front porch, a first floor extension over the garage with associated alterations.
- 10.13 *Front porch:* Paragraph 5.13 of the House Extensions & Alterations SPD states that front extensions are highly prominent in the street scene. As per paragraph 5.14 of the House Extensions & Alterations SPD, careful consideration needs to be given to ensure that they are carefully designed to limit the potential for them to erode the character, they should be small and subservient to the main house and constructed using appropriate materials. The scale of the front extension has been reduced to a single storey extension. The materials proposed would match the main building and the extension would form an appropriate relationship with the host property. The dwelling is located on a residential street with mixed style properties, as such the alteration is not considered to be out of character.
- 10.14 *First floor side extension:* Paragraphs 5.15, 5.19 & 5.21 of the House Extensions & Alterations SPD are of relevance with regards to the side extension as these require the development to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space. The first floor side extension would be set back from the front of the dwelling, with a corresponding set down of the roof, allowing the extension to appear subservient. There would be a limited space to the side. However, the property adjacent has a different orientation – fronting onto The Coppice and is set at a lower level. As such, the sense of space along Church Lane would not be eroded. The materials proposed would match the main building. Furthermore, the mixed character of the properties on Church Lane are such, that the extended property is not considered to be out of character. It is considered the alterations in terms of the fenestration would be acceptable in the street scene.

- 10.15 With regards to the proposed use of the property as a children's home, staff arriving and departing from the property, when considered in isolation, would not ordinarily be expected to result in a significant change to the character of the area, given the limited number of individuals typically in attendance at any one time. It is acknowledged that up to four staff members and a manager may be present during the day to accommodate shift patterns, handovers, and operational requirements, which may generate periods of increased activity and vehicle movements. Occasional visits from other professionals may also occur. However, these operational characteristics, taken alone, are broadly comparable to the comings and goings associated with a dwelling and would not, in themselves, be out of keeping with the established residential character of the street.
- 10.16 It is considered the proposed change of use would not cause any significant harm to 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 policies contained within Chapter 12 of the NPPF.

Residential Amenity

- 10.17 Policy LP24 of the Kirklees Local Plan require of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.
- 10.18 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.
- 10.19 There are no properties directly to the front which could be affected by the works proposed.
- 10.20 *Impact on 141 Church Lane:* The limited scale of the front extension together with the set back from the shared boundary with the adjacent neighbour to the west is such that there would be no overlooking, overshadowing or overbearing.
- 10.21 *Impact on 1 The Coppice:* The adjacent property to the east occupies a lower land level than the host property. There are limited openings within the western elevation of this property that would be adjacent to the first floor extension. Specifically, at first floor the single openings serve an en-suite. There would also be some alignments with the side garden of the neighbour, which serves as the primary amenity space of the adjacent property. However, the increase over and above the existing arrangements on site is such that there would be limited additional overshadowing or overbearing. There are no openings proposed which would result in unacceptable levels of overlooking occurring.

10.22 *Impact on 3 The Coppice*: This property is to the north of the site, and the proposal would face the side of no.3. The size and scale of the proposal and fact no.3 has a blank side elevation with the main habitable openings being to the east / west elevations is such that the proposal is not considered to significantly impact upon no.3.

10.23 In considering noise and general disturbance, it is recognised that the use of a property as a children's home would not, in itself, be materially different from that of a typical family dwelling in residential amenity terms. The level and nature of activity associated with a small-scale children's home is likely to be comparable to that of a family household, with day-to-day comings and goings, internal activity, and outdoor use falling within what would reasonably be expected within a residential area. As such, the proposal would not be anticipated to generate noise levels or patterns of activity that would result in a harmful impact on the amenity of neighbouring occupiers over and above that ordinarily associated with a dwellinghouse use.

Highway issues

10.24 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.

10.25 It is acknowledged that there may be occasions when additional vehicles are present at the site, such as during staff changes, professional visits, or drop-off and collection periods. While the level of comings and goings associated with a single children's home is generally comparable to that of a dwellinghouse (Use Class C3), the presence of a recently approved children's home in very close proximity has the potential to result in overlapping patterns of activity. This could give rise to periods of increased on-street parking demand and vehicle movements within a localised area.

10.26 However, having regard to the level of on-site parking available, the relatively low frequency of professional visits (with social workers typically visiting on a monthly basis), and the nature of the care proposed—being long-term and stable placements—it is not considered that the cumulative impact of the two uses would give rise to severe or unacceptable pressure on parking provision or the local highway network.

10.27 Two spaces have been formed to the front of the property. The applicant has also submitted a parking policy document which would seek to ensure that as far as practicably possible the use of the off street parking within the site would be utilised.

10.28 The development therefore is considered to be acceptable in terms of highway safety and parking and inconsistent with policies LP21 and LP22 of the KLP.

Crime & Anti-social Behaviour

- 10.29 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.
- 10.30 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.
- 10.31 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.
- 10.32 The potential for increased crime or anti-social behaviour arising from the behaviour of children residing in a children's home is a commonly held perception; however, national and local guidance make clear that there is no substantive evidence to support a direct causal link between such facilities and elevated levels of crime or disorder. Kirklees Council guidance explicitly identifies this concern as a prevalent misconception, noting that children's homes are subject to regulation by Ofsted and operate within robust safeguarding, staffing, and behavioural management frameworks. Furthermore, the submitted Management Plan sets out appropriate operational procedures and mitigation measures designed to manage residents' behaviour and promote positive outcomes, thereby minimising any potential impacts on the surrounding community. On this basis, the proposed development is not considered likely to result in any demonstrable or unacceptable increase in crime or anti-social behaviour within the locality.
- 10.33 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 detailed Management Plan which outlines the operational arrangements to ensure a safe living environment.
- 10.34 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.

- 10.35 In addition, the comments from the DOCO also include the input from the Neighbourhood Policing Team, who have raised no objection in principle.
- 10.36 Whilst the concerns raised from the West Yorkshire Police Designing Out Crime Officer are noted, it is considered that it would be unreasonable of the Local Planning Authority 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.
- 10.37 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.
- 10.38 The proposal is therefore concluded acceptable having regard to the aforementioned policy / legislation.

Other Matters

- 10.39 *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, the scale of the extensions would not impact upon more than 25m² of habitat. Therefore, the application is considered to be exempt from a BNG uplift requirement. Furthermore, given the scale and nature of the proposal it is not considered to have a significant impact upon bats and is considered acceptable having regard to the aforementioned policies.
- 10.40 *Sufficiency*: Comments have been received from the Council's Commissioning Manager regarding the sufficiency of provision, specifically in relation to the number of homes currently operating within Kirklees. While these observations are noted and provide useful context, it is important to clarify that sufficiency alone is not a material planning consideration that would justify refusal of the application. The planning assessment must remain focused on land use and planning policy matters, and as such, the concerns raised could not form a basis for refusal.

10.41 *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 pre-dates 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.

Representations

10.42 The representations received have been summarised earlier in this report, for clarity they are repeated again (in italics) and addressed below.

- *Ongoing works without planning permission in place.*

10.43 **Officer comment:** General renovation of a domestic property is likely to be permissible without the need for a planning application to be submitted. This application is considered on the basis of the scheme as submitted.

- *The modern design would be out of character with the area.*

10.44 **Officer comment:** The dwelling is located on a residential street where the properties are mixed in terms of age and style. As such, the modernisation of the property would not be out of character.

- *The scale of extension is too large for the green belt.*

10.45 **Officer comment:** The property sits within a developed stretch of roadway, flanked by residential properties on both sides. Accordingly, the proposal would not extend into the open countryside, and the Green Belt's openness - both spatially and visually - would remain unaffected. The proposed porch and first-floor side extension are modest in scale, footprint, and overall massing when compared to the existing dwelling. The host property would continue to be the predominant feature on the site, and the additions would not constitute disproportionate extensions relative to the original building. As such, the development is considered to preserve the openness of the Green Belt.

- *The plot is constrained, further extension would further constrain the plot.*

10.46 **Officers comments:** Given that the proposed works comprise of a modest porch and a first-floor side extension, the development is not regarded as resulting in a constrained form of development. The additions are limited in scale and proportion, ensuring that the overall functionality and usability of the property are maintained without leading to overdevelopment of the site.

- *Overbearing impact.*
- *Overlooking.*

10.47 **Officer comments:** In terms of neighbouring amenity, it is not considered that the proposal would give rise to unacceptable levels of overbearing impact or overshadowing. This is set out in more detail in the 'Residential Amenity' section of this report.

- *Noise from the future occupants.*

10.48 **Officer comments:** With regard to potential noise and disturbance, the use of the property as a children's home is not considered to differ materially from that of a conventional family dwelling in terms of residential amenity. The scale and nature of activity associated with such a use would typically mirror normal domestic patterns, including everyday movements, internal living activities, and use of external areas. Consequently, it is not anticipated that the proposal would give rise to noise levels or general activity beyond what would ordinarily be expected within a residential setting, and therefore it would not result in any undue harm to the living conditions of neighbouring occupiers.

- *Parking concerns in terms of staff, shift changeovers and visitors.*

10.49 **Officer comments:** Concerns relating to parking associated with staff, shift changeovers and visitors have been carefully considered. Whilst it is acknowledged that there may be occasional periods where additional vehicles are present at the site, such as during staff handovers, professional visits, or drop-off and collection times, the overall level of activity is not considered to be significantly greater than that typically associated with a dwellinghouse. Although a similar use operates in close proximity, which may on occasion result in some overlap of vehicle movements, the frequency of such occurrences would be limited. Furthermore, the provision of two off-street parking spaces, together with the submitted parking management details, would assist in accommodating vehicles associated with the use. Taking these factors into account, it is not considered that the proposal would result in severe or unacceptable pressure on on-street parking or the surrounding highway network.

- *Intensification and institutionalisation of the property.*
- *Suitability of the location for vulnerable children.*
- *Compatibility of the use as a childrens home in a residential area.*
- *The broad scope of a C2 use could result in future uses that are incompatible with the residential area.*
- *The loss of an "ordinary" dwelling from housing stock.*
- *The cost of housing in the area is such that 18-year-olds leaving children's homes to access appropriate, semi-independent accommodation locally.*

10.50 **Officer comments:** The concerns raised have been carefully considered in the context of the proposed use. The change to a children's home would not result in an undue intensification or institutionalisation of the property, as the scale of occupation and day-to-day activities would remain broadly comparable to that of a family household. The site is located within an established residential area, which is considered suitable for providing a stable and supportive environment for vulnerable children, and the use is compatible with surrounding residential properties. While it is acknowledged that Use Class C2 can encompass a wider range of uses, the current proposal relates specifically to a small-scale children's home, and any

material change to a different form of care provision would be subject to further assessment as necessary. The loss of a single dwellinghouse from the housing stock is noted but is not considered significant enough to warrant refusal, particularly when weighed against the identified need for such accommodation. Matters relating to housing affordability for care leavers fall outside the remit of planning considerations of this application, and similarly, the adequacy of internal facilities, including bathroom provision, is primarily a matter for building regulations and care standards rather than planning control. Overall, the proposal is considered acceptable in land use terms.

- *The police have objected on safeguarding grounds.*
- *The future residents may display anti-social behaviour.*

10.51 Officer comments: The Designing Out Crime Officer (DOCO) has raised an objection, highlighting concerns regarding potential threat factors to future occupiers within the wider area. However, it is noted that these factors are not situated in close or immediate proximity to the application site. Concerns about increased crime or anti-social behaviour associated with children's homes are often raised; however, both national and local guidance indicate that there is no substantive evidence to support a direct link between such facilities and higher levels of crime or disorder. Kirklees Council guidance identifies this as a common misconception, emphasising that children's homes are regulated by Ofsted and operate within established frameworks for safeguarding, staffing, and behavioural management.

- *Children's Services have commented that there is sufficiency in the wider area and that this model of children's home is not currently required.*

10.52 Officer comments: Comments have been received from the Council's Commissioning Manager regarding the adequacy of existing provision, particularly in relation to the number of children's homes currently operating within Kirklees. Whilst these observations are acknowledged and provide helpful context, it should be noted that issues of sufficiency do not, in themselves, constitute a material planning consideration that would justify refusal. The assessment of the application must be based on relevant land use and planning policy matters, and therefore the concerns raised cannot reasonably form a basis for withholding planning permission.

- *The management plan is internally inconsistent and lacks operational credibility.*

10.53 Officer comments: The Council acknowledges the concerns raised regarding the management plan; however, it is not considered that the document is inconsistent or lacks operational credibility. The plan has been prepared to provide a proportionate framework for the day-to-day management of the site, setting out clear roles, procedures, and review mechanisms. Any perceived inconsistencies largely reflect the need for flexibility to respond to changing operational circumstances rather than a lack of coherence. Furthermore, the measures outlined are consistent with comparable schemes and are capable of being effectively implemented and monitored. Where necessary, compliance can be secured and refined through appropriately worded planning conditions, ensuring that the development operates in accordance with the approved details. As such, the management plan is considered robust and fit for purpose in planning terms.

- *Inadequate space to the rear for the proposed occupants.*

10.54 **Officer comments:** The objection regarding inadequate rear space for the proposed occupants is noted. However, it is not considered that the level of amenity space falls below an acceptable standard in this instance. The submitted details indicate that the rear area, which extends to approximately 48sqm and is to remain free from built development, would provide a reasonable and usable level of private amenity space once cleared of existing vegetation and appropriately maintained. In its cleared condition, the space is capable of accommodating outdoor seating and general domestic use commensurate with the scale and nature of the proposed accommodation. Furthermore, the site's proximity to public open space serves to supplement the on-site provision. On balance, it is therefore considered that the proposal would provide an acceptable level of amenity for future occupiers, and the objection is not sufficient to warrant refusal of the application.

- *The bus stops in close proximity represent a danger to the children.*

10.55 **Officer comments:** The objection regarding the proximity of bus stops and the associated risk to children is noted. However, it is not considered that the presence of nearby bus stops would not give rise to a material safety concern. Bus stops are a common and established feature within built-up areas and are located within highway environments designed to safely accommodate pedestrian and vehicular movements. The activity associated with bus services is intermittent and occurs at recognised stopping points, typically supported by existing footways and pedestrian infrastructure.

Furthermore, the presence of bus stops in close proximity contributes positively to the sustainability of the site, providing convenient access to public transport and reducing reliance on private vehicles in accordance with local and national planning objectives. The proposal does not introduce any unusual or intensified activity that would exacerbate risk beyond that typically experienced in a residential setting.

As such, it is not considered that the proximity of bus stops would result in an unacceptable impact on the safety of children, and the objection does not warrant refusal of the application.

- *Inadequate bathroom provision.*

10.56 **Officer comments:** The objection regarding inadequate bathroom provision is noted. However, this matter is not considered to raise a material planning concern. When assessed in the context of the proposal, the level of bathroom provision is consistent with what would typically be expected within a dwelling capable of accommodating a single household. As such, the arrangements are comparable to standard residential occupation and would not result in unacceptable living conditions for future occupiers. On this basis, the objection is acknowledged but does not warrant refusal of the application.

11.0 CONCLUSION

- 11.1 In conclusion the proposed extension and change of use is considered to accord with the relevant policies.
- 11.2 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.
- 11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

- 1. Development to be commence within 3 years.
- 2. Development to be undertaken in accordance with the submitted plans and specifications.
- 3. Matching materials.
- 4. Number of children no more than 4
- 5. Use to be in accordance with the submitted management plan.

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE DISTRICT WIDE

30 JULY 2026

Planning Application 2026/90484

Agenda Item 9

Change of use from dwelling to C2 for 4 children, erection of first floor extension and front porch, internal and external alterations

143, Church Lane, Gomersal, Cleckheaton, BD19 4QN

The applicant has provided an update that the outbuilding to the rear (30sqm) has been removed and as a result the garden area is approx. 79sqm.

Following publication of the Committee Report, an additional representation has been received from a neighbouring resident, a full copy is attached. The representation reiterates concerns previously raised regarding the following: scale of the proposed extensions cumulatively with the existing extensions, the assessment and requirement for amendments on a neighbouring planning application, impact on residential amenity - specifically the adjacent 1 The Coppice - given the land level difference, raised path to the side and unauthorised works, visual impact within the Green Belt, parking provision, privacy, and the suitability of the property for use as a children's home.

While it is acknowledged that the property has been extended previously through the addition of single storey side and rear extensions, this does not, in itself, render the current proposal inappropriate or disproportionate. There is no specific size threshold or percentage increase defined within Green Belt policy against which proposals must be measured. Instead, the assessment is based on whether the development would result in a disproportionate addition over and above the size of the original dwelling and the extent to which it would affect the openness of the Green Belt. In this instance, the proposed extension remains subservient to the host dwelling and would have a limited impact on openness due to its scale, siting and relationship with the existing built form. Furthermore, the original dwelling would remain readily identifiable, with the form and character still clearly discernible when viewed in the context of the proposed development. As such, it is considered that the proposal would not result in a harmful encroachment into the Green Belt and would preserve the essential characteristics of openness consistent with the aims of Green Belt policy.

The concerns raised regarding the assessment of previous applications at neighbouring properties have been noted. However, each planning application must be considered on its own merits, taking account of the specific characteristics of the site and proposal, including the style of the dwelling, its orientation, relationship with neighbouring properties, position within the street scene, and the scale and form of development proposed. While decisions on nearby applications may provide context, they are not directly determinative where the circumstances differ. In this instance, the proposal has been assessed against the relevant planning policies and material considerations specific to the site, and it is considered that the development would not result in an unacceptable overbearing impact, harm to visual amenity, or undue impact on the openness of the Green Belt.

The concerns regarding overshadowing, overbearing impact and overlooking have been carefully considered. Having regard to the orientation of the site, the relationship with neighbouring properties and the separation distances involved, it is not considered that the proposal would result in a level of overshadowing, loss of light, overbearing impact or overlooking sufficient to warrant refusal. The proposal is therefore considered acceptable in residential amenity terms.

Reference has been made to a raised footpath and possible unauthorised works. Any operational development undertaken without the benefit of planning permission is a separate matter which would be considered under the Council's enforcement powers where appropriate. Such matters do not form part of the assessment of the current application.

In terms of visual amenity and Green Belt impact, the proposal has been assessed having regard to its position, scale, design and visibility within the wider landscape. Whilst the extension would be visible from neighbouring land and public viewpoints, it is not considered that the development would appear unduly prominent or result in unacceptable harm to the character and appearance of the area or the openness of the Green Belt.

With regard to parking provision, the site benefits from two formal off-street parking spaces within the curtilage of the property. In addition, there is capacity for on-street parking. It is also noted that the agent has submitted a Parking Management Plan which sets out arrangements for staff and visitors, including instructions regarding parking practices and expectations for site users. Taking these measures into account, together with the nature and scale of the proposed use, officers are satisfied that adequate parking provision would be available and that the development would not give rise to unacceptable highway safety or parking impacts.

A number of concerns relate to the suitability of the premises as a children's home, including safeguarding matters, educational provision, police comments, demand for care placements and operational management issues. Whilst these concerns are acknowledged, they are either regulated through separate legislative regimes or relate to the management and operation of the facility rather than the use of land itself. Such matters are not material planning considerations that can be afforded significant weight in the determination of this application. The planning assessment has instead focused on the land use impacts arising from the proposal, including effects on residential amenity, highway safety, character of the area and compliance with planning policy.

A further handout has also been received on 28/07/2026 – the full document has been attached and responses to the main points are as follows:

A correct existing first-floor plan and verified measured survey

Officer Response: The Local Planning Authority has adequate information upon which to assess the proposal.

A plan defining the original building and every subsequent addition

Officer Response: The submitted drawings clearly identify the form and scale of development at the site. It is readily apparent from the plans, site visit and aerial imagery, which elements comprise the original structure and which are later additions, and no further plan is considered necessary for the determination of the application.

Cumulative footprint, floorspace and/or volume calculations

Officer Response: The submission includes sufficient plans and dimensional information to assess the scale of the proposal. Detailed volume calculations are not a validation requirement and are not considered necessary in this case.

The legal highway boundary and accuracy of the red-line application boundary

Officer Response: A red-line application boundary has been submitted in accordance with validation requirements. No evidence has been presented to suggest that the application boundary is inaccurate.

The approved dropped-crossing width and any authorisation for widening

Officer Response: The existing dropped crossing has been in situ for a number of years. There are no proposed alterations to the access arrangements as part of this application therefore, the matter is not considered material to the determination of the proposal.

A dimensioned parking layout showing usable spaces wholly within the site
Officer Response: The submitted site plan clearly identifies the parking area available within the site. The layout provides sufficient information to assess parking provision and vehicle manoeuvring.

The full Highways response and underlying site assessment
Officer Response: Formal comments from Development Management Highways Officers was not deemed necessary in relation to this application. Consequently, there is no response or underlying site assessment available. The Local Planning Authority has sufficient information before it to assess the application, including the submitted plans and supporting documentation, and no objection has been raised requiring further highway evidence.

The full police response and the evidence for the stated Neighbourhood Policing Team position
Officer Response: The consultation response received from the police has been taken into account as part of the planning process. Supporting operational information and intelligence relied upon by the police is confidential and sensitive in nature and is not available for publication.

Reconciliation of staffing, shift handovers, visitors and vehicle demand
Officer Response: Staffing levels, operational arrangements, and management procedures are addressed within the submitted Management Plan. This information provides an appropriate basis for assessing anticipated activity and associated vehicle demand.

The basis of the 48 m² amenity-space figure
Officer Response: The amenity space provision has increased since the original submission following the removal of an outbuilding, as indicated in the update. The available outdoor amenity area therefore exceeds the figure previously referenced.

The complete wording of all proposed conditions
Officer Response: It is not standard practice for Committee Reports to include the full wording of each proposed planning condition. Conditions are routinely drafted and finalised by officers under delegated authority and issued as part of any planning decision notice.

Definitive Map Modification Order

Agenda Item 10

Council's stance on confirmation of the 'Kirklees Council (Kirkburton 256 - Moor Lane) Definitive Map Modification Order 2024'

Following publication of the Committee Report, documentary evidence was submitted to the Council on behalf of the British Horse Society. The submission (see **Appendix**

C) comprises extracts from the 'Object name book for Ordnance Survey sheet Yorkshire 260 SE (Thurstonland)' (The National Archives Reference: '[OS 35/8810](#)') first published in 1904 and revised in 1914 and 1929, relating to the description of the Order route (Moor Lane). The OS Object Name Book describes Moor Lane as transcribed below. It should be noted that the 1914 revision, inserting the text shown underlined below, is the most relevant as it encompasses the Order route:

1904: *"a public road extending from the junctions of Longley Lane, Brock Holes Lane, Hall Ing Lane to Burnt Hill Lane 25 chains N.E. of Whinney Wood."*

1914 Revision: *"a public road extending from the junctions of Longley Lane, Brock Holes Lane, Hall Ing Lane to east end of the village of Farnley Tyas (15 chains se of Parsonage)".*

1929 Revision: *"a public road extending from the junctions of [Brockholes Road](#) with [Thurstonland Road NE to Farnley Road](#)."*

Prior to this submission, documentary evidence regarding public vehicular rights was considered finely balanced, leading to an initial Officer recommendation to record a public footpath based on user evidence and deemed dedication under section 31(1) of the Highways Act, 1980. The OS Object Name Book was not referred to in earlier British Horse Society evidence and may be evidence that could tip the balance of probabilities, materially altering the Officer recommendation and the Council's formal position on confirmation of the Order.

To accurately establish the weight to be given to the OS Object Name Book when determining whether, on the balance of probabilities, the right of way subsists for the purposes of section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981, Officers require time to assess and determine its reliability in accordance with section 32 of the Highways Act, 1980. Ideally, this requires an assessment of the complete OS Object Name Book, not just the extracts provided, to determine the authority for the changes, analyse and compare other route entries described as a 'public road' and also to assess how the routes in the surrounding area are described. The document must also be assessed in light of the other aspects of documentary evidence. The cumulative effect of a number of separate issues of circumstantial evidence is to increase the weight of that evidence.

As the aforementioned late evidence has not been capable of being properly assessed and the Committee may otherwise be unable to reach a fair and informed determination, to allow officers to conduct a full evaluation of the additional evidence, the officer recommendation is updated that the determination of Agenda Item 10 be deferred to a future meeting of the District-Wide Planning Committee.

Ref: 2026/94484143

The following include some of my previously raised objections to the proposal.

Over development of the original building and restricted parking.

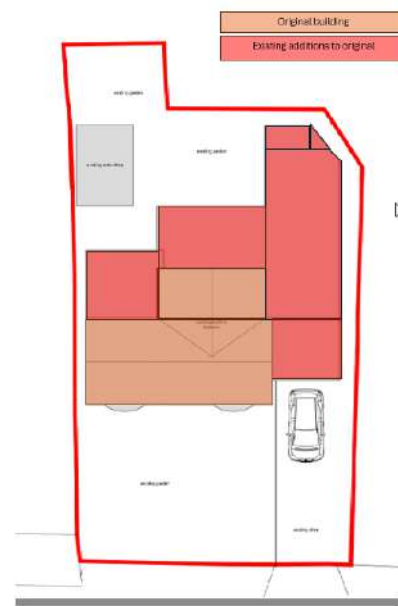
I fail to understand why the planning department has not acknowledged the size of existing extensions in relation to the original building.

To the right is a block plan of the original building plus additional unauthorised extensions to the site. The original building is approximately 74 Sq/M over two floors.

The post-extension building would be approximately 156 sq/m representing an increase of 111%.

LP57 – the original should remain the dominant element both size and appearance

LP24 extensions should not be larger than the original house. Extensions can never become classed as the original.



5.22 of the https://kirklees-consult.objective.co.uk/portal/pp/spds/house_extensions/house_extension_spd states that there should be a minimum of 1M from the boundary wall to prevent terrace effect.

Parking- the property has created 2 parking spaces, however Kirklees guidelines state a property of 4 bedrooms or more should have a minimum of 3 off road space. Using the destroyed council grass verge and footpath can in no way be classed as off-road parking.

These are material factors for which the application should be declined.

Prominence, overbearing and visual amenity within the green belt

Historically the planning department has raised objections to extensions on the grounds of their overbearing impact on adjacent property and visual amenity on the green belt.

Please see the email below from planning officer in relation to No1 the coppice in relation to 143 Church Lane.

These same principles should apply to this application.

From: Jennifer Booth

Sent: 11 July 2017 16:55

To: 'redacted'

Subject: 2017/91938 - 1 The Coppice

Good afternoon,

I have some concerns regarding the extensions proposed to the rear of 1 The Coppice in terms of visual amenity, residential amenity and the green belt.

The scale and design of the extension would form an incongruous feature with an unusual degree of prominence for a rear extension given the position in relation to Church Lane. The lack of openings in this elevation exaggerates the scale and overall, the first-floor element of the

scheme would be damaging in terms of visual amenity and would therefore fail to comply with policies BE1 and BE13 of the UDP.

The bulk and mass of the blank elevation facing towards the boundary with the neighbouring 143 Church Lane would have an overbearing and oppressive impact on the amenities of the neighbouring property, contrary to policy BE14 of the UDP.

I am also conscious that the property is sited within the green belt and the extensions would form a disproportionate addition to the dwellinghouse taking into account the scale and form of the extension which would be contrary to policy D11 and advice within the NPPF.

I do think there is potential to support alternative forms of extension with something along the lines of either: -

- reductions to the width and height of the first-floor extension with some form of opening at first floor to break up the blankness of the elevation, or
- removal of the rear extension and replace with a two-storey side extension.

As a result, the extension was completely redesigned at significant cost and loss of space. The planner insisted on a reduced rear profile to allow visual amenity to the green belt for users of church lane and Muffit lane, and inclusion of windows to break up the severity of the wall.

The proposed 1st floor extension will have a more significant impact on No1 Coppice due to its elevated position and the complete lack of any openings.

This will create an oppressive structure approx. 6.5M high at its ridge further raised 1.2 M in relation to the elevated position of 143 Church Lane. Total height above neighboring property 7.7M approx. or the height of a three-story house.

As the plans are very basic, it is unclear how the property will be fenced for security.

I believe this is a material factor relevant to rejecting the application as the circumstances and impact are similar. Although the elevated position of 143 Church Lane presents a significant increase in overlooking and overbearing.

In addition, the white rendered side profile will be visible across the whole valley through to viewing points in Oakwell Hall.

When considering the year-round access to light, the current building blocks sunlight to 25% of the garden of No1 the Coppice the 1st floor extension would at time cover the whole of the garden in shadow.

The dining room will be completely in shadow (it is accepted that the building was present prior to the extension at No1 the Coppice) further overshadowing will create a cave like feeling in not only the dining room but also the living space.

The proposed bedroom window will overlook the decked area and proportion of the garden, being only 0.8m away from the boundary wall, removing the right to privacy.

The lack of detail on the front aspect of the property and the security fencing required gives no indication of the overall impact of the development on the street front.

Raised footpath and privacy

The developer has already created a raised footpath running the full length of the property, this has removed the privacy for No1 the Coppice both in the garden and side facing rooms.

The average adult/ older teen will look directly into property.

This is not in the plans and contravenes planning regulations and party wall guidelines (the developer has been asked to submit a party wall request but so far has not responded).

Suitability as a children's home

I will bring to your attention the objection by West Yorkshire Police-

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".

In the event of the police concerns becoming a tragic reality, is the planning committee prepared for the legal and financial implications that would burden the Council.

NYCS reported to All Parliamentary Group that 1 in 10 children in care go missing each year on average 9 times per child, compared to 1 in 200 for children living at home.

To say that this home will run like a normal household is ridiculous.

The design of the building encourages its residents to abscond.

Should the first-floor extension be granted there would be direct access to the flat roof of the former garage via fire escape windows. This would give escape routes for absconding via No 1, 3 The Coppice using the garage roof of No1, also into the field adjoining the back yard of 143.

The fire safety concern should also be considered should a fire start in the open plan ground floor. The only egress would be out of the windows onto hard ground.

In an emergency situation with young children separated from adults in a smoke filled first floor the opportunity for fatality is significant.

The only way to reduce the risk would be a separate enclosed fire escape and a smoke secure first floor.

Objection by Kirklees Children's services-

'Therefore, based on the information in the planning application Kirklees Children's Service does NOT support this application. Kirklees Children's Service are keen to work in partnership with providers to ensure only the right, high quality, value for money provisions in the right locations that meets our placement needs are developed in Kirklees.'

It also states that there is over provision for this type of home, negating the reason for approval.

Key to this is the principle that children should not be removed from their home environment area unless this presents a safeguarding danger to the child.

Given that KC does not have the need for this type of home, who will be paying for the residents' costs. **In 2023/24 the average cost was £318,400 per child.**

Again, how do the planners justify overruling expert opinion.

Education provisions- with most of the local primary and secondary schools oversubscribed and the location being between school catchment areas, residents would clearly use the category 1 selection criteria.

This would place them in schools away from their friendship groups and create an isolated education environment.

It would also push more local children out of their first-choice school.

The property itself has been developed in a way that will create a prison yard environment to the rear of the property with a confined fenced area. To the front will resemble a dentist surgery with multiple vehicles parked ad hoc.

Due to the main road location, the residents would be limited to the confined rear yard, or embarrassing escorted trips out.

These factors should not be dismissed and should be considered as material for declining this application.

URGENT COMMITTEE SUBMISSION PACK

Application 2026/90484 - 143 Church Lane, Gomersal - District-Wide Planning Committee, 30 July 2026

Primary request: REFUSE. Alternative: DEFER until the missing evidence is supplied, independently verified and made available for public scrutiny.

Prepared for circulation to committee members, the Chair, presenting planning officer and legal adviser.

Purpose. This pack identifies specific evidential and policy defects in the officer recommendation. It is not an objection to children's homes in principle. It concerns whether this particular Green Belt site can lawfully and safely accommodate the development proposed.

Important. Resident mark-ups and historic imagery are illustrative. They do not replace the verified measured drawings and calculations that should have been supplied by the applicant and checked by the Council.

Evidence audit

Documents and evidence available

- Officer committee report dated 30 July 2026, recommending delegated approval.
- Applicant's revised Planning, Design and Access Statement dated 11 May 2026.
- Applicant's Staff Parking Policy and revised plans.
- Published consultation summaries, including the West Yorkshire Police Designing Out Crime objection and Children's Commissioning comments.
- Historic mapping, later aerial imagery and a resident's illustrative marked-up site plan.
- Photographic evidence and resident observations concerning the frontage, verge, access and works already undertaken.

Facts verified from the officer report

- The site is in the **Green Belt**.
- The property **already contains significant single- and two-storey extensions**.
- The report applies NPPF paragraph 154 and Local Plan Policy LP57, including the **original-building and cumulative-impact** tests.
- The report nevertheless **describes the new additions as modest** relative to the existing building and publishes **no original-building calculation**.
- The proposed operation includes four children, up to four daytime staff at one per child, two overnight staff and a daytime manager.
- The report acknowledges periods of increased activity, staff handovers, professional visits and potential on-street parking demand.
- Only **two frontage parking spaces** are acknowledged in the report.
- The **Designing Out Crime Officer objected; Children's Commissioning did not support the application**.
- The **final conditions are not set out in full** and are proposed to be completed under delegated authority.

Matters still requiring authoritative confirmation

- A **correct existing first-floor plan** and verified measured survey.
- A **plan defining the original building and every subsequent addition**.
- **Cumulative footprint, floorspace and/or volume calculations**.
- The **legal highway boundary** and **accuracy of the red-line application boundary**.
- The **approved dropped-crossing width** and **any authorisation for widening**.
- A **dimensioned parking layout showing usable spaces wholly within the site**.
- The **full Highways response** and **underlying site assessment**.
- The **full police response** and the **evidence for the stated Neighbourhood Policing Team position**.
- **Reconciliation of staffing, shift handovers, visitors and vehicle demand**.
- The **basis of the 48 m² amenity-space** figure.
- The **complete wording of all proposed conditions**.

Sources: Officer committee report, site/proposal at paras 2.1-3.1; Green Belt at paras 10.7-10.10; highways at paras 10.24-10.28; police at paras 10.29-10.38; conditions at section 12; Applicant late supporting documents and revised drawings; Resident illustrative mapping and photographs

DOCUMENT 1

Application 2026/90484 - Why the Officer Recommendation Should Not Be Accepted

The recommendation depends on assumptions where verified evidence is absent. The application should be refused; at the very least it cannot safely be approved at this meeting.

Executive summary

- There is **no correct existing first-floor plan** on the application file; the purported existing floor-plan sheet appears to reproduce the ground floor twice.
- **No verified original-building plan or cumulative enlargement calculation** is published, yet the officer concludes that the Green Belt test is satisfied.
- **Only two parking spaces are shown and acknowledged**, but their **dimensions, lawful site position and access over an authorised crossing** have not been demonstrated.
- The officer report **does not adequately resolve the specialist police safeguarding objection** or the **factual conflicts in the applicant's late supporting documents**.
- Approval would therefore rest on **unverified plans, boundaries, access arrangements and operational assumptions**.

The decisive Green Belt question

The applicant must demonstrate that the cumulative additions are not disproportionate over and above the **original building**. No correct existing first-floor plan, verified original-building plan or cumulative calculation is before members. The **officer's conclusion is therefore not supported by the evidence required to apply LP57 and the NPPF**. Unless that evidence is produced and independently verified, **the Green Belt exception has not been demonstrated and approval should not follow**.

Unaddressed or inadequately addressed objections

The report **does not substantively address several key technical and neighbour objections** raised in the original representation, including:

- the absence of a **correct existing first-floor plan** and **verified original-building baseline**;
- the lack of any **cumulative Green Belt enlargement calculation**;
- the **disputed red-line and highway boundary, hardcored verge and unverified widened crossing**;
- the **inconsistency between the two parking spaces shown and the four spaces claimed**;
- the **effect of gates, CCTV and external lighting on neighbouring privacy, amenity and the constrained frontage**;
- the absence of **clear proposals for commercial waste storage and collection**; and
- the **reliability and enforceability of the staffing, parking and management arrangements**.

These are material planning matters, not peripheral neighbour concerns. Members should receive a clear officer response before voting. If that cannot be provided, the application should be deferred.

1. The Green Belt conclusion has no reliable baseline

What the report concludes: The report concludes that the porch and first-floor side extension are modest and do not amount to disproportionate additions over the original dwelling.

What is wrong or missing: The application contains **no correct existing first-floor plan**. The floor-plan sheet appears to show the ground floor twice, and **no verified drawing identifies the original dwelling or all later additions**. The report publishes **no cumulative footprint, floorspace or volume calculation**. It also **compares the latest additions with the already extended 'existing building' before asserting compliance with the original-building test**.

Why that matters to the decision: LP57 and the NPPF require a **cumulative assessment against the original building**. A visual judgement against an already enlarged house cannot establish that the original building remains dominant in size and appearance.

Required outcome: **Refuse because Green Belt compliance has not been demonstrated**. Alternatively, defer for a verified measured survey, original-building plan and cumulative calculations.

2. The parking and access case is not demonstrated

What the report concludes: The report treats two newly formed frontage spaces and the parking policy as sufficient, while accepting that handovers, visitors and collections can create additional vehicles.

What is wrong or missing: The parking case comprises **two fundamentally different areas**. First, the **former single-width private drive has already been widened internally to suggest two spaces**, but **no evidence confirms that the corresponding dropped kerb or vehicular crossing has been authorised** at that width. Secondly, the **applicant's claim of capacity for two further vehicles** appears to rely on **newly hardcored former grass verge beside the pedestrian footway**, outside the established residential frontage. **No evidence demonstrates that this land is within the applicant's ownership or lawful planning unit, is available for lawful vehicular access and parking, or can accommodate two cars without obstructing pedestrians or blocking access to the internal driveway**. The claimed four-space arrangement is therefore not demonstrated to be lawful, safe or physically workable. The Parking Policy's reliance on surrounding streets confirms likely overspill rather than resolving it.

The claimed **four-space arrangement is therefore neither lawfully nor practically demonstrated**. The Parking Policy's fallback reliance on surrounding streets simply confirms likely overspill rather than resolving it.

Why that matters to the decision: The proposal cannot be found compliant with LP21 and LP22 on the basis of unverified spaces and an access arrangement requiring separate highway approval. Overspill is predicted by the applicant's own policy, not prevented by it.

Required outcome: Refuse for inadequate and unproven parking/access provision; alternatively defer for highway-boundary confirmation, crossing approval and a dimensioned parking plan.

3. The officer has not properly resolved specialist safeguarding evidence

What the report concludes: The report acknowledges the **Designing Out Crime Officer's objection** but says identified threats are not in close or immediate proximity and **relies on a Neighbourhood Policing Team position said to raise no objection** in principle.

What is wrong or missing: The **published specialist response was a location-specific safeguarding objection requesting refusal**. The report **does not set out the underlying evidence for the separate neighbourhood-team position or explain why it outweighs the specialist Designing Out Crime assessment**.

Why that matters to the decision: The safety of future vulnerable occupants is a **material site-suitability issue and engages the Council's section 17 Crime and Disorder Act duty**. It **cannot be displaced by a general statement** that children's homes do not automatically cause crime.

Required outcome: Refuse on site-suitability and safeguarding grounds, or defer until the complete police evidence and a reasoned response are before members.

4. The operational intensity is understated

What the report concludes: The report repeatedly says the use would be **broadly comparable to a family dwelling**.

What is wrong or missing: The same report records **four children, up to four daytime carers at one per child, a daytime manager, two overnight staff, shift handovers and professional visitors**. The applicant's different shorthand descriptions of a manager, deputy and up to three carers are **not clearly reconciled** with that model.

The report cannot acknowledge that the use is **materially different from a single household** when classifying it as C2, **yet assume ordinary-household characteristics** when assessing its parking, movements and amenity effects, without explaining that distinction.

Why that matters to the decision: Staffing and shift activity directly affect parking demand, movements, noise, residential character and whether management controls are realistic. **A professionally staffed, shift-based C2 institution is not factually identical to a single household**.

Required outcome: Refuse where the resulting intensity and parking demand are unacceptable, or defer for one binding operational schedule stating maximum persons, staffing and vehicle movements.

5. The late applicant statement contains material claims that are unsupported or incorrect

What the report concludes: The officer relies upon the applicant's management and parking material to conclude that the use can operate acceptably.

What is wrong or missing: The late statement reportedly says the site has **no specific Local Plan designation despite its Green Belt location; suggests up to four parking spaces, additional hardstanding and two access points although only two spaces and one established frontage access appear on the plans**; and relies on car sharing and street parking where on-site space is unavailable.

Why that matters to the decision: Material claims used to make a proposal acceptable **must be accurate, plan-based and enforceable**. Promotional assurances, Ofsted regulation and community-engagement promises cannot cure **land-use, Green Belt, highway or safeguarding deficiencies**.

The Council's own Children's Commissioning evidence also **removes any claimed local-need benefit from the planning balance**. It **did not support the application** and advised that this four-bed model was **not aligned with current local needs**. Although sufficiency may not by itself constitute a refusal reason, the officer **cannot dismiss that evidence and then give positive weight to an unsupported "identified need"** for this particular form of accommodation.

Required outcome: Give no positive weight to unsupported claims. Refuse, or defer until every material factual claim has been verified and corrected.

6. The recommendation is internally inconsistent and the conditions are incomplete

What the report concludes: The report recommends approval subject to conditions to be finalised under delegated authority.

What is wrong or missing: Paragraph 10.28 says the **proposal is acceptable but 'inconsistent' with LP21 and LP22**, apparently a drafting error. More importantly, the published **condition summary does not show enforceable controls for parking, crossing/access, frontage land, gates, lighting, CCTV, waste, staff numbers or visitor management**.

Why that matters to the decision: Members should know the **complete mitigation package before deciding whether identified harms can be made acceptable. Conditions cannot repair a missing Green Belt baseline or establish that disputed or unverified verge/highway land is lawfully available for parking.**

Required outcome: Refuse. At minimum, defer until the report is corrected and the complete, legally enforceable conditions are published and assessed.

Requested decision: Refuse. Alternatively, defer until the identified evidence has been submitted, independently verified and made available for public scrutiny.

Sources: Officer committee report: paras 10.7-10.10, 10.15, 10.24-10.38, 10.40, 10.49-10.53 and section 12; Applicant Planning, Design and Access Statement and Staff Parking Policy dated 11 May 2026; Submitted existing/proposed drawings and resident illustrative evidence

DOCUMENT 2

Questions members must ask before voting

Approval should not be based on assumptions. Each of these questions requires a clear, evidence-based answer before permission is granted.

1. Where is the **correct existing first-floor plan**, and why does the existing floor-plan sheet appear to reproduce the ground floor twice?
2. Where is the **verified plan identifying the original building and every subsequent extension**?
3. Where are the **cumulative footprint, floorspace or volume calculations demonstrating that the original building** remains dominant under LP57?
4. How can the report conclude that the **additions are proportionate** when it compares them with the already extended existing building?
5. Who has **verified that the parking spaces fit wholly within the lawful application site without overhanging or obstructing the footway**?
6. What is the **authorised width of the dropped vehicular crossing, and has the widened access been approved by the highway authority**?
7. Where is the **verified highway boundary**, and does the red-line plan include any verge or highway land at the left frontage corner?
8. Where is the complete **evidence for the alleged Neighbourhood Policing Team no-objection position, and why does it outweigh the specialist Designing Out Crime objection requesting refusal**?
9. How do **four one-to-one daytime carers, a manager, overnight staff, handovers and professional visitors remain comparable to the parking and activity of one ordinary household**?
10. Why are **members being asked to approve before the factual baseline, full Highways evidence and complete wording of the proposed conditions are available**?

If these questions cannot be answered from verified documents at the meeting, the application should be refused or deferred - not approved on the expectation that essential evidence may emerge later.

Sources: Officer committee report: Green Belt paras 10.7-10.10; highways paras 10.24-10.28; police paras 10.29-10.38; conditions section 12; Existing and proposed application drawings

DOCUMENT 3

Schedule of missing or unverified evidence

Missing or disputed evidence	Why it is necessary	Issue affected	Consequence if unresolved
Correct existing first-floor plan	The current sheet appears to show the ground floor twice and does not establish the existing upper-floor layout.	Accuracy of submission; Green Belt baseline; design	The existing building cannot be reliably assessed.
Verified original-building plan	LP57/NPPF require assessment against the original building, not the already extended house.	Green Belt principle	The relevant exception to inappropriate development is not demonstrated.
Cumulative enlargement calculations	Members need original, existing and proposed figures and all intervening additions.	LP57; NPPF paragraph 154	No rational basis for finding additions proportionate.
Measured survey of works already completed	Substantial works have altered the property; the pre-works condition and roof/form changes require verification.	Lawful baseline; plan reliability	Decision may be based on a condition created during the application.
Verified highway boundary	To establish whether alleged hardstanding, verge and the squared frontage corner are private site or highway.	Highway safety; Green Belt openness; red line	Parking/site area may be overstated.
Accurate red-line boundary	The application site must be correctly identified and ownership certificates accurate.	Validity; site capacity; access	Members cannot know what land the permission controls.
Dropped-crossing and widening approval	Both claimed parking spaces must be lawfully accessible across the footway/verge.	LP21/LP22; highway law	Spaces may not be usable lawfully even if physically drawn.
Dimensioned parking and gate layout	Must show bay sizes, no pavement overhang, manoeuvring and operation with any safeguarding gates.	Parking; pedestrian safety; management	Two usable spaces are not demonstrated.
Full Highways response/site inspection	The report gives conclusions but not the evidence addressing verge, The Coppice, crossing width and pedestrian conflict.	LP21/LP22	Highway conclusion is under-evidenced.
Complete police evidence	Members need the DOCO objection and the source/context of the alleged neighbourhood-team position.	Safeguarding; Crime and Disorder Act s17	Specialist objection has not been transparently resolved.
Binding staffing/operation schedule	Reconcile one-to-one care, manager/deputy, overnight staff, handovers, visits and maximum vehicles.	Intensity; amenity; parking	Domestic-equivalence and parking assumptions remain unreliable.
Amenity-space calculation	The claimed 48 m ² should identify usable, secure space and excluded access/sloping areas.	Future-occupier amenity; LP24	Suitability for four children is not demonstrated.
Complete proposed conditions	Members must see enforceable wording for occupancy, staff, parking, access, gates, lighting, CCTV, waste and frontage.	Mitigation; enforceability	Approval would delegate unresolved substantive issues.

The missing information goes to the principle and practical operation of the proposal. It should not be left for post-decision negotiation.

Sources: Officer committee report, particularly paras 10.7-10.10, 10.24-10.38, 10.54 and section 12; Application drawings and applicant late supporting documents

DOCUMENT 4

Response to the applicant's late Planning, Design and Access Statement and Parking Policy

1. Material claim

Applicant's claim: The site is not subject to a specific Local Plan designation.

Correction or qualification: Incorrect. The officer report expressly confirms that **the site is within the Green Belt**.

Planning significance: This is a fundamental policy designation. The statement's site description is unreliable and its **Green Belt analysis must be treated with caution**.

2. Material claim

Applicant's claim: The **frontage provides up to four vehicles**, including a double-width drive and additional hardstanding.

Correction or qualification: **Only two vehicles are depicted on the revised site plan** and the officer report acknowledges two spaces. The ownership, legal status, dimensions and access to any additional hardstanding are not demonstrated.

Planning significance: Only lawful, usable spaces wholly within the site can support the parking assessment. Unshown or disputed frontage/highway land must not be counted.

3. Material claim

Applicant's claim: There are **two separate access points from the main street**.

Correction or qualification: The plans appear to show **one established frontage access**. No evidence has been identified demonstrating a lawful second vehicular access.

Planning significance: Access claims affect parking capacity, pedestrian safety and the credibility of the management plan.

4. Material claim

Applicant's claim: The widened/double driveway can accommodate the operation.

Correction or qualification: A physical widening of private frontage does not itself authorise vehicles to cross a wider section of footway or verge. No approved widened crossing has been produced.

Planning significance: A parking space that cannot be lawfully reached is not effective mitigation.

5. Material claim

Applicant's claim: Staff will use the site parking and car-share; surrounding roads are available if necessary.

Correction or qualification: The policy expressly anticipates off-site overspill when on-site space is full. Car sharing is an aspiration rather than a guaranteed or readily enforceable outcome.

Planning significance: The document confirms, rather than eliminates, parking displacement into Church Lane and The Coppice.

6. Material claim

Applicant's claim: The home would have a manager, deputy manager and up to three carers on a rota.

Correction or qualification: This is not clearly reconciled with **four children receiving one-to-one daytime support, four daytime carers, a manager, two overnight staff, handovers and professional visitors** described elsewhere.

Planning significance: The true maximum staff and visitor presence is essential to parking, amenity and intensity assessments.

7. Material claim

Applicant's claim: Activity would be comparable with a typical family dwelling.

Correction or qualification: The proposal is a professionally staffed C2 institution with shifts, handovers, sleeping staff and professional visits. The officer report itself recognises that it functions differently from a single household.

Planning significance: A general domestic comparison cannot replace a site-specific assessment of actual movements, parking and disturbance.

8. Material claim

Applicant's claim: Ofsted regulation and management procedures ensure acceptability.

Correction or qualification: Ofsted and care regulation address different statutory matters. They **do not determine Green Belt policy, lawful access, parking capacity, neighbouring amenity or land-use suitability**.

Planning significance: **Planning harms must be resolved through the planning decision; they cannot be deferred to another regulator.**

9. Material claim

Applicant's claim: Engagement with Children's Services supports the proposal.

Correction or qualification: The **published Council position was that Children's Commissioning did not support the application and that this four-bed model was not aligned with current local needs**. Any later change should be evidenced by a new formal consultation response.

Planning significance: The **application should receive no positive planning weight for an asserted local need that the Council's own commissioning evidence disputes**.

10. Material claim

Applicant's claim: Community engagement and good-neighbour assurances will manage effects.

Correction or qualification: These are general intentions. The application must identify precise, enforceable measures and demonstrate that the site can physically accommodate them.

Planning significance: Assurances cannot overcome inadequate parking, an unresolved access, missing baseline plans or Green Belt harm.

The late documents should be given weight only where their material claims are accurate, shown on the plans, independently verified and capable of enforcement.

Sources: Applicant Planning, Design and Access Statement and Staff Parking Policy dated 11 May 2026; Officer committee report: Green Belt para 10.1; staffing/proposal paras 3.1 and 10.15; parking paras 10.24-10.28; commissioning paras 10.40 and 10.52

DOCUMENT 5

Visual evidence sheet

Main message: The Council has not demonstrated the original-building baseline or cumulative Green Belt enlargement.



Figure 1 - Historic mapping and later aerial imagery
Illustrates the apparent difference between the earlier dwelling footprint and the substantially enlarged building now occupying the site. Not relied upon as a measured survey.

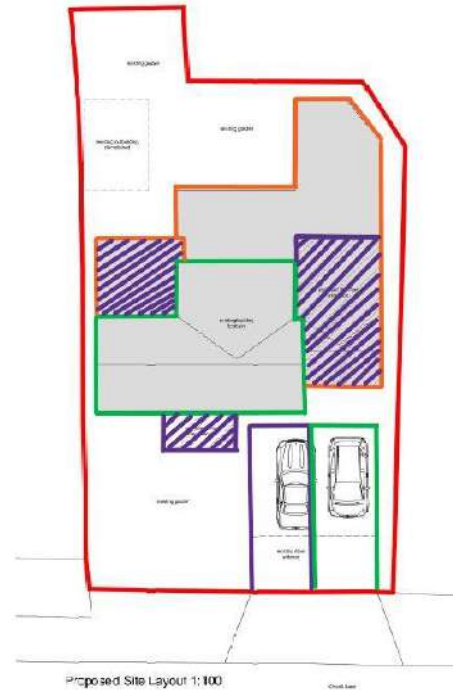
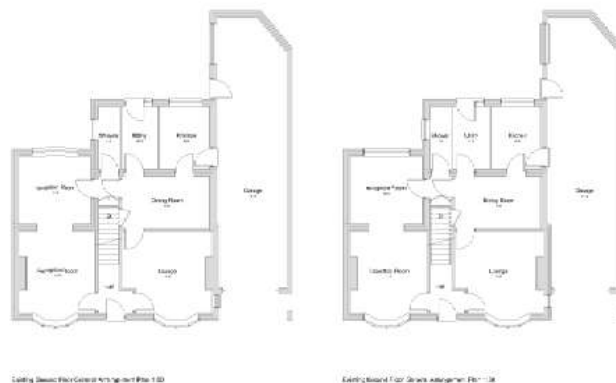


Figure 2 - Resident's illustrative mark-up of the proposed site layout

Green: apparent original dwelling. Orange: later additions. Purple: further proposed additions. This interpretation requires verification against a measured survey.

Figure 3 - Incorrect existing floor-plan sheet



The application does not provide a correct existing first-floor plan. The purported existing floor-plan sheet appears to reproduce the ground floor twice. This prevents reliable assessment of the existing and original building.

Figure 4 - Actual frontage, verge and access



Actual frontage conditions. The applicant should demonstrate the highway boundary, lawful crossing width and two dimensioned spaces wholly within the application site, without pavement overhang or reliance on verge/highway land.

These images do not replace the applicant's evidential burden. They show why a verified original-building plan, cumulative calculation, highway boundary and dimensioned parking layout are essential before determination.

Sources: Historic mapping/aerial screenshot supplied by resident; Resident's illustrative marked-up application plan; Existing and proposed application drawing sheets

DOCUMENT 6

Five facts members should establish before approving application 2026/90484

1. There is no correct existing first-floor plan

The drawing presented as the existing floor-plan set appears to show the ground floor twice. Without the true existing first floor, members cannot reliably assess the building being extended. This is a basic evidential defect, not a minor presentational issue.

2. The Green Belt calculation is missing

The policy test is cumulative enlargement over the original building. The report publishes no verified original-building plan and no footprint, floorspace or volume calculation. Comparing the latest works with an already enlarged house does not answer the required question.

3. The two parking spaces are not demonstrated

Only two spaces are shown and acknowledged. Their dimensions, position within the legal site boundary and access over an approved dropped crossing have not been established. The applicant's own policy anticipates parking on surrounding streets when the frontage is full.

4. The police objection has not been transparently resolved

The specialist Designing Out Crime Officer objected on safeguarding grounds. Members should see the complete response and the evidence for the different Neighbourhood Policing Team position relied upon in the report. A site-specific specialist objection should not be reduced to a general discussion about perceptions of children's homes.

5. The operating model is more intensive than one household

The report records four children, up to four one-to-one daytime carers, a manager, two overnight staff, handovers and professional visits. Those facts matter to parking, traffic, noise and residential character. The committee should assess that actual operation, not an abstract comparison with a typical family.

This is not opposition to children's homes. It is a request that this particular development is decided using accurate plans, the correct Green Belt baseline, lawful parking and access evidence, and a proper response to specialist safeguarding advice.

Sources: Officer committee report dated 30 July 2026; Applicant late supporting documents and submitted drawings

30

No change on this page. R.R.B. Jan'y 1914.
No change on this page. R.R.B. Jan'y 1914.
Yorkshire

Names collected and entered by A. Aston Sept. 1901.
Names altered & initialled in red by S. Dennison, L. Comp. R.R.
Names revised Oct. 1929. Sept. 1904.
Sheet cclx S.E.

List of Names as written on the Plan	Various modes of Spelling the same Names	Authority for those modes of Spelling	Situation			Descriptive Remarks, or other General Observations which may be considered of Interest
			Sheet	Plan	Trace	
Farnley Moor (S)	Farnley Moor	Mr. H. Seafie 1cc. See O.S. 2500 of cclx. 12. 1	260	12	1	a Hamlet situated about 1/2 mile S.E. of Lind Hill. The property of the Earl of Dartmouth. Woodhouse, Hall Woodhouse. Rev. J. G. Wilson Esq. Estate Office Woodhouse.
Moor Lane (S)	Retain Moor Lane See page III	As Above See O.S. 2500 of cclx. 12	260	12	1	a public road extending from the junction of Langley Lane, Moor Lane, Halling Lane, to Farnley Hill Lane 25 chains N.E. of Whinney Wood
Royd Wood (R.R.)	Royd Wood	Mr. J. Holmes Runlet End See O.S. 2500 of cclx. 12	260	12	1	A wood 20 chains S. of Lind Hill. The property of The Earl of Dartmouth.
Runlet End (S)	Runlet End	Mr. J. Holmes 0cc. See O.S. 2500 of cclx. 12	260	12	1	A Farm house & steading 30 chains S.W. of Farnley Moor. The property of The Earl of Dartmouth.
Longley (S)	Longley	As Above See O.S. 2500 of cclx. 12	260	12	1	a district comprising several fields etc. 21 chains S.E. of Hall Ing. The property of The Earl of Dartmouth.
Runlet End Wood (R.R.)	Runlet End Wood	As Above See O.S. 2500 of cclx. 12	260	12	1	A wood 20 chains E. of Longley. The property of The Earl of Dartmouth.

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:	2026/62/90484/E
Site Address:	143, Church Lane, Gomersal, Cleckheaton, BD19 4QN
Description:	Change of use from dwelling to C2 for 4 children, erection of first floor extension and front porch, internal and external alterations
Recommending Officer:	Jennifer Booth

DECISION – Refused

I hereby authorise the refusal of this application for the reasons set out in the minutes of the 30 July 2026 District Wide Planning Committee and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 7-AUG-2026

Decision Authorisation – Committee Decision

Committee: District

Date of Committee: 30/07/2026

Application Number:2026/90484

Officer Recommendation: Delegate APPROVAL of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions

Committee Decision: Refuse planning permission

Summary of Committee Decision

The planning application was heard at the 30/07/2026 meeting of the District Wide Planning Committee.

Members debated the application as follows:

1. Scale and Height - Impact on the Street Scene

Members considered that the scale and height of the proposed first floor side extension would result in an overly dominant form of development within the street scene. It was considered that the extension would appear excessively prominent and would not relate satisfactorily to the character and appearance of the surrounding properties, resulting in an overbearing presence when viewed from the public realm.

2. Scale and Height - Impact on Neighbouring Residents

Members expressed concerns that the scale and height of the first floor side extension would have an overbearing impact on the occupiers of neighbouring properties, particularly 1 The Coppice and 3 The Coppice. Members considered that the increased bulk and massing of the extension would adversely affect the outlook enjoyed by these neighbouring residents.

3. Overlooking and Loss of Privacy

Members were not satisfied that the proposed first floor extension would adequately safeguard the privacy of neighbouring occupiers. Concerns were raised that the development would introduce opportunities for overlooking towards the residential properties and private amenity spaces at 1 The Coppice and 3 The Coppice, resulting in an unacceptable loss of privacy.

4. Parking Provision

Members were unconvinced that the proposed parking arrangements would be sufficient to support the use of the property as a children's home accommodating four children. In particular, concerns were raised that the provision of two off-street parking spaces, together with limited on-street parking availability within the locality, would be inadequate to accommodate staff, visitors and operational requirements associated with the use. Members therefore considered that the proposal could result in increased parking pressures within the surrounding area.

Members resolved to refuse the application contrary to officer recommendation for the following reasons:

1. The proposed first floor side extension, by reason of its scale, height and massing, would result in a dominant and overbearing addition that would appear incongruous within the street scene. The development would fail to reflect the character and appearance of the host dwelling and surrounding development, causing harm to the visual amenities of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. The proposed first floor side extension, by reason of its scale, height, bulk and proximity to neighbouring properties, would have an unacceptable overbearing impact on the occupiers of No. 1 The Coppice and No. 3 The Coppice. The proposal would result in an undue sense of enclosure and harm to the living conditions of neighbouring residents, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. The proposed first floor side extension would introduce opportunities for overlooking towards the neighbouring residential properties at No. 1 The Coppice and No. 3 The Coppice. Members were not satisfied that the proposal would adequately protect the privacy of adjacent occupiers and considered that the development would result in an unacceptable loss of privacy, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
4. Insufficient information has been submitted to evidence that the proposed parking provision of two off-street parking spaces would be sufficient to serve the operational requirements of a

children's home accommodating four children. Having regard to staffing requirements, visitors to the site and the limited opportunities for on-street parking within the surrounding area, the proposal would be likely to result in increased on-street parking demand to the detriment of highway safety and the convenience of existing residents. The proposal is therefore contrary to the parking and highway safety objectives of Policies LP21 & LP22 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan, Existing Site Plan, Elevation and Floor Plans	01	1127986	02/03/2026
Proposed Site Plan, Elevations and Floor Plans	02 rev B	1146750	26/05/2026
Management Plan	-	1128737	02/03/2026
Planning Design and Access Statement	-	1146752	26/05/2026
Staff Parking Policy	-	1146751	26/05/2026
Climate Change Statement	-	1128736	02/03/2026

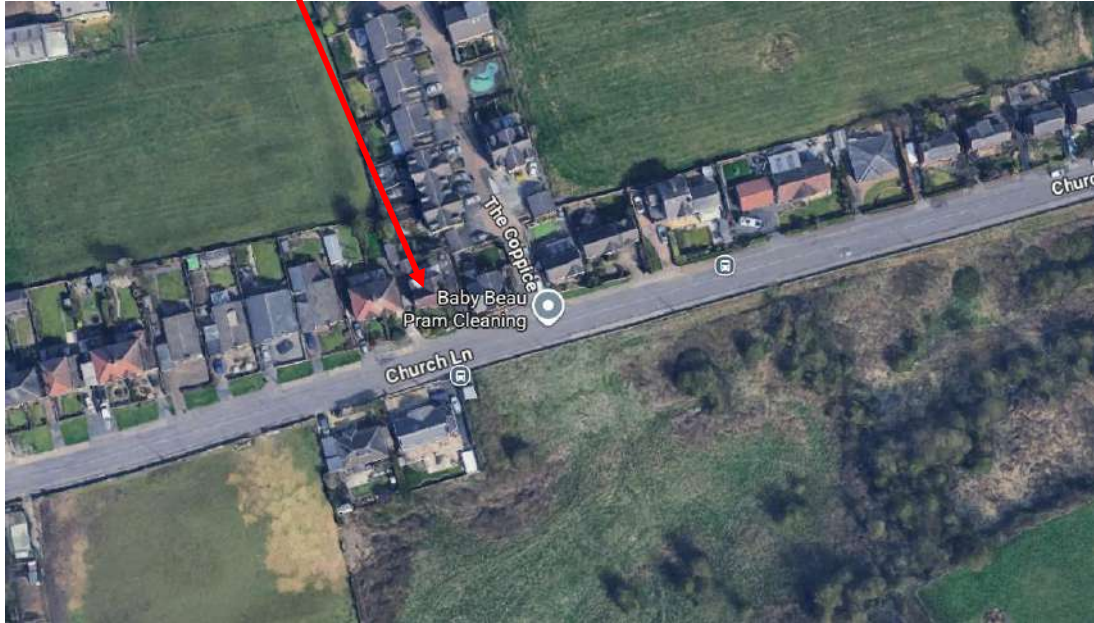
Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were received which reduced the size of the porch.

Report Dated: 30/07/2026



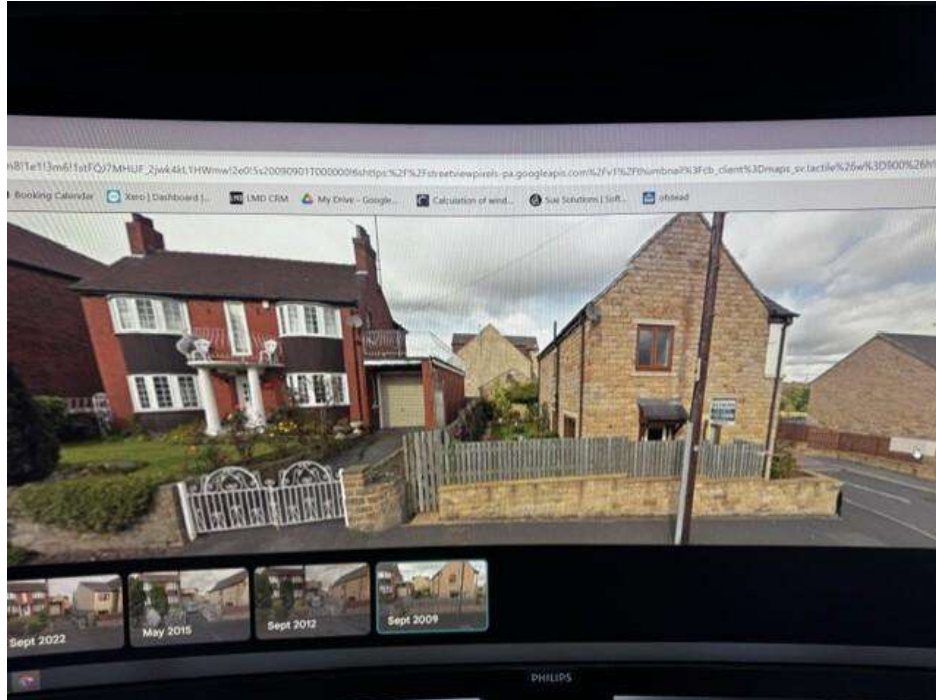
Appendix B

Aerial view of appeal site

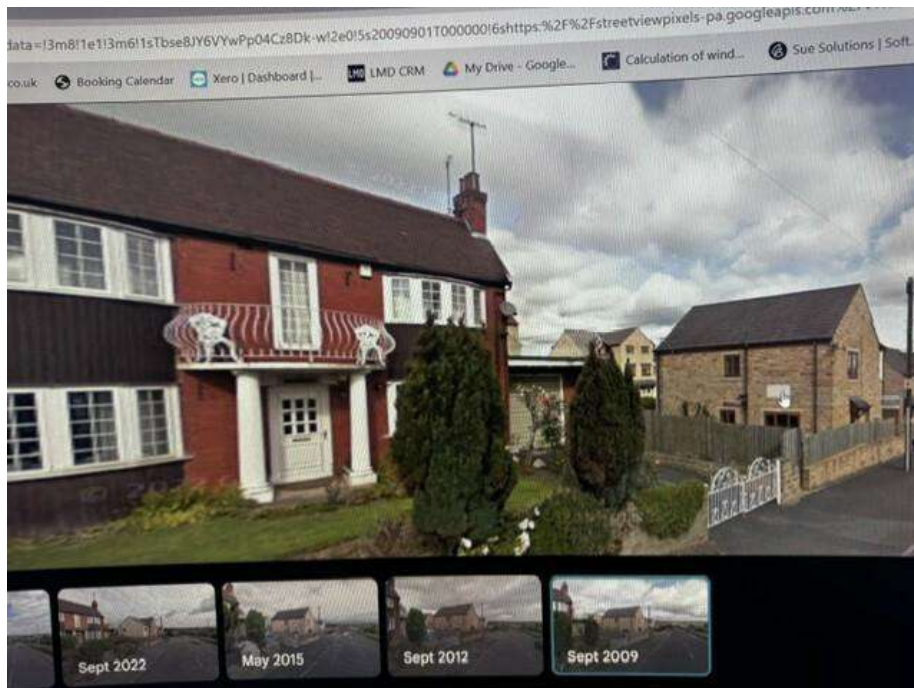




View of No.1 The Coppice Prior to Extension

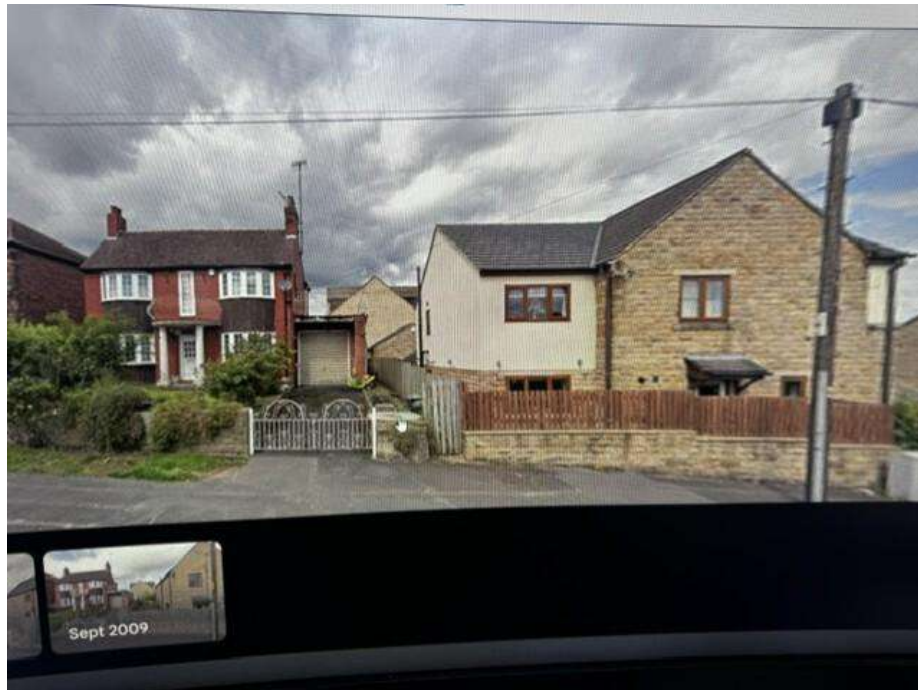


View of No.1 The Coppice Prior to Extension

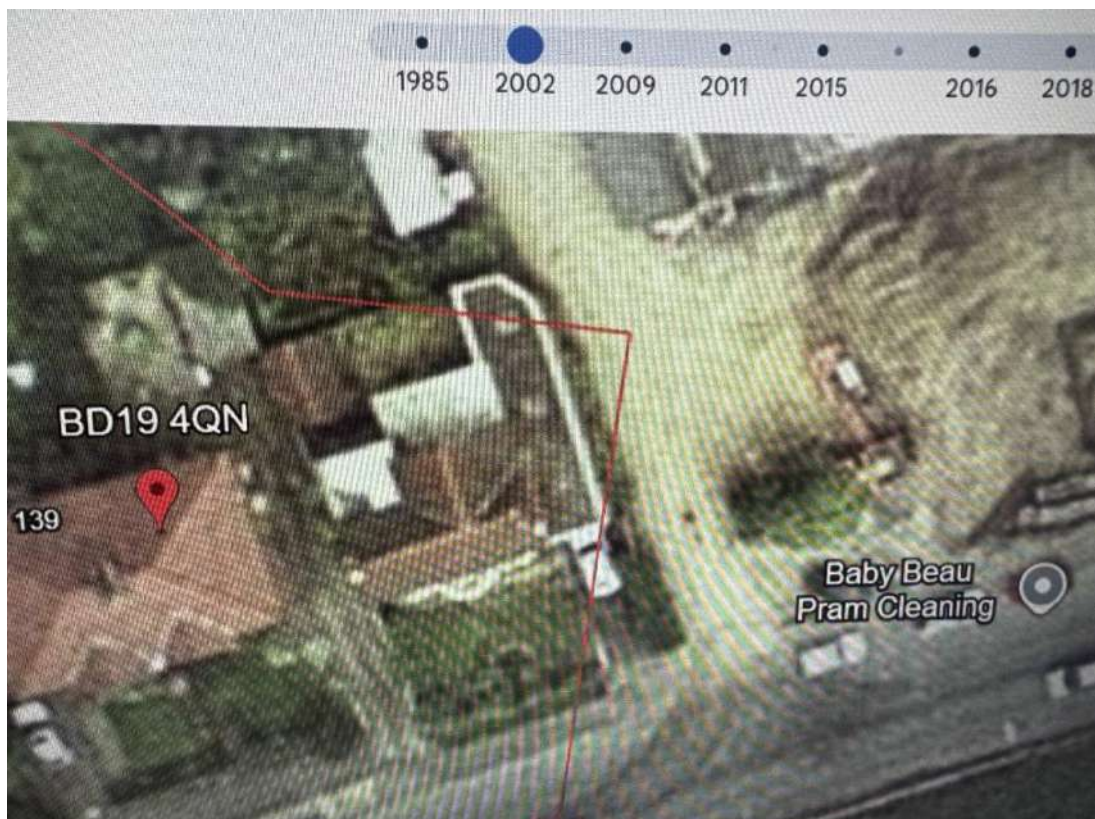




View of No.1 The Coppice Following Extension

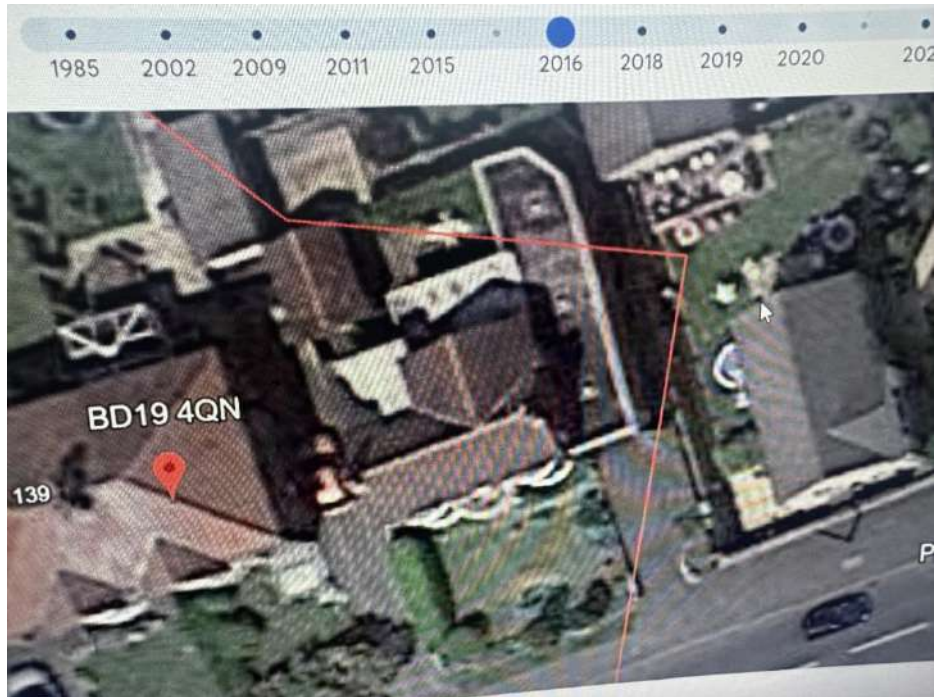


Aerial View Prior to Development at The Coppice

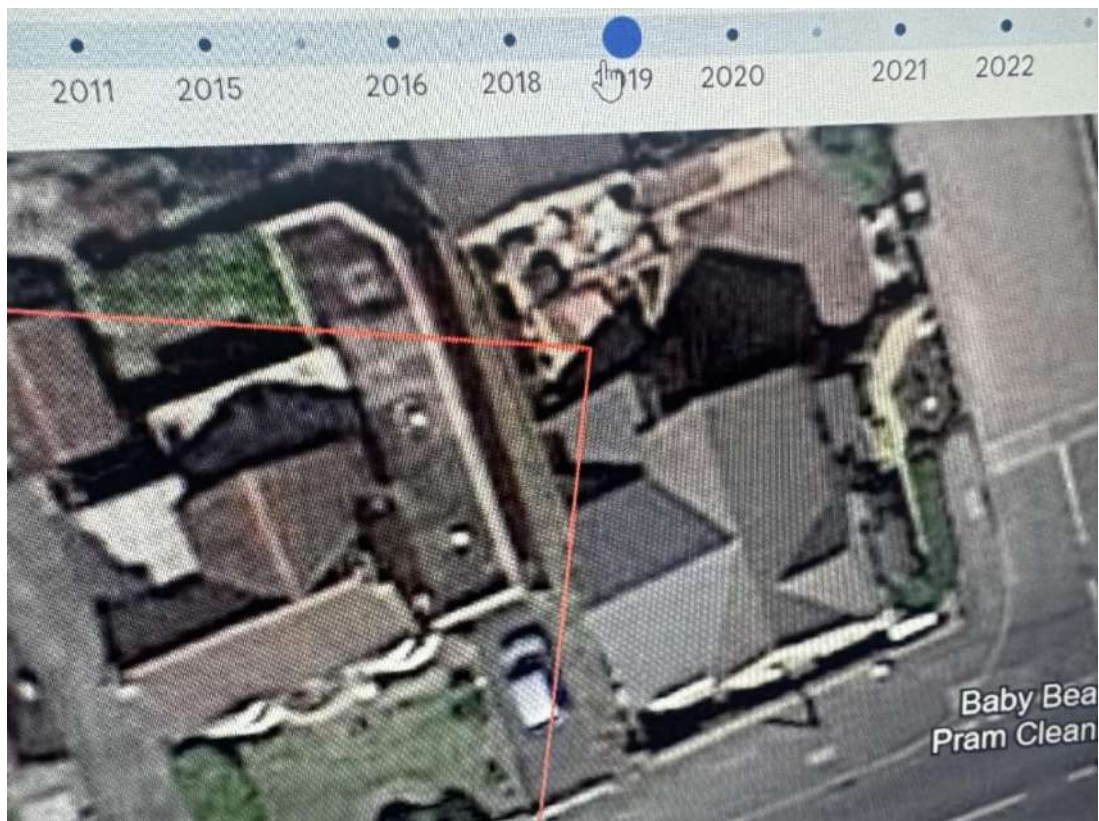




Aerial View of The Coppice Prior to Extensions

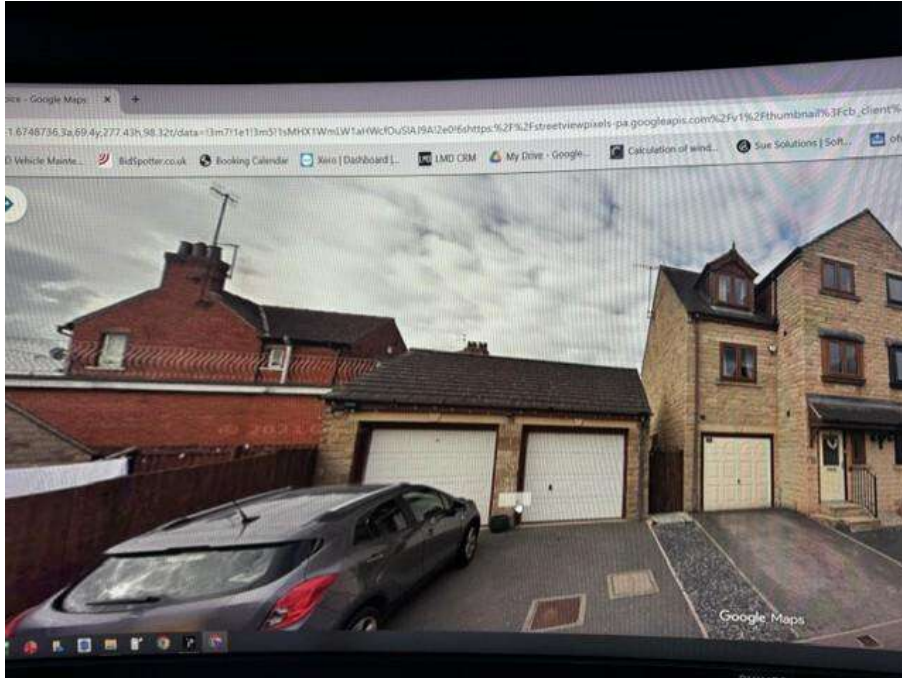


Aerial View Showing the Balcony After The Coppice Extension





View of No.3 The Coppice Gable End with No Windows



Roof Terrace Overlooking Rear Gardens of Nos 1 and 3 The Coppice





Door from House to Roof Terrace

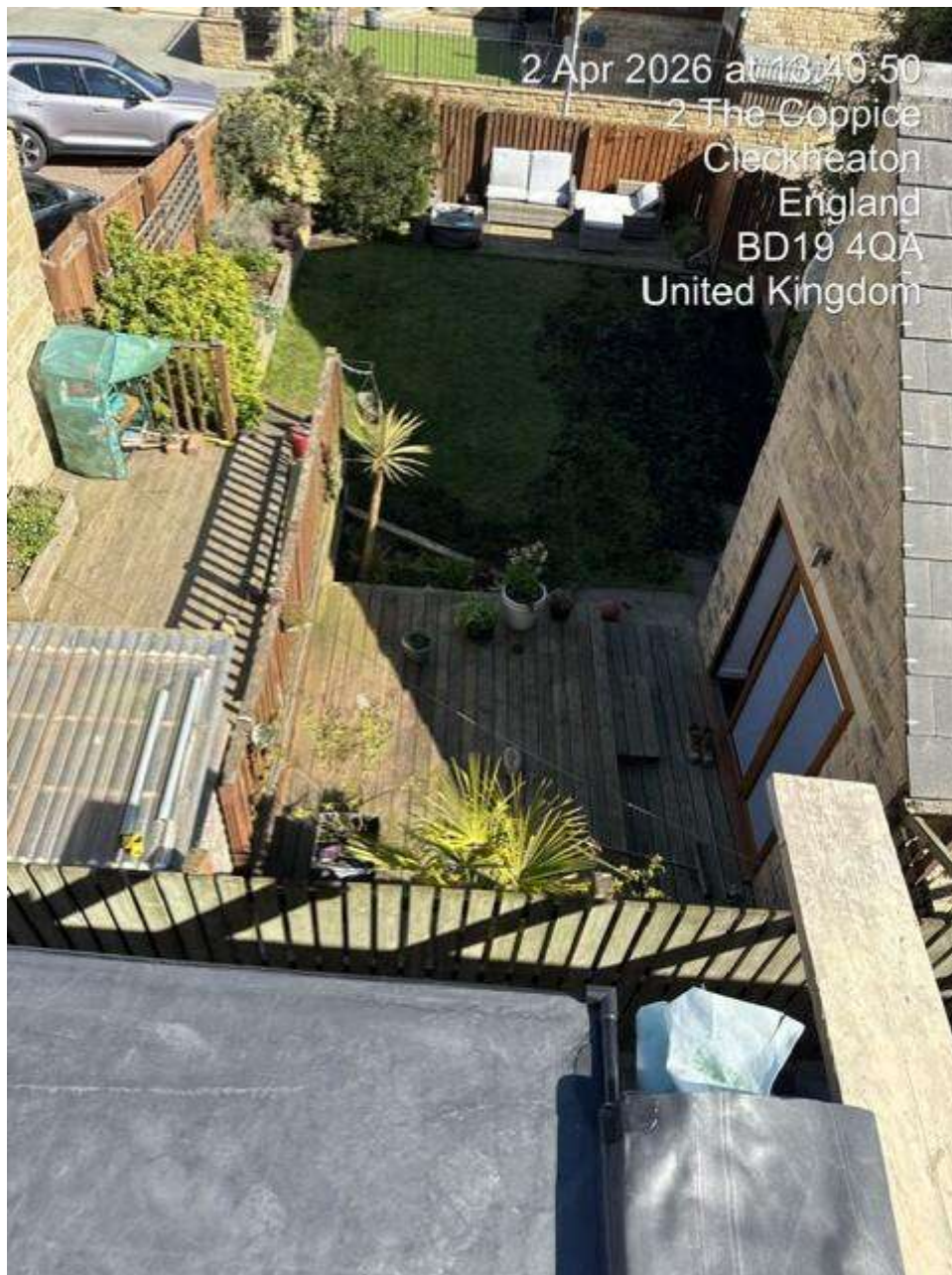


Roof terrace railing at front of property





View from Roof Terrace into The Coppice Garden





Neighbours Parking Area Similar to Appeal Proposal



Existing Dropped Kerb (No further alterations needed)

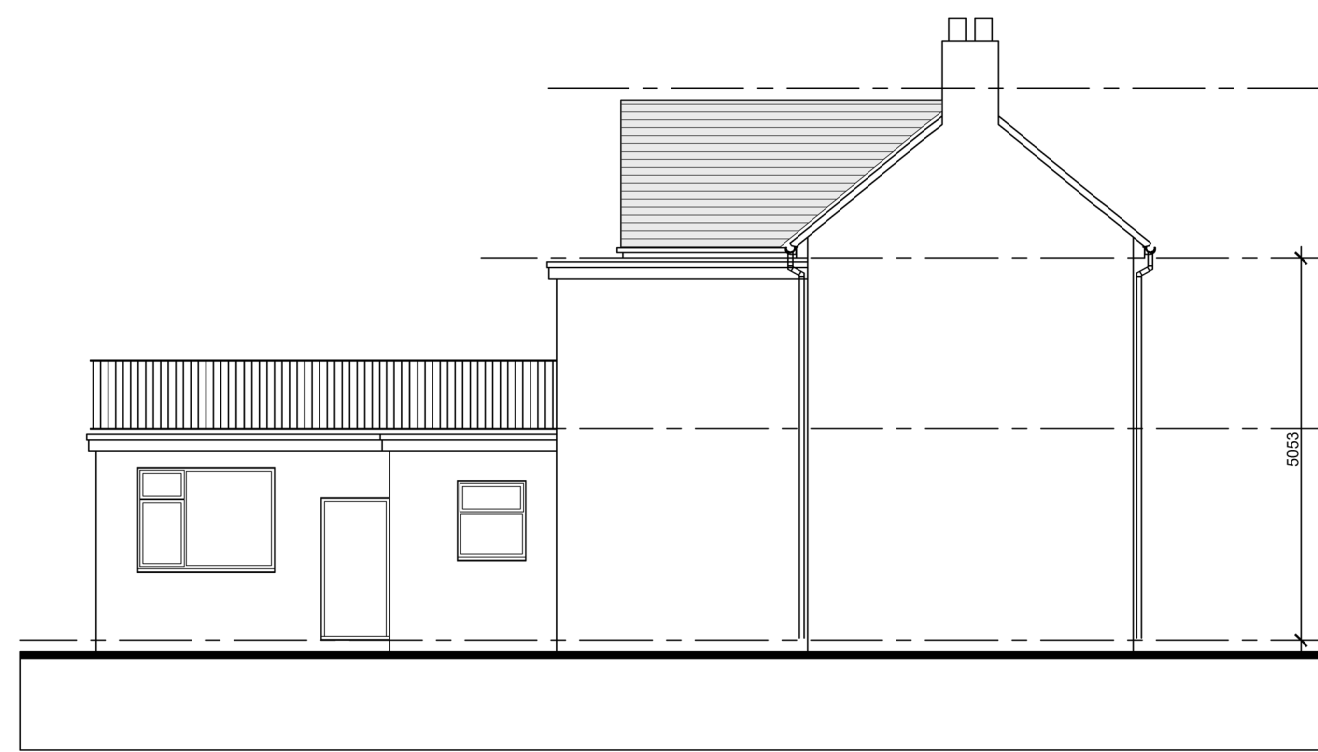




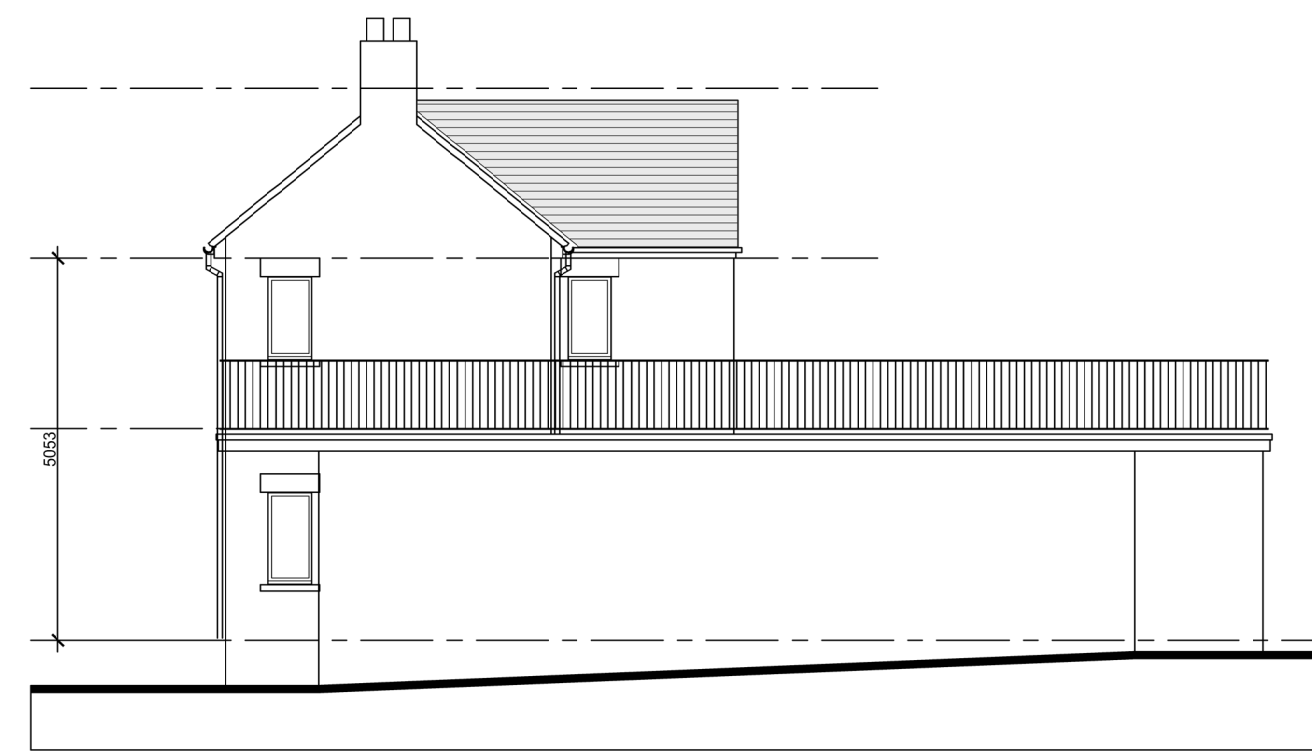
APPENDIX C



Existing Front Elevation 1:100



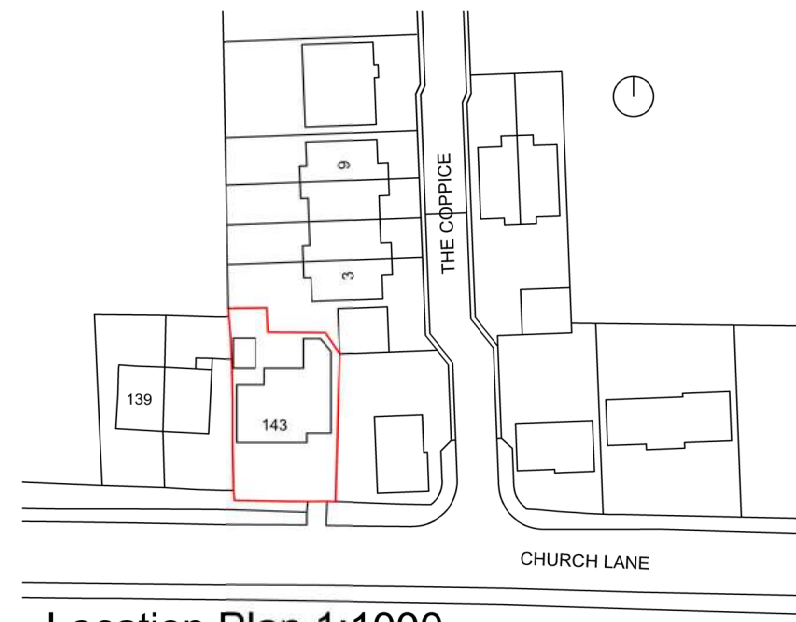
Existing Side Elevation 1:100



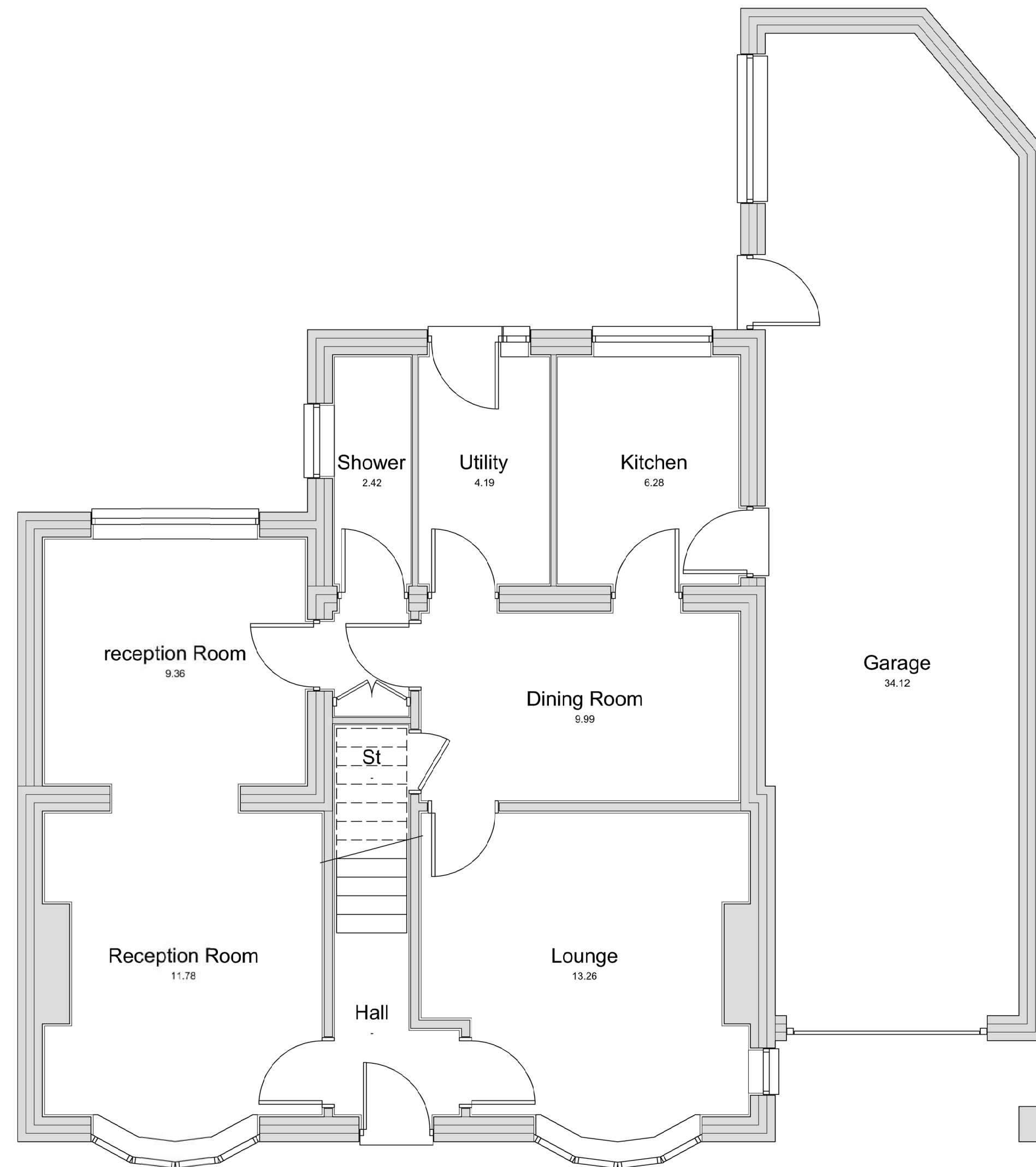
Existing Side Elevation 1:100



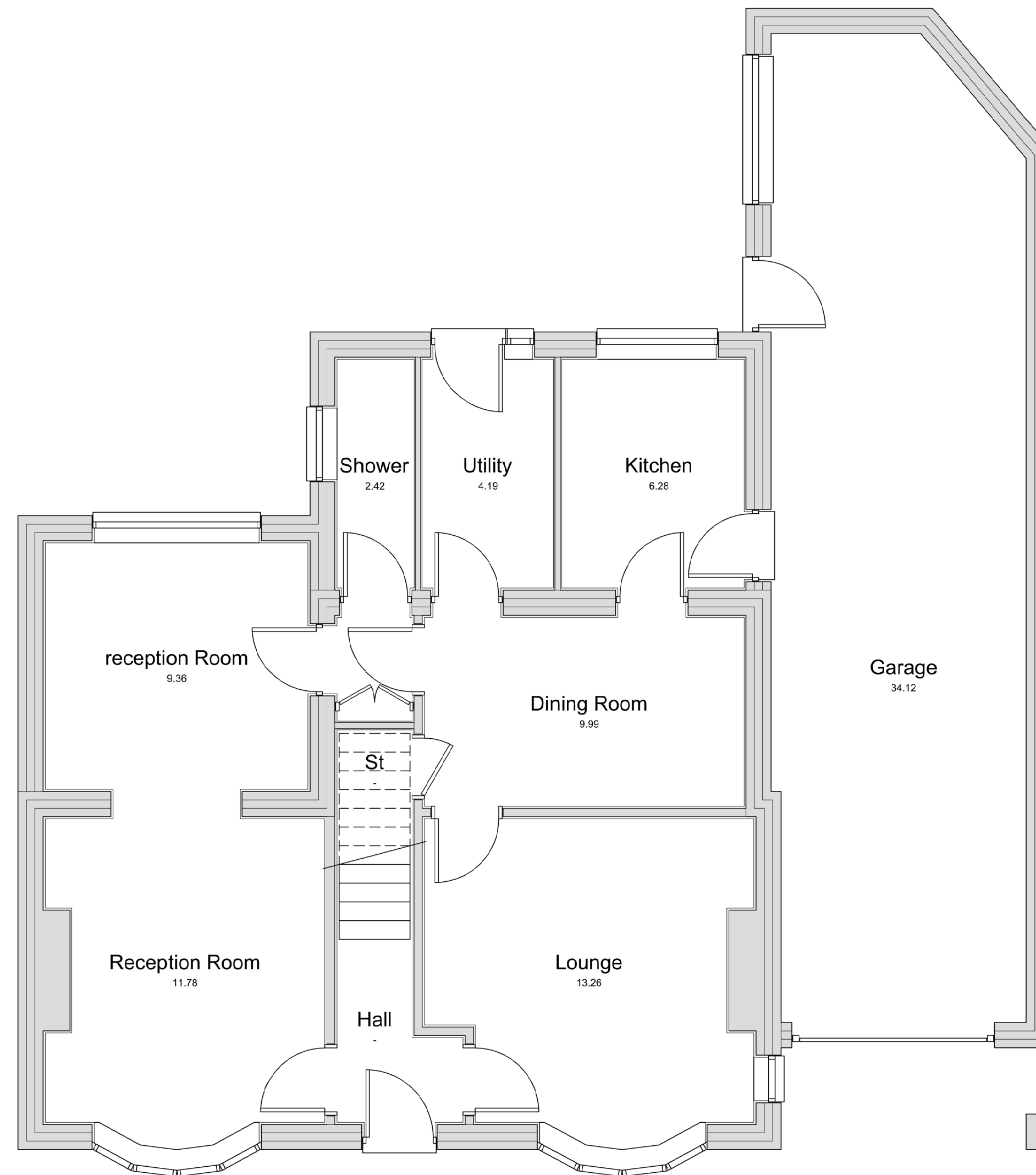
Existing Rear Elevation 1:100



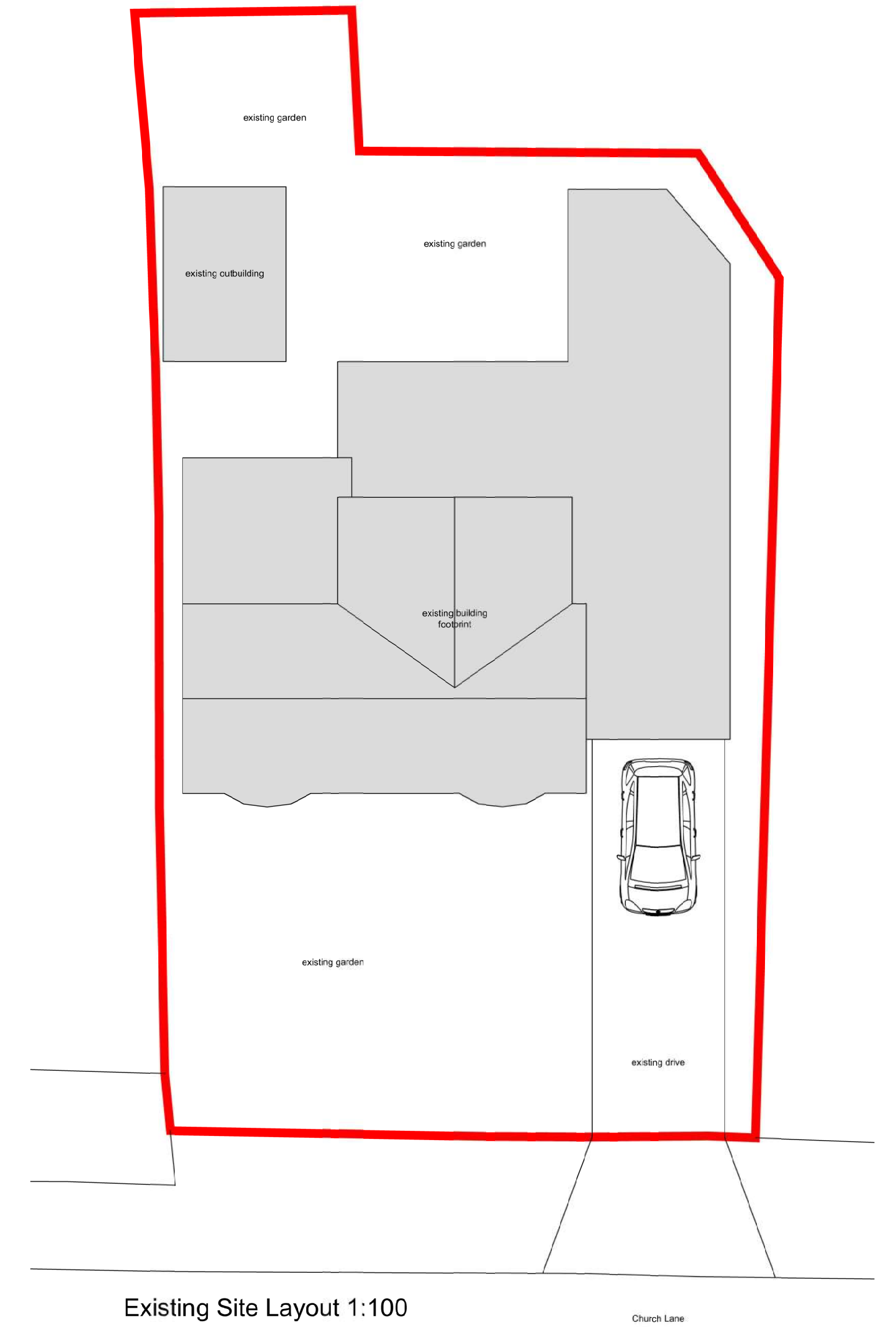
Location Plan 1:1000



Existing Ground Floor General Arrangement Plan 1:50



Existing Ground Floor General Arrangement Plan 1:50



Existing Site Layout 1:100

Alterations and Extensions to
143 Church Lane Gomersal, Cleckheaton,
BD19 4QN.

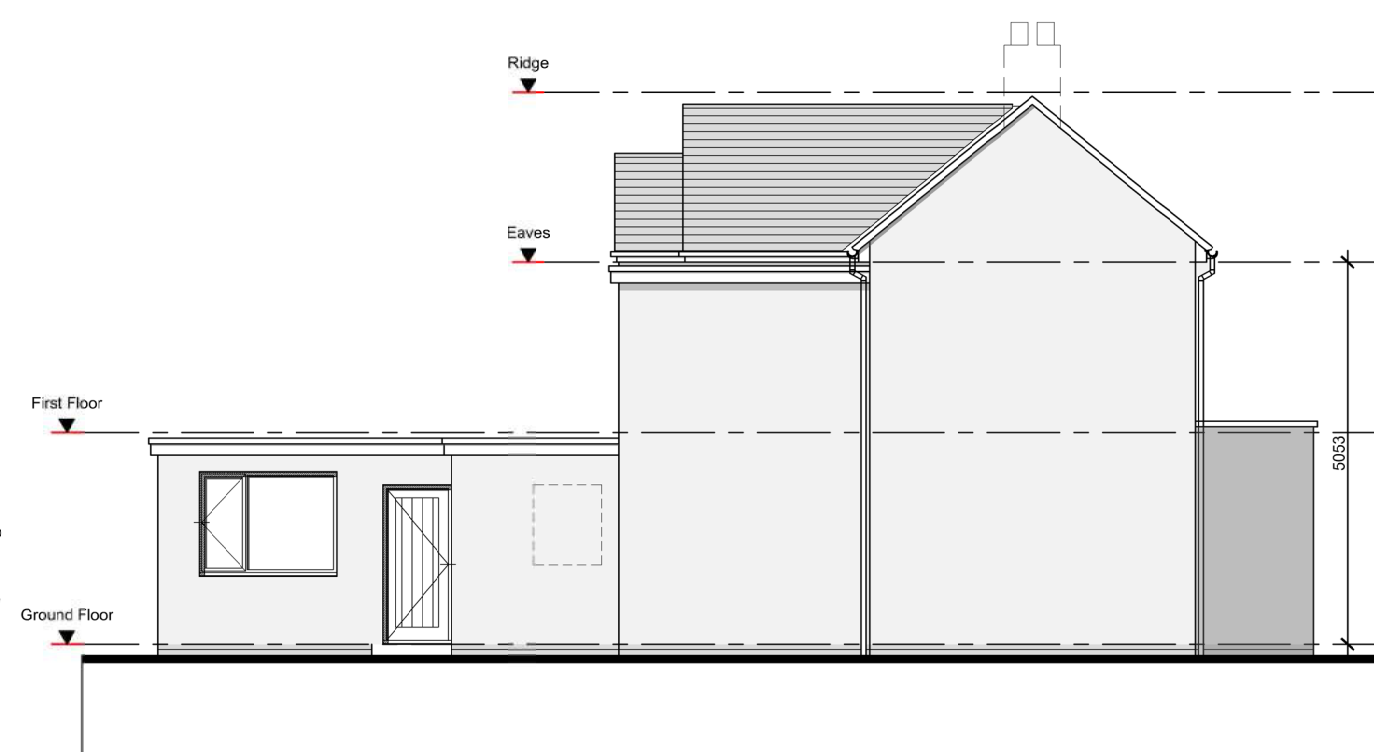
Mr E Smith
The Grange, 1 Town End, Gildersome, Morley
LS27 7HB.

Existing Plans & Elevations

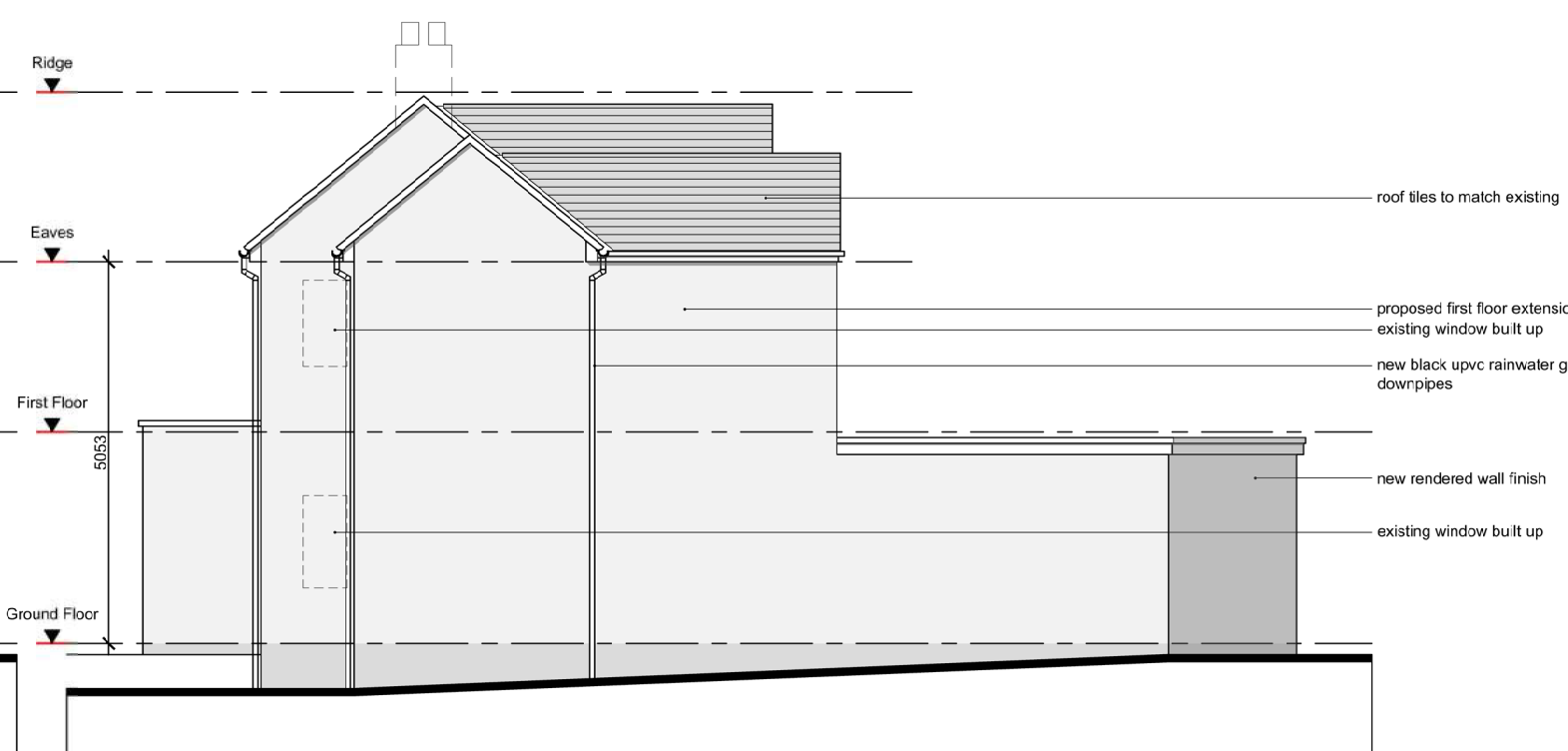
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Proposed Front Elevation 1:100



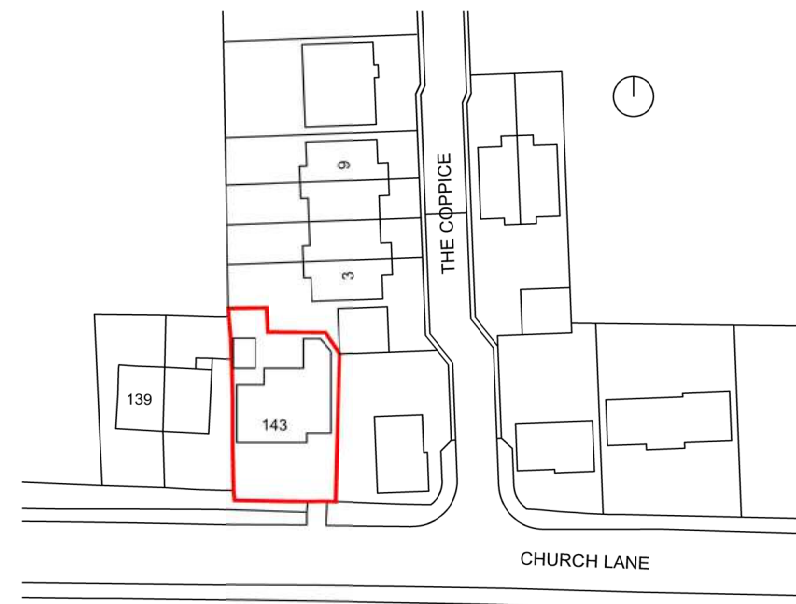
Proposed Side Elevation 1:100



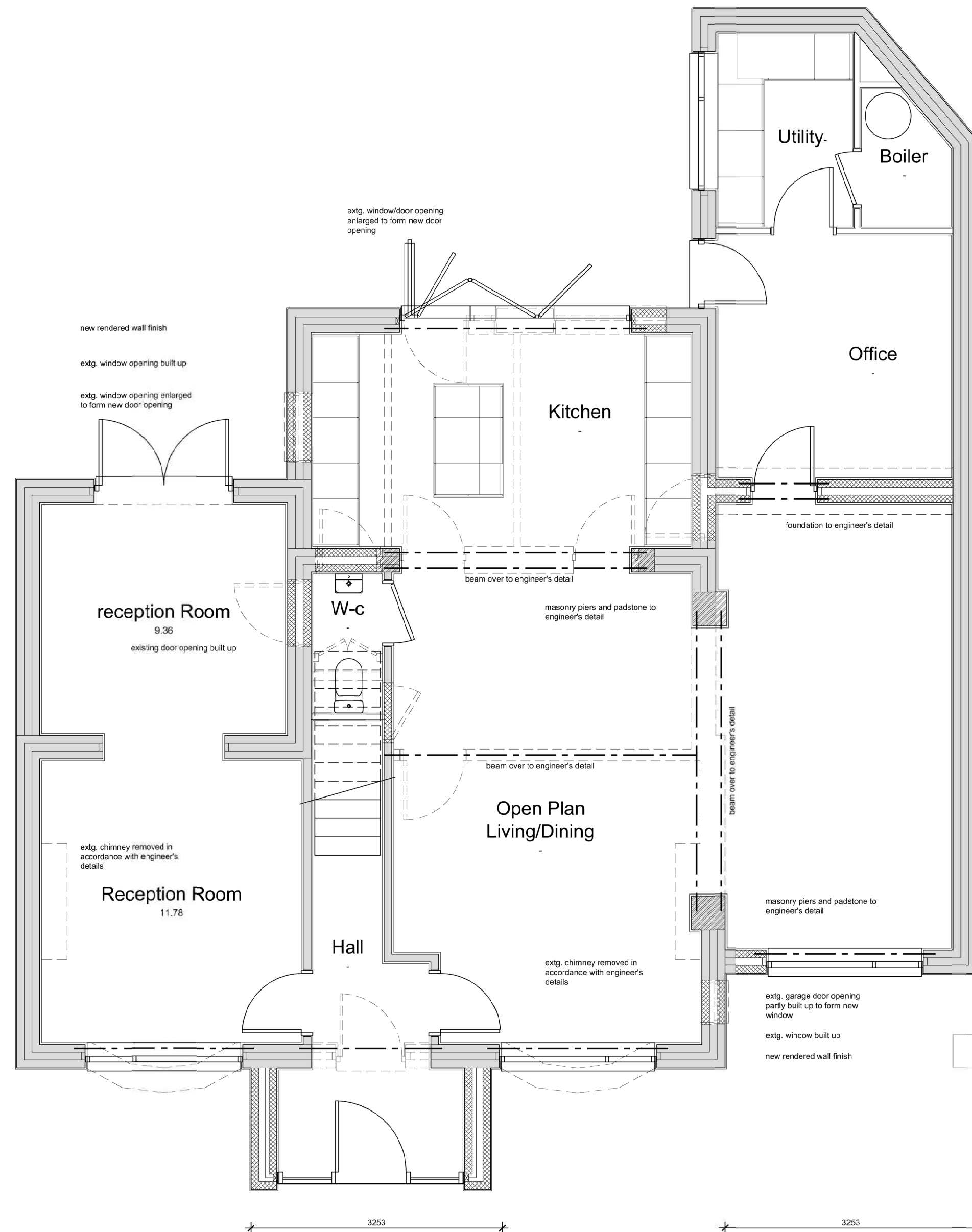
Proposed Side Elevation 1:100



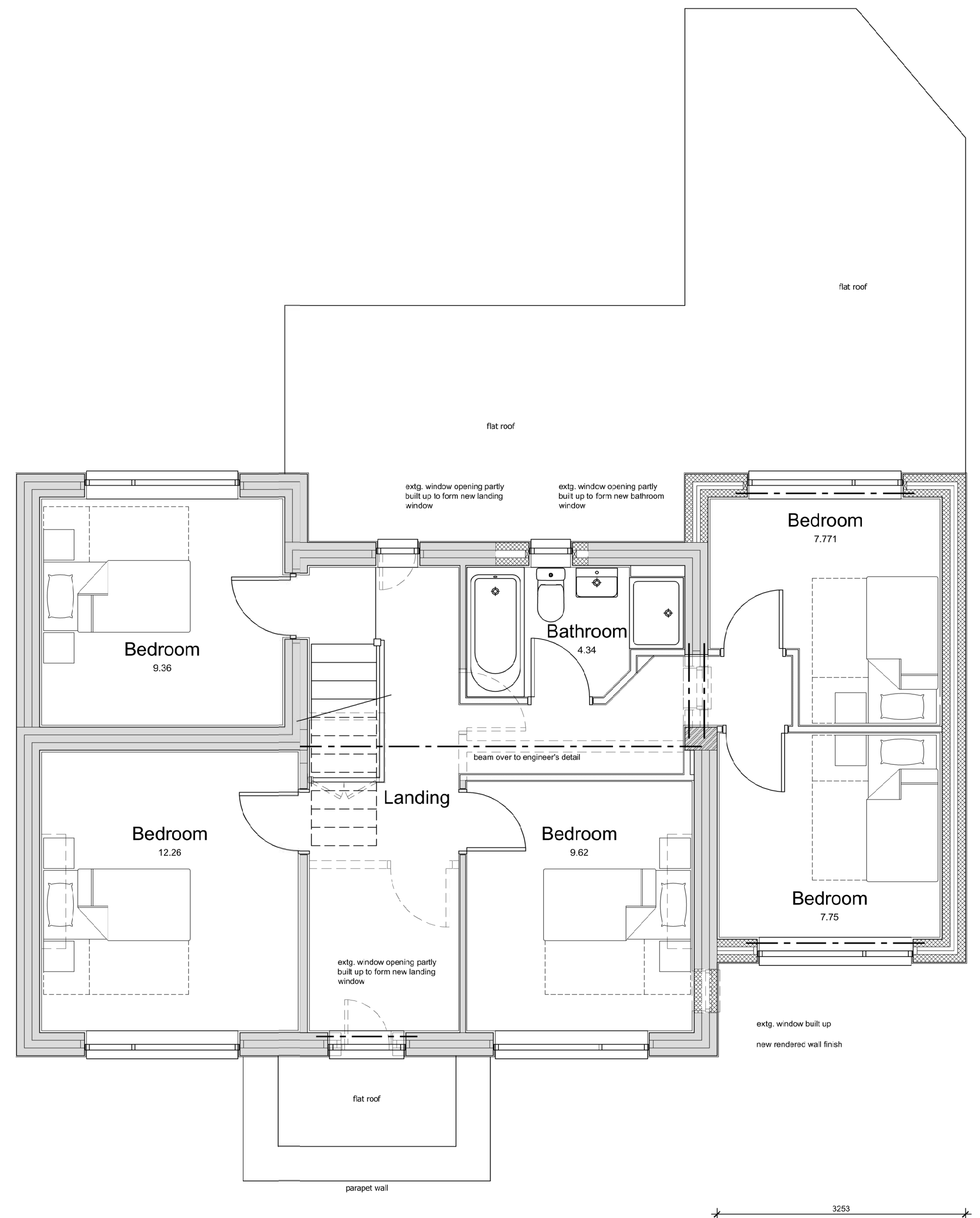
Proposed Rear Elevation 1:100



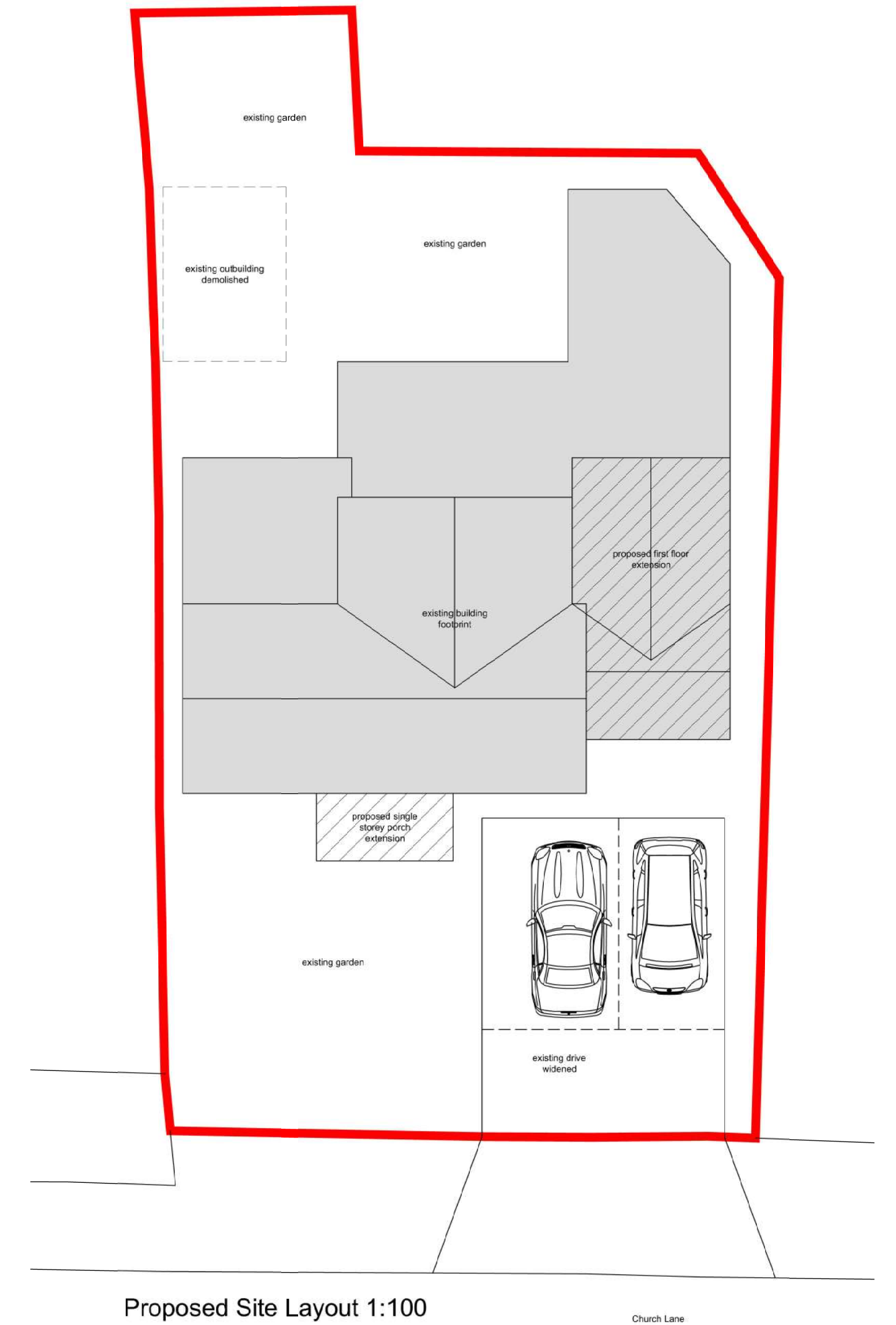
Location Plan 1:1000



Proposed Ground Floor General Arrangement Plan 1:50



Proposed First Floor General Arrangement Plan 1:50



Proposed Site Layout 1:100

Revisions
 A 12.05.26 Proposed two storey porch extension to front elevation reduced to single storey.
 B 19.05.26 First floor landing window to front elevation revised.

Alterations and Extensions to
 143 Church Lane Gomersal, Cleckheaton,
 BD19 4QN.

Mr E Smith
 The Grange, 1 Town End, Gildersome, Morley
 LS27 7HB.

Proposed Plans & Elevations

Jan 26 1:50,1:100 DWG 02 B

PLANNING, DESIGN AND ACCESS STATEMENT

Harmony House

143 Church Lane

Gomersal

BD19 4QN

Application Ref: 2026/90484

The Application is for the change of use of a house (C3a), to a children's home, for up to four children, with a Manager, Deputy Manager and up to three carers, two of whom will sleep overnight, working on a rota basis (C2).

11/05/2026

Background

1.1. This statement is submitted on behalf of Harmony House Retreat Ltd in support of an application relating to 143 Church Lane. The property is presently occupied as a dwellinghouse (Use Class C3a). Although it has been vacant in in bad state of repair for almost 10 years, this property has now been brought back into use and refurbished to a very high standard ready for the children to occupy. Permission is sought to operate the premises as a small children's home for up to four looked-after young people (aged 7–18), which is generally regarded as falling within Use Class C2.

1.2. The proposed operation is a care-led, therapeutic and nurturing environment with support structured around individual needs and care plans. The underlying objective is to provide a stable and secure home setting, enabling residents to re-establish routines, strengthen relationships and progress towards independent living outcomes.

1.3. Engagement with Children's Services is being sought. Any relevant observations arising from that dialogue will be forwarded to the Local Planning Authority in due course.

1.4. The application site comprises a proposed detached, five-bedroom dwelling. On-site parking provision is available for up to four vehicles, with two spaces located on the double-width driveway and a further two spaces accommodated on the existing hardstanding.

1.5. A parking management policy has been prepared and submitted with the application. This sets out how staff and visitor parking will be managed so as to avoid reliance on on-street spaces and to limit any inconvenience to surrounding residents.

1.6. The children's home will be registered with Ofsted for a maximum of four residents aged 7–18. In advance of any placement, a comprehensive location and impact assessment will be undertaken, considering the immediate surroundings, community context, local risks, peer influences and the specific needs of the proposed resident. The scheme is intended to provide longer-term, settled placements and is not promoted as emergency, respite or short-stay accommodation.

Proposal

2.1. The application is made to secure planning approval for the proposed use. This is required to demonstrate that the change of use is acceptable in planning terms and to support the subsequent Ofsted registration process and lawful operation of the home.

2.2. External alterations are proposed and are being progressed under this planning submission. No further substantive internal reconfiguration is required to achieve compliance with Ofsted expectations, as existing internal renovations are complete, with room sizes and the general arrangement that are suitable and ready for the children. Ofsted will, in any event, independently confirm that the internal environment meets the relevant standards prior to registration and occupation.

2.3. Rachel Maclean (Minister of State, Department for Levelling up, Housing and Communities) in May 2023 she stated in a ministerial address: *'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, the care system must provide stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.'*

2.4. *Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.*

2.5. Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'Children who no-one knows what to do with; Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility.

2.6. Ofsted's regulatory framework expects children's homes to operate, so far as practicable, in a manner comparable to a family household, with staff working on a rota to provide day-to-day care and supervision. The physical measures commonly associated with registration are limited and are not generally distinguishable from domestic installations. By way of example, CCTV (where installed) is also commonplace at private dwellings; emergency lighting does not create an external visual change; and bedroom door locks relate to privacy and safeguarding rather than any planning impact.

2.7. In relation to fire safety requirements for children's homes, the principal physical adaptations typically comprise the provision of fire doors to

bedrooms and other habitable rooms. Such doors are standard safety features and do not materially alter the external appearance of the building or the character of the property for planning purposes.

2.8. The accommodation will house three to four children, supported by a registered manager and a care team. Overnight supervision will ordinarily be provided by two carers working 48-hour shifts, with a single daily changeover at approximately 09:30. Day staff will typically be on duty from around 08:30 to 20:00, and the manager is expected to attend during weekday office hours (approximately 09:00–17:00).

2.9. Expected staffing patterns and typical associated journeys are summarised in the table below.

2.10. The proposed provision is intended to support children to achieve improved wellbeing and life chances, including the development of practical and social skills needed for adulthood. The care model is based on small, stable placements with consistent staffing, which is widely recognised as beneficial when compared with more institutional arrangements.

2.11. On school days, residents would generally attend education provision and participate in normal age-appropriate activities. Where a short settling-in period is required, education may initially be delivered remotely via the virtual school framework, with no tutors attending the property. This approach is comparable with home-based learning within a family context and does not of itself alter the planning character of the use.

2.12. Many children entering care have experienced disrupted education or may find mainstream settings unsuitable at the outset. It is therefore envisaged that some residents could begin with online learning, progressing to specialist provision (often with smaller class sizes) and, where appropriate, later transitioning back to mainstream schooling. Equivalent choices are made

within ordinary households, and such arrangements do not represent a separate or intensified planning use.

2.13. The home is designed to operate on a small-scale, domestic basis, creating an environment that is consistent with a family household. Staffing is arranged to provide continuity and routine, with care delivered in a manner broadly analogous to a fostering arrangement.

2.14. By providing care in a household setting, residents can practise day-to-day living skills within a supervised and supportive environment. In the absence of stable placements, young people leaving care can face poorer outcomes and increased vulnerability; the proposed development would contribute positively to addressing this identified need.

Planning Assessment

3.1. The principal policy context comprises the National Planning Policy Framework (NPPF, December 2024) and the Kirklees Local Plan.

3.2. The relevant sections of the NPPF are as follows:

Paragraph 2 of the NPPF is highly relevant as it states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 61 makes clear that in order to *'support the Government's objective of significantly boosting the supply of homes..... the needs of groups with specific housing requirements are addressed'*. Paragraph 63 makes particular mention of the needs of looked-after children.

Paragraph 62 makes clear how housing need in an area should be assessed and understood, and paragraph 63 advocates that planning policies should reflect the housing needs for different groups in the community.

3.3. Recent Government guidance reiterates the importance of Paragraph 63 of the NPPF, which requires local planning authorities to consider the size, type and tenure of housing needed for different groups within the community and to reflect that evidence in both policy and decision-making. Paragraph 63 identifies looked-after children among the groups to be considered. Evidence of local need is typically set out within the relevant local authority's Children's Social Care Sufficiency Strategy.

3.4. In a ministerial statement the then Housing and Planning Minister said councils *should consider whether it is appropriate to include accommodation for children in need of social services as part of the NPPF assessment*'. She went on to say that *'Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country'*.

3.5. Paragraph 116 is specifically relevant, *'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, following mitigation, would be severe, taking into account all reasonable future scenarios'*.

3.6. Section 8 – Promoting healthy and safe communities emphasises the need to make appropriate provision for the special needs of young people.

Kirklees Local Plan

Principle of Development

3.7. The site is not subject to any specific designation within the Kirklees Local Plan. Policy LP1 confirms that the Council will approach proposals positively, reflecting the NPPF presumption in favour of sustainable development.

3.8. In considering a change of use to a children's home, a number of Local Plan policies and national objectives are engaged.

LP11 & LP24 of the KLP are relevant, in conjunction with Chapters 5, 8 & 12 of the NPPF, regarding in terms of supply of housing, the character of the area, the neighbouring properties amenities, highway safety, ensuring the safe operation of the home and community cohesion. The location is considered to be sustainable with its proximity to transport links, including bus stops, local educational facilities and services. In this case, the principle of the use is considered acceptable, and the development shall be assessed against all other material planning considerations, including the character of the area, residential amenity and highway safety.

Specialist Housing

3.9. Specialist schemes will be supported in the borough's towns and excluded villages where accessibility to services and facilities is good. *'However, where a proposal is likely to lead to a concentration of specialist accommodation in any one neighbourhood area, primary health care service providers should be consulted to ensure that the residents will be sufficiently supported by primary health care services.'*

3.10. There are no comparable care homes in the immediate vicinity. The proposed development would not therefore give rise to a concentration of specialist accommodation and is not expected to place undue pressure on local primary care services.

Location of Specialist Housing

3.11. Ofsted requires a location-based risk assessment prior to registration of a children's home. Planning control is therefore one part of a wider regulatory framework governing suitability. A relevant planning principle is whether other legislation provides the more appropriate mechanism to regulate detailed operational matters. In the context of children's homes, the principal statutory controls include the following:

Care Standards Act 2000

The Care Standards Act 2000 (Registration)(England) Regulations 2010

The Children's Homes (England) Regulations 2015

Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013

Neighbouring Amenity

3.12. There is no evidence to suggest that the proposed use, which will be closely supervised and managed, would result in noise levels materially greater than those that could arise from the lawful use of the property as a family dwelling.

3.13. Likewise, the level of day-to-day activity associated with staff and residents is not anticipated to give rise to an unacceptable impact on the amenity of neighbouring occupiers.

3.14. Operationally, the proposal would function in a manner similar to a conventional household, albeit with a structured staff rota. Regular handovers, school-related journeys and occasional professional visits would occur, but such movements are comparable in nature to those associated with a larger family home. Experience from comparable small children's homes indicates that overall activity levels typically remain within normal domestic parameters.

3.15. Across a typical week, trips will mainly relate to school attendance, routine staff changeovers and scheduled visits from professionals (for example, social workers). The operator will manage these activities to avoid unnecessary disturbance and to promote considerate behaviour within the local area.

3.16. In summary, the frequency and timing of arrivals and departures are expected to remain consistent with a domestic baseline. The manager will generally attend during weekday office hours (circa 09:00–17:00). Overnight staff work 48-hour shifts with a single daily handover at around 09:30, and day carers are typically present between approximately 08:30 and 20:00.

3.17. By way of comparison, it is not unusual for a dwelling to accommodate residents with particular needs who receive regular visits from carers throughout the day. Such arrangements are generally accepted as compatible with residential amenity, and the proposed staffing movements would likewise remain within a domestic pattern of activity.

3.18. The surrounding context is also relevant. In locations with established activity and movement, the effects of routine comings and goings are typically less perceptible than would be the case in a particularly quiet residential setting.

3.19. In addition to Ofsted's annual inspection, the home can expect periodic visits from local authority officers (typically every four to six weeks) and a monthly Regulation 44 visit. Social worker visits are usually undertaken on an individual basis, although this may be combined where residents are placed by the same authority. In any event, the frequency and scale of these visits is modest and would not materially affect the character of the property or the amenity of neighbours.

3.20. Subject to individual care plans, there may also be occasional attendance by other professionals. Family and friend visits may occur where appropriate; these are managed in advance and, where necessary, contact may be facilitated away from the property. The overall level of visitation is not expected to exceed that commonly associated with a typical household, and is summarised within Schedule 2 below.

3.21. For completeness, an indicative comparison of weekly movements associated with the existing lawful use and the proposed use is set out below.

3.22. Day-to-day domestic tasks—such as cooking, cleaning and gardening—will be undertaken as part of the household routine with the involvement of the children. No separate ancillary staff are proposed to work from the premises.

Schedule 1 (estimated comings and goings from family use)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Journeys to work		4	4	4	4	4	
School Run		4	4	4	4	4	
Shopping/ Social/recreational outings	4			2	2		4
Other visitors	4	2	2	2		2	2
Total Movements (in and out)	8	10	10	12	10	10	6

Schedule of Proposed Use (based upon experience of other similar homes)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Home Manager/ daily carers	2	4	4	4	4	4	2
Care workers starting and finishing shift	2	2	2	2	2	2	2
School run		4	4	4	4	4	
Shopping/ Social/recreational outings	4						4
Visitors (inspections/ social workers/ family and friends)	2			2			2
Total Movements (in and out)	10	10	10	12	10	10	10

3.23. The schedules indicate that, in broad terms, the level of comings and goings would remain similar to that which can reasonably be expected from residential occupation of a house.

Impact of the presence of staff

3.24. In visual terms, the property would remain indistinguishable from neighbouring dwellings. During the day, it is anticipated that up to three members of staff would typically be present at any one time. This level of occupation would not give rise to a material change to residential amenity or to the established character of the area.

3.25. In an appeal in Stockport (Appeal Ref. 2162636) an Inspector noted that although the building would be fitted with an office [and fire alarm], this was not uncommon in many dwelling houses around the country and would not materially alter its basic character as a dwelling house.

3.26. A similar conclusion is drawn in the Dale Road Appeal (Appeal ref. 3263178) : *'The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'*

3.27. Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states: *'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings*

and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly, the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use’.

3.28. On this basis it is maintained that the proposed use as detailed in this supporting statement would not be materially different from a typical household. This is also supported by the Egerton Appeal (Appeal Ref.3161037) where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

Fear of Crime/Anti-Social Behaviour

3.29. Fear of crime and perceptions of anti-social behaviour may be treated as material considerations. However, in this case there is no substantive evidence that the proposed use would increase the likelihood of nuisance or disorder. The operation of the home, including staffing and safeguarding procedures, is subject to Ofsted regulation and inspection, providing a further control framework beyond the planning system.

3.30. Each proposed placement will be subject to an appropriate multi-agency assessment to confirm suitability for the location and for the household. Staff will be trained to manage emotional and behavioural needs and to maintain supervision. These measures are intended to safeguard residents and to minimise any risk of adverse effects on the wider neighbourhood.

3.31. Should the Local Planning Authority consider it necessary, an operational management plan could be secured by condition. Such a plan could include arrangements for recording and responding to neighbour concerns, provision of

a dedicated contact point, and proportionate measures to prevent or address any repeated issues.

3.32. Accordingly, planning consideration should focus on the nature of the use and its likely effects, rather than the individual circumstances of potential residents. The proposed staffing, safeguarding procedures and regulatory oversight are directed at ensuring the home operates responsibly and without undue disturbance.

3.33. The appropriate planning approach is to consider the existing lawful use as the baseline and to assess whether the proposal would materially alter the character of that use. In practical terms, the day-to-day operation would in many respects mirror a normal household. Residents would occupy the property as their sole and main home, with shared access to living, dining and kitchen facilities, and the ability to eat together, be supported with meals, or prepare food and drink as part of ordinary domestic living.

3.34. Residents would engage with the property in a manner akin to other household members, supported by staff who undertake a parental-style role. Shared meals and participation in domestic routines (including age-appropriate chores) form part of the care model, with the purpose of providing a stable environment that is as close as practicable to a typical family setting.

In that context, the core function of a children's home is to provide a supportive residential environment that replicates, as far as possible, the normality of family life.

Community Engagement

3.35. The applicant is committed to maintaining constructive relations with the local community. Prior to commencement, local residents will be offered an opportunity to attend an information session, and a named contact will

be provided so that queries can be raised and addressed promptly by management.

Conclusion

4.1. For the reasons set out above, it is considered that the proposal would not result in a material change from the established residential use of the property. The home will operate as a single household, with staff working to a rota and sharing the normal domestic facilities (including kitchen, bathrooms and living areas). The associated level of activity and movement is expected to remain broadly comparable with that which could occur at a dwellinghouse.

4.2. The intention is that residents will treat the property as their main and settled home, with placements expected to be of more than short duration. The proposal is not for emergency overnight accommodation, respite care or other transient arrangements. It is also established in case law that a use may remain residential in character notwithstanding that it is managed and involves an element of commercial organisation.

4.3. Following *Gravesham BC v Secretary of State for the Environment* [1982], the court accepted that the distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-day private domestic existence. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons or if it was under commercial management.

4.4. It is anticipated that activity arising from the proposed children's home would be no greater than that which could reasonably be associated with the property's lawful use as a dwelling, and in certain respects may be lower due to the structured and supervised nature of the operation. On that basis, there would be no unacceptable harm to residential amenity. The Local

Planning Authority is therefore respectfully requested to grant planning permission for this proposal, which would contribute to meeting an identified need for appropriate local provision.

Management Plan for Harmony House

Children's Residential Home

How many children would be accommodated?

The proposal is to accommodate up to 4 young people. This will be done incrementally, 1 at a time with careful consideration taken to the matching of other young people in the home to ensure smooth transitions, creating positive relationships and outcomes.

What is the ratio of staff to children that is required, i.e. delivery model?

We will have a staffing ratio of 1 member of staff per child.

What is the likely level of need of the children accommodated, i.e. is there a focus on complex needs?

The home would provide a nurturing home for up to 4 children, aged between 7 to 18 who have been displaced from their family or have been a victim of some type of Trauma.

The home aims to provide a caring approach with a high level of individualised care. We aim to provide young people with a sense of belonging and security and to enable the development of healthy relationships, feeling valued, and a positive transition into adulthood.

We aim to provide an environment that reflects as realistically as possible, that of a genuine and nurturing family home environment, with the consistency of care, boundaries, and support associated. Some of our young people will have experienced several placement and relationship breakdowns, which have further entrenched the disadvantage they have experienced. We aim to provide a home in which children and young people feel secure and valued.

We will work with our young people to help them feel supported to make positive choices and therefore access services that will address their social, educational, and cultural needs. Young people are actively encouraged to understand their behaviour and the impact it has on others and themselves, and the consequences of their actions in the immediate and longer term. Through emotional intelligence and effective communication, everyone can be heard, safely.

What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?

The comings and goings, whether by car or other means, are similar to a typical family dwelling. The home manager would arrive each weekday in the morning and leave each evening. In terms of the other staff on the premises, the two overnight staff would work on 48-hour shifts with only one change of staff each day around 9.30 am. A third daily carer will arrive each day around 8.30, working until 8 pm.

What support officers would be likely to visit the property?

In addition to OFSTED's one visit per year, there will be visits by local social services circa every four to six weeks and one Regulation 44 each month. Usually, each child's social worker would visit them individually but if they are from the same local authority one of the social workers may visit more than one child on the same visit.

How would visits be scheduled and would staff/support-worker meetings take place at the property?

To control excessive visitors to the premises, online and structured agenda-based meetings are held. Visits from Family members, social workers and senior management are all preplanned in advance to keep people movement to a minimum.

If residents are unable to participate in full-time, mainstream education, what educational support would be offered on-site?

With regards to schooling, it is often the case that when young people come into care, they have missed an extensive proportion of their education or are affected in a way that they could not work effectively in a large classroom environment. Given this, they could be tutored from home initially. This is all achieved online without any tutors having to come to the house. They may then progress to a specialist unit (smaller

class sizes) then hopefully onto mainstream. In cases where children may have a home tutor, this is no different from an ordinary family who choose to have their children educated at home.

Would therapeutic care be offered on site?

Therapy is offered. No impact in regard to additional facilities as this will be accommodated in existing facilities or online.

Would case reviews take place on or off site?

Visits from social workers and senior management are all pre-planned in advance to keep people movement to a minimum. The case reviews may take place on site, however, not all attendees will be based at the premises. Where possible we will use video meetings.

Are friends and relatives of residents able to visit at any time?

Visits by family members and friends are carefully managed in advance, subject to child's individual care plan. These visits are no more frequent than those to a typical family by friends or relatives.

Will the property be OFSTED registered?

Yes

Are children ever left alone at the property?

No. There will always be a minimum of one staff member supporting a young person in the home

Under what circumstances are children allowed to leave the property?

Under the supervision of staff.

Would staff members be informed/aware if a child left the property?

As per a regular dwelling, we will have a home alarm system to notify us of any access openings during the night along with full staffing supervision during the day.

Is there a curfew?

Not applicable as young people go out with staff support

What would happen in the event of a breach of curfew?

Missing person protocol followed. We would proactively search for any young person that was missing whilst working with the relevant authority and take all appropriate measures to return them home safe as swiftly as possible

What security provisions are proposed, e.g. security and access controls on doors?

House alarm and gate entrance/exit access control.

Would CCTV be installed?

Yes on the exterior of the property only

How would local residents know how to raise a concern in the event of an issue?

Good neighbour policy followed which requires the registered manager to introduce themselves to the neighbours and provide them with their contact details. We will work collaboratively with the neighbours to ensure a positive relationship.

HARMONY HOUSE

STAFF PARKING POLICY

Goal

At Harmony House Retreat, we want to run the home in a way that respects the people who live nearby. Following comments raised by local residents—and to support our planning application—we have introduced this Staff Parking Policy to reduce inconvenience, prevent congestion, and set clear expectations for considerate parking whenever staff attend the home.

Who this applies to

This policy covers **everyone** who comes to Harmony House Retreat in a work capacity, including employees, agency staff, contractors, and any other professionals working at the children's home.

Key parking rules

Discourage parking on Church Lane immediately outside the house

- Staff are discouraged and requested to not park on the main road (Church Lane) directly outside the property. Keeping this stretch clear helps traffic move freely, protects access for emergency vehicles, and reduces disruption for our neighbours.

Use car sharing wherever it works

- We ask staff to share lifts when shift times make it practical. Fewer cars mean less pressure on local parking, a smaller environmental footprint, and a better experience for residents living close by. Where possible, colleagues should arrange shared travel in advance.

Parking on nearby streets

- If you cannot share a car, and there is no alternative solution and you park on surrounding roads, you must do so responsibly. In particular, you must ensure:
- You do not block any driveway, dropped kerb, gate, or access point.
- Your parking does not inconvenience residents or interfere with day-to-day local activity.
- Road space remains clear for emergency and service vehicles to pass and stop safely.

Please use good judgement and park with courtesy at all times, remembering that we share these streets with the wider community.

Keeping all routes clear

- The site has two separate access points from the main street. This helps vehicles enter and exit smoothly, particularly at handover times, and supports continued access for emergency response without creating bottlenecks.

Roles and Enforcement

- **Everyone:** Follow the parking arrangements at all times and raise any problems or repeated non-compliance with the Home Manager.
- **Registered Individual and Home Managers:** Make sure all staff understand this policy and that it is followed consistently.
- **Initial Training Lead:** Include the policy in initial training and regularly remind staff of our expectations through ongoing communications and reminders.

Implementation and review

- Not following this policy may lead to action under Harmony House Residential's conduct and disciplinary procedures. Where issues continue or are serious in nature, formal warnings may be issued. We will also keep this policy under review, so it remains effective and proportionate, taking account of operational needs and any feedback from the local community.

On-site spaces and access

- There is on-site parking for a minimum of up to four vehicles:
- Two cars(possible more due to size) in the double-width driveway
- Two cars on the dedicated hardstanding area
- The driveway has two separate parking areas, which makes arrivals and departures more flexible and reduces the chance of vehicles being trapped in. Staff should plan parking around shift changeovers and agree an order of parking where needed to limit vehicle movement during the day.
With clear communication and sensible planning, we can keep access workable without constant moving of cars. This approach helps the home run smoothly while keeping our impact on the surrounding area as low as possible.

Visitor parking

- We will receive Health care visitors, Ofsted inspectors, and other pre-planned guests. To keep disruption to a minimum, we ask visitors to follow the guidance below.
- Visitors will be advised of the Parking Policy before they arrive.
- When spaces are available, visitors should use on-site parking rather than stopping on the road outside.
- If on-site spaces are full, visitors should park on nearby streets with the same standards expected of staff, avoiding driveways and access points and ensuring traffic flow and emergency access are not affected.

Appendix A – Climate Change Statement

Climate Change Statement for Planning Applications

Part 1: Applicant details

Name of applicant/agent	Edward Elliott-Smith
Site Address	143 Church Lane Gomersal Bradford BD19 4QN
Description of Development	chang of use to C2 Childrens Residential Home, refurbishment of dated property and small extension above the garage.

Part 2: Climate Change Mitigation measures

Please respond to the following questions considering the measures set out in the Climate Change Guidance note:

Q1: What measures have been/will be taken to reduce the energy demand associated with your proposed development beyond the minimum required in Building Regulations? (See section 2)

the original property when purchased had a EPC of an "F", virtually no insulation or any means of helping with any heat loss.
we considered all of the usual methods like Solar, Heat Pumps etc, but it was decided due to the properties make up to carry out the following:
underfloor Heating, utilising a 150mm insulation and a 70mm liquid screed throughout the whole of the ground floor.
loft insulation on both rafters and on joists
100mm wall insulation on all stud walling
downstairs wall have new insulated plasterboard 62.5mm.
new PVC windows throughout the property, with Triple glazed gas filled units
aluminium Bifold doors and curtain wall, all thermal broke, double glazed and gas filled units
flat roof will have a warm roof system installed
all lighting will be the latest spec energy efficient LED
Vehicles will have EV charging Stations.
a brand new house roof

Q2: What measures have been/will be taken to limit the carbon consumed through the implementation and construction processes, e.g. by reusing existing on-site materials or sourcing materials locally? (See section 3)

all brick work that was removed was stored on site and then a crushing machine was brought in to crush for the sub floor levelling, every bit of hardcore was recycled, nothing has gone to landfill.
all of our materials used are from suppliers with our immediate area, all materials are latest spec with a long life which will mean they last for a very long time and wont need replacing for very many years to come.
our building team are local and all within a 10 mile radius.
we encouraged a car share and this has saved on the emissions and also congestion

Q3: What measures have been/will be taken to utilise renewable or low carbon energy sources? (See section 4)

we are considering a solar array and have requested costs for this.

Q4: What measures have been/will be taken to ensure the building design and layout has been optimised to energy efficiency beyond the minimum requirements in Part L of the Building Regulations ? (See section 5)

we have gone over and above any recommended spec for the insulation of the property, a brand new roof, underfloor heating, loft, wall and ceiling insulation, all exterior walls will be plastered with a 62.5mm thermally insulated plasterboard and we are installing a warm roof system and energy efficient doors and windows.

Q5: What measures have been/will be taken to reduce potential impacts of flooding associated with your proposed development? (See section 6)

previously there was very little surface drainage, we propose there will be new Acco drains around the property to catch any surface water, there is also all new guttering throughout the property.

the property is on a steep hill so standing water is not an issue.

Q6: What measures have been/will be taken to reduce water stress associated with your proposed development? (e.g. Water retention and minimisation measures) (See sections 7 and 8)

we will have a water retention system for the outside to be used with plants and garden, our children will be encouraged to shower instead of using a bath, water heaters will be the latest eco friendly ones and all toilets are the latest eco friendly with minimal water usage

Q7: What measures have been/will be taken to provide biodiversity net gains? (See section 8)

most of the property originally was concrete and flagged, we hope to reinstate grass where we can and plant some shrubbery and plants, this is only a very small refurbishment and the land area is small, no vast planting or scheme is possible

Q8: What measures have been/will be taken to reduce air pollution associated with your proposed development? (See section 9)

EV charging points will be installed
encourage car share
ECO boiler system to be installed
an abundance of insulation has been placed where ever possible throughout the renovation.



APPENDIX D

