

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:	2026/62/90573/W
Site Address:	33, Stainecross Avenue, Crosland Moor, Huddersfield, HD4 5HZ
Description:	Change of use from dwelling (C3) into childrens care home (C2)
Recommending Officer:	Danielle Cooper

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 22-APR-2026

Officer Report

Reference No. 2026/90573

Site Address: 33, Stainecross Avenue, Crosland Moor, Huddersfield, HD4 5HZ

Proposal: Change of use from dwelling (C3) into childrens care home (C2)

Site Description

The site relates to 33 Staincross Avenue, a two storey semi-detached property situated on Crosland Moor. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. A driveway is situated to the side of the property providing one site parking and private amenity space is situated to the rear.

Description of Proposal

The application seeks planning permission for the Change of use from dwelling (C3) into childrens care home (C2).

The details of the proposal are summarised below:

- No external alterations are proposed as part of the application.
- The home will accommodate 1 young person with two carers any one time.
- The young person would be between 7-17 years old.
- The care home will be staffed 24/7 and each carer would operate on a shift pattern.

Relevant Planning History

2021/62/92648 - Erection of extensions to side and rear and external alterations – Approved

2017/62/90409 - Erection of two storey side and single storey rear extensions – Approved

Representations

The application was publicised by site notice, which expired on 13th April 2026. No representations were received following the statutory publicity.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Crime Prevention – Objection

KC Children's Commissioning - Objection

- The type of children's home being proposed is line with our placement needs, but we do not feel the property location and the facilities provided are suitable for the type of children's home being proposed.
- Based on the information available, the property may not provide an environment suitable for safe and effective residential childcare.
- Insufficient information has been provided regarding the proposed provider's experience, Ofsted registration status, and ability to deliver high-quality, trauma-informed residential care.
- There is a significant over provision of children's homes in Kirklees that far exceeds our children's home placement needs. We have seen a significant growth in new children's homes opening over the last three years. The majority of the new home are not in line with our children's home requirements. The over provision of children's home provision in Kirklees leads to children from other local authorities being placed in Kirklees, this is not in line with government policy.

Officer comment: Information regarding the providers experience and there being an over provision of children home placements in Kirklees are not material planning considerations and therefore do not bear weight to this assessment.

Planning Policy Background

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 8** - Promoting Healthy and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate, 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.

Assessment

1. Principle of Development

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

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. The Local Plan has no policies specifically relating to supported living accommodation. Therefore, there is no presumption against such a use. The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements.

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

The application site is considered to be within a sustainable location in terms of proximity to transport links including bus stops, education facilities and services.

Therefore, in this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would have a neutral visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed works would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposal is unlikely to result in any detrimental harm upon the residential amenity of any surrounding neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

This application seeks a change of use from a residential care home (C2) to supported living accommodation (C3b) at 2 Cross Park Street, , Batley. The proposal will accommodate 1 young person at any one time and the maximum number of staff on duty will be two. In effect, the facility will be similar to the use of the property as a family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal residential property. It is also noted that 2 on-site parking spaces are provided for staff. The provision of waste collection will remain as existing and is unaffected by the proposals. These proposals are therefore considered acceptable.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Climate Change

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

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the

approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Crime and Anti-Social Behaviour

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to *“do all that it reasonably can to prevent crime and disorder in its area.”* Chapter 8 of the NPPF relates specifically to promoting healthy and safe communities. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which *“are safe and accessible, so that crime and disorder do not undermine the quality of life or community cohesion.”*

Chapter 12 of the NPPF states under Paragraph 135(f) that planning decisions should *“create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

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

The safety and wellbeing of the future occupants is a key consideration in the assessment of this application. Kirklees Council’s guidance emphasises the importance of locating such facilities in safe, inclusive, and accessible areas, supported by appropriate safeguarding measures in line with the National Planning Policy Framework and the Kirklees Local Plan. However, West Yorkshire Police have confirmed the presence of multiple, significant threat factors in the local area which pose a substantial risk to vulnerable residents, including looked after young people.

These concerns are material considerations, and it is considered therefore that there is a real potential to undermine the quality of life of the people living at the proposed premises and therefore Officers agree with West Yorkshire Police comments. As such, the proposal would fail to accord with Policy LP1 of the Kirklees Local Plan and Chapters 8 and 12 of the NPPF.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the change of use from dwelling (C3) into childrens care home (C2) has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The proposed use as a C2 childrens care home, by reason of safeguarding issues identified in the immediate vicinity of the site, represents a significant risk to the safety of vulnerable residents from crime and disorder resulting in a conflict with existing uses/circumstances. To permit the development would be contrary to Policy LP1 of the Kirklees Local Plan with respect to the potential for significant adverse impacts on the future occupants of the property, Chapter 8, Paragraph 96 together with Chapter 12, Paragraph 135(f) of the National Planning Policy Framework.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Decision Authorisation - Delegated Powers

Application Number: 2026/90573

Officer Recommendation: Refuse

Reasons for Refusal

The proposed use as a C2 children's care home, by reason of safeguarding issues identified in the immediate vicinity of the site, represents a significant risk to the safety of vulnerable residents from crime and disorder resulting in a conflict with existing uses/circumstances. To permit the development would be contrary to Policy LP1 of the Kirklees Local Plan with respect to the potential for significant adverse impacts on the future occupants of the property, Chapter 8, Paragraph 96 together with Chapter 12, Paragraph 135(f) of the National Planning Policy Framework

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location & Site Plan	-	-	26/02/2026
Existing and Proposed Elevations	3	-	26/02/2026
Existing and Proposed Elevations and Floor Plans	1	-	26/02/2026
Existing and Proposed Elevations and Floor Plans	2	-	26/02/2026
Climate Change Statement	-	-	26/02/2026
Management Plan	-	-	26/02/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Due to the issues in regards to safeguarding, no reasonable amendments could be achieved that would render the scheme acceptable.

Report Dated: 14/04/2026

