Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2026

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date of Decision:16 September 2026

Appeal Ref: 6012370
33 Stainecross Avenue, Crosland Moor, Huddersfield HD4 5HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mohammed Luqman Ali against the decision of Kirklees Metropolitan Council.
- The application ref. is 2026/62/90573/W.
- The development proposed is change of use from dwelling (C3) into children's care home (C2) for one child.

Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling (C3) into children's care home (C2) for one child at 33 Stainecross Avenue, Crosland Moor, Huddersfield HD4 5HZ in accordance with the terms of the application, ref. 2026/62/90573/W, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 26/4131/ MA1; 26/4131/ MA2; 26/4131/ MA3; and 26/4131/ MA4 and with all other written specifications and documents submitted with the application.

   3) The premises shall be used as a residential care home for one child (7-17 years of age) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   4) The use hereby permitted shall be operated at all times in accordance with the written document titled *Management Plan for Proposed Children's Home*, which was submitted with the application, for the lifetime of the development.

Preliminary matter

2. A revised National Planning Policy Framework (the Framework) was published on 17 August 2026. The Appellant and the Council were given an opportunity to consider and comment on this new 2026 version, particularly as the former December 2024 version is mentioned in the decision notice. However, no comments were submitted from either of those main parties on this topic.

Main issue

3. Flowing from the Council's decision notice, the single main issue is whether the proposed children's care home would be in a suitable location, taking into account the safeguarding of the young persons to be cared for.

Reasons

4. The small-scale, children's care home would utilise a 2-storey, semi-detached, 3-bedroom dwelling situated in the midst of a residential estate within the settlement. Positioned next to the junction with Balmoral Avenue, the partner property in the pair of semi-detached houses is 92 Balmoral Avenue. There are at least 2 parking spaces available in the host property's side garden with access off Stainecross Avenue. There would always be 2 trained care staff on duty to care for the single child, with the staff working to a shift pattern. Other occasional trips to the property would be made by other professional visitors dealing with the child's welfare.

5. The starting point is the development plan which includes the Kirklees Local Plan 2019 (KLP). I have not been referred to any specific development plan policies that provide a clear basis for the determination of applications for children's care homes. Policy HO1 of the Framework says that at the most appropriate level, development plans should take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups, including looked after children. It is not clear whether this has happened in Kirklees to the extent that it is reflected in local planning policies. Framework Policy S4 expects development proposals within settlements to 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.

6. Kirklees Children's Services (KCS) said that the type of home being proposed would be in line with their placement needs. Although KCS did not feel the property location and the facilities provided would be suitable for the type of children's home being proposed, the actual reason for refusal appears to stem from the response of the Designing Out Crime Officer who simply stated in the consultation response to the planning application that West Yorkshire Police (WYP), in objecting to the application, "…have safeguarding concerns with regard to the location of the proposed children's home." The Delegated Report went on to say that WYP 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. No written comments from WYP along those lines have been put before me. I find the concerns raised to be rather vague. The threat factors are not identified and it is not clear what is meant by "local area" because in the decision notice this is altered to the "immediate vicinity of the site". Indeed, neither the WYP nor the local planning authority have supplied any further information in the appeal or rebutted the Appellant's wide-ranging evidence that supported his appeal.

7. It is reasonable to bear in mind the best interests of looked after children. Some may be experiencing emotional and behavioural difficulties. Framework Policy P5 expects development proposals to anticipate and address possible malicious threats and other hazards in relation to their occupiers and users, by identifying potential safety risks and proportionate mitigation opportunities which can be addressed through the design of the scheme. This applies especially where particular groups may be vulnerable to crime, or to the fear of crime.

8. The application was accompanied by a Management Plan which sets out a number of operational arrangements that would ensure a secure living environment, with children being supported by trained staff in a managed and regulated residential environment. Moreover, as the appellant observes, the care home will need to follow national care standards which are operated under a separate regulatory regime. In particular, the care home would need to be registered with and regulated by OFSTED. Before OFSTED issue an approval, a Location Risk Assessment would be required to determine the suitability of the area for a children's care home in consultation with the police, social services, children's services and other relevant agencies. In addition, there would be an impact assessment for each child in which local crime can be considered and potential safety risks and proportionate mitigation opportunities investigated, noting that the individual vulnerabilities of the children in the intended age bracket are likely to vary widely.

9. It seems to me therefore that there is legislation (such as the Children's Homes (England) Regulations 2015), other than that contained within the Planning Acts and another regulatory body that more appropriately deals with the safeguarding and welfare of children in care homes. This is of great importance, as Framework Policy DM7 explains that development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes.

10. The appellant, at Appendix 02 of his statement, provides evidence to show that the similarly-sized neighbouring dwelling (92 Balmoral Avenue) was granted planning permission under ref. 2025/62/92414/W for an identical children's care home for one child in November 2025, shortly before the subject application for 33 Stainecross Avenue was submitted. If significantly different conclusions are reached about obviously similar cases with no explanation or acknowledgement given by the local planning authority, as in the circumstances before me, then this can undermine confidence in the planning process. Consistency in the planning system is important. That previous decision is sufficiently closely related to the issues, timeline and location at hand that regard should be had to it as an important material consideration in the appellant's favour.

11. Next, the appellant at Appendix 03, draws attention to 6 recently approved applications for C2 uses within Crosland Moor. I have given due consideration to the details presented of these other schemes. For this exercise, I have discounted the 2 cases with certificates of lawfulness where the planning merits are not assessed as such, the case at 92 Balmoral Avenue which I have already given favourable weight to and the approval on land adjacent to Park Road West which seems to relate to the erection of an adult C2 care home. Still, that leaves the 2 planning permissions at 33 Ivy Street and 24 Thornleigh Road, which are not far away (about one km) from the appeal site and relate to applications submitted in the latter half of 2025. These cases have not been differentiated by the local planning authority from the appeal case. Some weight can be attached to them on the evidence before me.

12. The appellant's local crime summary at Appendix 04 recorded over a 12-month sample period (March 2025 and June 2025 to April 2026) within a 200m or so radius of the appeal site points to an unremarkable volume of recorded crime for a West Yorkshire suburban area. The figures remain unchallenged by the Council.

13. Drawing the above threads together and with a focus on land use implications, I find on the main issue that the proposed children's care home would be in a suitable location, taking into account the safeguarding of the young persons to be cared for. The appeal scheme would not therefore conflict with KLP Policy LP1 which covers the presumption in favour of sustainable development. Having found no substantial adverse impacts, I find that it would not depart from the approach of the Framework when it is read as a whole.

Other material considerations

14. The Council found that the principle of converting the existing dwelling into a children's care home for one young person was acceptable, so the Council's decision notice did not raise concerns in general planning terms about the effect of the proposal on the provision of family-sized housing or whether the scheme would meet a need for childcare provision. I see no reason to differ on those points.

15. Similarly, like the Council, I am satisfied that the proposal would be compatible with its surroundings, would have little or no effect on the character and appearance of the site or the street scene, would not have an adverse impact on the amenities of adjacent residential properties for any reason and would not lead to material harm in terms of parking stress, highway safety or unsustainable transport movements.

16. No previous appeal decisions have been referred to. No representations were received from local residents in response to the application. The issue of safeguarding of the existing community from potential antisocial behaviour by the children to be cared for has not arisen in this case. Still, the modest scale of the use and the controls that would be in place would make such occurrences unlikely.

17. The 2 certificates of lawfulness (see paragraph 11 above) have alerted me to an obvious matter. For a material change of use requiring planning permission to occur, there must be a significant difference between the character of the authorised activities and the proposed activities that would result in a discernible land use impact in planning terms. In those 2 other cases, the Council did not consider, as a matter of fact and degree, that a material change of use would take place, yet one scheme involved 2 children to be cared for, while the other was for up to 3 children. This has not influenced my decision on this appeal in any way which I have determined on its planning merits. I raise the matter simply for the parties to think about separately to this appeal as it may have been overlooked.

Conditions

18. Various conditions were suggested by the Council and the Appellant in the event of the appeal being allowed. In addition to the standard time limit condition (1), in the interests of certainty I have attached a condition (2) specifying the approved plans and making reference to the other written documents submitted with the application. Given that the proposal has been considered on the basis that it would be a children's home for one young person, it is both reasonable and necessary for a condition (3) to limit the occupancy of the building in this way and to prevent more intensive uses within Use Class C2 that could result in greater impacts upon the

local area and highway safety. I have combined the restrictions on occupancy and use into a single condition. A condition (4) requiring adherence to the management plan submitted with the application is necessary to ensure an appropriate standard of development and to protect local amenity.

19. Turning to other conditions suggested by the Appellant (highlighted in bold in what follows), a condition to maintain and review a **location risk assessment** is not necessary as this is covered by other legislation. Given the constant presence of appropriately trained staff, the involvement of other regulatory bodies and that only a single child is to be cared for, the appropriate and responsible use of the facilities would be very unlikely to be harmful to neighbours. So, I see no necessity for a condition covering **good neighbour protocol.** There is hard surfacing within the site that could accommodate up to 4 cars. This is ample provision for the small-scale children's home which is unlikely to have any greater requirements for parking than a normal 3-bedroom residential property. A **parking** condition is not therefore imposed. Should **external signage** or **external alterations** be required in the future, I am not convinced they would be of such significance in terms of their scale or impact as to warrant control by a condition attached to this planning permission which relates to a change of use only.

Conclusion

20. For the reasons given above and having had regard to all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR