

88 Birchencliffe Hill Road
Lindley
Huddersfield
HD3 3NH

FAO Elenya Jackson
Kirklees Council Planning Applications
Flint Street
Huddersfield
HD1 6LG

Dear Elenya

Re: 2026/62/90828/W - Change of use of dwelling to children's care home facility at 90 Birchencliffe Hill Road, Lindley, Huddersfield, HD3 3NH

I object to the above planning application to change a current family residence to that of a child care facility on a number of grounds but primarily due to foreseen safeguarding issues, lack of need in the area and the impact on my residential property which is directly adjacent.

I note a similar application (2025/62/92785) was refused in December 2025. The current application doesn't seem to have provided any detail on what has changed in such a short space of time to necessitate this second submission.

The property at no 90 is subject to a number of restrictive covenants namely

- No part or aspect of the property may be used for any other purpose than as a residential property
- Not to obstruct or park in any way on the accessway serving the property

The current owners freely consented to these covenants when they purchased the property and there is no provision to permit a change or alteration. Any planning application would not alter the covenants in any manner. The application is in contradiction of these given commitments and as such should be rejected.

Also, I note the applicant is not the current owner of the property. As the real access is currently dependent in part across land owned by no 88 as well as no 90 (and expected to be so in the future) I would have expected the applicant (IMS Care) to comply with the necessary planning processes and namely to have consulted all land owners at least 21 days in advance of submitting any application. In this case IMS Care have made no effort to have any consultation and have therefore made a false application outside of policy guidelines. Failure to follow planning guideline and process should be an immediate rejection of any application.

In any event consent to access no 90 using land owned by no 88 would never be provided to IMS Care and this would make the access statement inaccurate and inappropriate for the application.

There are a number of inconsistencies within the application itself:

Pedestrian/Vehicle Access – plans shows access to the property from Birchencliffe Hill Rd which does not currently exist and would be dangerous to install. The documents show an exit from the property on a blind narrow corner of a main road at the bottom of a steep hill. This access would be dangerous and impractical for both visitors to no 90 and also other road users.

Birchencliffe Hill Road is used frequently by Ambulance services (on call) and access as proposed would be dangerous to these services and fellow road users. Parking on Birchencliffe Hill Road is difficult at the moment

because of the closeness to junctions, the narrowing of the road and the level of use, from current residential users, to visitors to the VET's and also the Community Centre. As is likely given the restricted access to no 90, on road parking would impede medical services and other residential users alike.

Flood Risk – application states non - the property has previously been flooded. There is also a stream and pond adjacent to the property lines – shown on the plans but not stated/denied on the application.

Sewage Works – application states no issues - the property has been subject to significant sewage issues over the past 20 years. Sewage and drainage works required when residential planning permission was granted have only been partially delivered and this has put stress on the infrastructure in this regard.

Residential/Dwelling Unit – application states no change. The property would no longer be a dwelling but a business thus losing residential units.

Pre-application Advice – application stated that non-has been sought from the Local Authority prior to application! *This is concerning for such a drastic change of usage, implications and safeguarding considerations and shows the plans have not been thought out very thoroughly.*

Applications is made by IMS Care – they do not own the property but state they do. The property is owned by Mrs R Sharif.

It is disconcerting that the Owner/Resident would offer the property to be used in this way when three generations of one family are currently and running their business from it and the property has not been up for sale, it begs the questions as to why follow this route – a route that does not seem to have been carefully thought out and has no reference as to where the two families will then reside or if the ownership will be removed/transferred.

The Design/Access plans state: Layout The enclosed site Plan illustrates that the proposed dwelling will be utilised as much as possible **and the break throughs internally will provide the internal access.** The latter is not shown on any of the proposed plans. Have the correct documents been provided?

Management Plans:

Operational Details: The house is currently a four-bedroom, two reception roomed property with a playroom above the external garage. The plans indicate that one of the bedrooms will be converted into a staff room, and one reception room being a sensory space thus leaving the property with only 3 bedrooms.

The operational details state there will be 2/3 children being looked after from 10am to 10am (overnight) by two staff members (although the Plans only indicate an 8-hour shift pattern (?). How will 4/5 people be accommodated in three bedrooms? Especially children with such complex needs would need their own space to de-regulate and unless they are from the same family should not be sharing a room. Will the staff be expected to share a room also?

This property would then not be fit for purpose to manage the legal Ratios for children with SEND needs, especially when the care is predominantly overnight.

The property has 4- 6 parking spaces within its own grounds however the proposal is to use the drive for an additional 3-4 cars, 10 cars in total– this is a shared driveway with access rights for the adjacent property. *The current residents have already highlighted issues with many vehicles (postal, waste management, delivery vans) accessing the properties at speed, the proposed increase of traffic/use of more parking spaces will only exacerbate this issue further and poses a safeguarding risk.*

In appendix 1 a recent image of the typical parking usage is included. As you can see there is no space for multiple additional vehicles to be incorporated on the site or within the grounds of no 90 as stated in the application.

Landscaping:

The application states that the property is enclosed by timber fencing at the rear for safeguarding. This fencing has not been in situ for some time, as can be viewed from Halifax Road, however trees have been planted recently at the rear of their property, outside of the property boundaries, presumably to act as a 'new' land marker. The property would not be safe for children without the fencing as it leads directly to the stream and pond on green area land.

Visitors and Community interaction:

States that the 'managers' will engage local residents for regular feedback and engagement.

The planning application was made with public consultation commencing on 27/3/26. A planning application notice has not been visible from this time near the property.

This does not demonstrate willingness by the applicant to engage with local residents.

Nor does this meet the legal requirements for the correct amount of Notification/Consultation time that is required for a planning application.

Safety and Compliance:

The property is protected by Ring Door Bell Camera and CCTV. Management plan stated there should not be CCTV present.

Objections:

West Yorkshire Police:

They have objected to the application after conducting pertinent checks on Police Databases and other regulations. Their objection document is four pages long but three pages are redacted which is deeply concerning as their objection is due to safeguarding concerns.

This brings forward significant concerns for the introduction of a facility within a heavily populated residential area that is not being supported by the Police and their response is deeply concerning for local residents.

KC Children Commissioning :

Previous consultation has a response from the above, there is no response as yet either objecting or supporting this application *thus again asking the question if a full consultation has taken place?*

Their response to the prior application stated that the proposed staffing is not in line with other facilities, and then went onto say 'there is a significant over provision of children's homes in Kirklees that far exceed the need'. That a consultation with the relevant team should be made prior to application being made or change of use made to avoid 'unnecessary duplication of services.'

This response clearly stated that there is no need for this type of facility and further development should not take place, at this site, for this purpose. Given the previous consultation was within the last 6 months it is unlikely that local needs have changed significantly to warrant a different response in their professional opinion.

Safeguarding and Impact on local residents:

Children with complex social, emotional and physical needs require a significant amount of care, attention and support, unregulated behaviour is increasingly common and leads to bouts of anger, frustration and violence towards not only their carers but other adults and children in the vicinity. Retaining children within their childcare setting is an issue faced regularly within established facilities. These behaviours are displayed in children of infant age through to teenage years and can pose a threat to anyone within the local area.

This is of great concern as a local resident, with a childcare background and the working knowledge of the care these children require 24 hours a day, that this will become a safeguarding issue within the local area and to residents.

Existing Safeguarding issues in the local area :

There is an ongoing issue of Solicitation within the vicinity of this property, this has been ongoing for some time now and has been reported to the police, local authority and local councillors in an effort to remove the Solicitation. Unfortunately, these reports have only initiated a 'move' of location to a space more adjacent

to the property. This is an ongoing issue for local residents to protect the integrity of their local area to ensure their families and homes are safeguarded.

Impact on adjacent properties:

The impact on local properties will be significant, increased access to the property, concerns regarding safeguarding on the doorstep. It also raises further concerns about the use of the property not as a private dwelling, as originally intended within the covenant of the property Deeds but that of a privately-run business and the knock-on effect on local residents.

The proposal/application purports that the infrastructure required to support the Care Home/children is in place already available and within the property, where clearly this is a residential property with a family residing there. Clearly areas within the proposal show a cut and paste process has taken place or perhaps even written with the use of AI rather than factual and therefore the validity of their statements in support of the application needs to be questioned/fact checked.

On a more personal basis I am confused by the application being made of a property where three generations currently reside, the previous planning applications made for their home have supported the Owner's growing family's need within her property. This appears to be contradictory to this and raises concerns if this is actually the Owners wish or if there is some coercion being made into providing a 'facility' for a financial gain through Local Authority funding.

Yours sincerely

