

**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:	2026/62/90964/W
Site Address:	26, Thornleigh Road, Crosland Moor, Huddersfield, HD4 5PY
Description:	Change of use from residential dwelling (Class C3) to childrens care home (Class C2) with hip to gable alteration and erection of rear dormer
Recommending Officer:	Jennifer Booth

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: 28-MAY-2026

OFFICER REPORT

Site Description

26 Thornleigh Road is a semi detached dwelling. The property has gardens to the front and rear with a drive to the side.

The property is on a residential street with similar house types surrounding.

Description of Proposal

The application is seeking planning permission to change the use of the property to provide a residential home for children.

The submitted details outline the intention to provide accommodation for two children between 7 and 17 with 2 carers at all times and a manager during the day.

The plans also show a hip to gable enlargement and rear dormer which has recently been approved under planning application reference 2025/91960.

Relevant Planning History

2025/91960 – Hip to gable enlargement and rear dormers for both 24 & 26 Thornleigh Road – Approved

2025/92872 – Change of use of 24 Thornleigh Road to childrens home - Approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The principle of the change of use is not considered to be acceptable for the reasons outlined in the officer report. It is considered that no amendments or additional information could outweigh the fundamental issues with the proposals.

Representations

The application was advertised by site notice, which expired on 11/05/2026

As a result of the above publicity, five representations have been received, all in objection. The material planning matters raised are summarised as follows:

- Parking issues
- A childrens home is not in keeping with the residential nature of the street.

- Compound impact of multiple childrens homes on the street.
- Noise from the future occupants.
- Potential for anti-social behaviour.

Ownership of the site has been queried.

Consultation Responses

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

K.C. Children’s Commissioning – Comments received not supporting the application

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 52** – Environmental quality

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

decision-making process but may be used as a material consideration where relevant to the planning judgement of individual cases.

National Policies and Guidance:

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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable travel
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of Development:

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

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

The 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.

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.

A children's home is different from a standard 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 more like a residential care facility than a typical family home. As a result, children's homes are generally classed as Use Class C2 (Residential Institution), whereas ordinary houses fall under Use Class C3 (Dwellinghouse).

A single children's home can be an appropriate use within a residential street because it operates in a similar way to a family household, with a small number of children living together in a domestic setting. The scale of activity, comings and goings, and day-to-day use are typically comparable to those of other homes in the area. With appropriate management and staffing, a children's home does not usually generate levels of noise, traffic, or disturbance that would be out of character with a residential neighbourhood, and therefore can sit comfortably within a typical residential street.

However, the proposal at 26 Thornleigh Road must be considered in the context of the recently children's home at No. 24. The introduction of a second children's home immediately adjacent to an existing one would create an unacceptable concentration of C2 uses on this short residential street. This level of clustering would materially alter the balance of residential uses and would conflict with Local Plan policies such as LP24 and LP52, which seek to protect the established character of neighbourhoods and prevent harmful cumulative effects. Two children's homes side-by-side would significantly increase associated comings and goings, staff movements, and operational activity, resulting in a pattern of use that would no longer reflect the character of a typical residential street. For these reasons, the cumulative impact of locating a second children's home directly adjacent to No. 24 is considered unacceptable in planning terms.

Impact on Visual Amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The site currently hosts a three bedroom dwelling with accommodation across two floors with a garden to the front, drive to the side and an enclosed garden at the rear. There is no proposed change to the exterior of the dwelling or its outdoor area. Notwithstanding the change of use, there will therefore be no visual changes to the site. It will therefore retain its residential appearance.

Internal layout plans include– living room and kitchen with store on the ground floor, two child bedrooms and a shared bathroom on the first floor with a carers bedroom in the roof space.

It is proposed that the house would provide accommodation for 2 children with 2 staff members on a shift basis with a manager during the day.

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. These operational characteristics, taken alone, are broadly comparable to the comings and goings associated with a single children's home and would not, in themselves, be out of keeping with the established residential character of the street.

However, in the context of multiple children's homes already operating within the same street, the cumulative effect of these patterns of activity contributes to a material intensification of non-residential use. The combined operational demands, staff presence, and associated movements arising from several such properties in close proximity result in a noticeable shift in how the street functions. This cumulative impact is considered to amount to an over-concentration of similar institutional uses, leading to an unacceptable change in the overall character of the area.

The proposal does not give rise to harm to visual amenity, as no external alterations are proposed and the appearance of the property and wider street scene would remain unchanged. The concern relates instead to the principle of development and the cumulative impact on the character and function of the area, rather than to visual considerations.

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

Impact on residential amenity:

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

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

That being said, the proposed children's home at 26 Thornleigh Road would result in an unacceptable impact on residential amenity in relation to noise, particularly when assessed alongside the existing children's home at No. 24. Local Plan Policy LP24 requires development to protect the amenity of neighbouring occupiers, while Policy LP52 seeks to prevent concentrations of intensive uses that would harm local living conditions. Although a single children's home can operate without materially affecting its surroundings, the introduction of a second facility directly adjacent to an existing one would significantly increase activity levels, including staff shift changes, visitor

movements, and general comings and goings. This cumulative intensification would lead to increased noise and disturbance beyond what is typical or reasonable within a quiet residential street, resulting in a harmful impact on the living conditions of nearby residents. The proposal therefore fails to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Crime and Anti-Social Behaviour:

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

Chapter 8 of the NPPF states that planning decisions should achieve healthy, inclusive and safe places which 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.

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

The potential for increased crime or anti-social behaviour 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.

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.

The comments provided by the Designing Out Crime Officer (DOCO) are appreciated and have been carefully considered. Whilst some of the concerns raised relate to broader patterns of activity within the wider area, and are not all directly site-specific, they nonetheless highlight relevant contextual risk factors that warrant careful attention in this case.

The site itself is located within a residential area comparable to many family neighbourhoods; however, the proposal must be assessed not only in isolation but in relation to the cumulative impact of similar uses nearby. In this regard, the presence of another children's home in very close proximity, the adjoining semi at no.24, materially alters the baseline assessment. The co-location of two such uses has the potential to increase the concentration and visibility of vulnerable occupants within a confined area, which may in turn elevate the level of risk beyond that associated with a single, dispersed facility.

While a single children's home would not typically give rise to crime or safeguarding concerns in planning terms, the clustering of such uses can, in certain circumstances, create identifiable patterns that may increase susceptibility to exploitation or targeting. The issue is therefore less about the principle of the use itself and more about the cumulative effect of siting two facilities in immediate proximity, particularly when viewed against the backdrop of the wider area characteristics noted by the DOCO.

In this context, it is considered that the limited geographic separation between the two uses gives rise to a heightened level of risk that cannot be dismissed as negligible. The concentration of vulnerable residents within such a localised area may undermine the objective of providing a safe and secure living environment, and introduces a degree of harm that carries material weight in the planning balance.

Taking into account the nature of the proposal, the proximity of an existing similar use, and the potential for increased visibility and vulnerability arising from this clustering, it is considered that the development would present an elevated risk to its future occupants. As such, this factor weighs against the proposal.

Impact on Highway Safety:

Local Plan Policy LP21 states that '*All proposals shall:*

- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...

e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;'

This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management (KC HDM) have also been consulted as part of this application.

The property benefits from on-site parking provision, including space to the front sufficient for at least two vehicles (measuring approximately 6.7m by 6.4m), and additional capacity to the side for up to two further vehicles, with a drive measuring approximately 2.6m in width and 10m in depth.

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.

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.

On balance, it is therefore considered that the proposal would not result in significant harm to highway safety or the free flow of traffic, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Other Matters:

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.

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some

limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the '*Di-Minimus*' exemption category within the application forms. A change of use would not result in a loss of wildlife habitat. Therefore, the officer agrees, the application is exempt from a BNG uplift.

Carbon Budget

The proposal is a comparative change of use to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

Five representations have been received. The material planning matters raised are summarised as follows:

- Parking issues
Officer Response: *The facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.*
- A childrens home is not in keeping with the residential nature of the street
Officer Response: *As the property would be the primary residence of two children, the use is considered to be appropriate within a residential area.*
- Compound impact of multiple childrens homes on the street
Officer Response: *Two children's homes side-by-side would significantly increase associated comings and goings, staff movements, and operational activity, resulting in a pattern of use that would no longer reflect the character of a typical residential street.*
- Noise from the future occupants
Officer Response: *Although a single children's home can operate without materially affecting its surroundings, the introduction of a second facility directly adjacent to an existing one would significantly increase activity levels, including staff shift changes, visitor movements, and general comings and goings. This cumulative intensification would lead to increased noise and disturbance beyond what is typical or reasonable within a quiet residential street, resulting in a harmful impact on the living conditions of nearby residents.*

- Potential for anti-social behaviour
Officer Response: *Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan which seeks to demonstrate the home would be well managed, including appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.*

Ownership of the site has been queried. In response, it is important to note that the application has been completed and submitted in accordance with the relevant statutory requirements. The appropriate ownership certificate included within the application form has been duly completed, signed, and declared by the applicant.

At present, there is no substantive evidence provided by the objector to demonstrate that the ownership information submitted is incorrect or misleading. In the absence of such evidence, there are no reasonable grounds to question the accuracy or integrity of the ownership certificate.

It is also recognised that the planning system operates on a basis of good faith, relying on the correctness of the information provided by applicants unless clear evidence suggests otherwise. Should any ownership dispute arise, this would typically be a private legal matter between the parties involved and would not, in itself, invalidate the planning application.

Accordingly, there are no planning grounds to reject or delay the determination of the application on the basis of the ownership concern raised.

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application to use 26 Thornleigh Road as a children's home for two children, with two staff at all times and a manager during the day 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 of the property as a children's home (Use Class C2) is not considered acceptable in this location due to its immediate proximity to an existing children's home at No. 24 Thornleigh Road. The introduction of a second C2 use directly adjacent would result in an unacceptable concentration of institutional uses within a short stretch of an otherwise residential street. This clustering would materially alter the established character and function of the area, which is predominantly characterised by single household dwellings (Use Class C3). To permit the proposals would be

contrary to Policy LP24 of the Kirklees Local Plan and Chapters 8 & 12 of the National Planning Policy Framework.

The cumulative impact of two children's homes operating side by side would give rise to a pattern of activity, including staff movements, shift changes, and associated comings and goings, that would be materially different from that of a typical residential environment. As such, the proposal would undermine the balanced and mixed nature of the neighbourhood and would be contrary to Local Plan Policies LP24 and LP52, which seek to protect residential character and avoid harmful cumulative impacts arising from concentrations of non-family residential uses and Chapter 12 of the National Planning Policy Framework.

The close proximity of the application site to a recently approved children's home would result in an undue concentration of vulnerable young residents within a localised area. This clustering would increase their visibility and potential identifiability, thereby elevating the risk of exploitation or targeting. These safeguarding concerns are not adequately mitigated by the submitted details. 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 92 together with chapter 12, paragraph 130(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: 2026/90964

Officer Recommendation: Refuse

Reasons for refusal

1. The proposed use of the property as a children's home (Use Class C2) is not considered acceptable in this location due to its immediate proximity to an existing children's home at No. 24 Thornleigh Road. The introduction of a second C2 use directly adjacent would result in an unacceptable concentration of institutional uses within a short stretch of an otherwise residential street. This clustering would materially alter the established character and function of the area, which is predominantly characterised by single household dwellings (Use Class C3). To permit the proposals would be contrary to Policy LP24 of the Kirklees Local Plan and Chapters 8 & 12 of the National Planning Policy Framework.
1. The cumulative impact of two children's homes operating side by side would give rise to a pattern of activity, including staff movements, shift changes, and associated comings and goings, that would be materially different from that of a typical residential environment. As such, the proposal would undermine the balanced and mixed nature of the neighbourhood and would be contrary to Local Plan Policies LP24 and LP52, which seek to protect residential character and avoid harmful cumulative impacts arising from concentrations of non-family residential uses and Chapter 12 of the National Planning Policy Framework.
2. The close proximity of the application site to a recently approved children's home would result in an undue concentration of vulnerable young residents within a localised area. By reason of safeguarding issues identified in the vicinity of the site, this clustering would increase their visibility and potential identifiability, representing a significant risk to the safety of vulnerable residents from crime and disorder elevating the risk of exploitation or targeting. These safeguarding concerns are not adequately mitigated by the submitted details. 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 92 together with chapter 12, paragraph 130(f) of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	-	1134570	02/04/2026
Existing & Proposed Plans	1	1134564	02/04/2026

Plan Type	Reference	Web ID	Date Received
Existing & Proposed Plans	2	1134566	02/04/2026
Existing & Proposed Plans	3	1134567	02/04/2026
Planning Statement	-	1134563	02/04/2026
Climate Change Statement	-	1134557	02/04/2026

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.

The principle of the change of use is not considered to be acceptable for the reasons outlined in the officer report. It is considered that no amendments or additional information could outweigh the fundamental issues with the proposals.

Report Dated 27/05/2026