

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:	2026/62/92192/W
Site Address:	57, Adelphi Road, Marsh, Huddersfield, HD3 4BB
Description:	Change of use of residential dwelling (Use Class C3) to children's home accommodating one child (Use Class C2)
Recommending Officer:	Joshua Merriman

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.

Danielle Cooper

AUTHORISED OFFICER

Date: «Current_Date»

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Officer Report – 2026/92192

Site Description

The application site refers to 57, Adelphi Road, Marsh, Huddersfield, HD3 4BB, a two-storey semi-detached property faced in stone, with a hipped tiled roof, and uPVC windows and doors. The application property lies in a uniform street scene, surrounded by dwellings of a similar size, scale, character, and appearance. Furthermore, the dwelling benefits from a small area of amenity space to the front as well as a front porch, and amenity space to the rear which could be used as garden space or a hard-standing parking area as is seen at neighbouring properties.

Description of Proposal

The Scheme

The applicant is seeking permission for Change of use of residential dwelling (Use Class C3) to children's home accommodating one child (Use Class C2).

The details of the proposal are summarised below:

- No external alterations are proposed as part of the application.
- The home will accommodate one child aged 8-17 years and a maximum of two care staff at any one time.
- The care home will operate 24/7 and will operate on a 2:1 staffing ratio during the day, meaning two staff members are allocated to support the child, and staffing ratio ranging from 1:1 to 2:1 during the night.
- The maximum number of staff present at the property at any one time will be two, with staff operating on a rota basis

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Design and Safeguarding Report.
- Crime Prevention Statement.
- Response to Previous Appeal.
- Hanivilla Management Plan.
- Hanivilla Change of Use.
- Climate Change Statement.
- Flood Risk Assessment.
- APEX Letter.
- APEX Experience.

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2025/93550 - The applicant is seeking permission for Change of use from dwelling (C3) to residential children's home C3(b) accommodating one child – Refused.

- The proposed use as a C2 residential institution, 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.
- It should also be noted that this decision was appealed by the applicant and the appeal was dismissed by the planning inspectorate whom agreed with the assessment made by the case officer and the reason for refusal.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter 2024.

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 11/09/2026. 8 letters of objection were received.

Letters of Objection

- This application should be refused. It is unclear why the application has been re submitted when there has been no fundamental change to the original proposal. While the applicant has introduced operational and security changes, these do not adequately address or mitigate the safeguarding concerns previously identified. The safeguarding issues arising from the immediate vicinity of the site remain materially unchanged.
- I object to a business in our residential area the house would be more fitting to a family with children in this time of housing shortages.
- The proposed security measures are inconsistent with the application's own characterisation of the site, and do not match its current condition The Design and Safeguarding Report submitted with this application states that a 'fundamental principle of the proposal is that the property will remain, both in appearance and operation, a HOME rather than an INSTITUTION,' and that there will be 'no institutional features'

distinguishing it from neighbouring homes. This sits uneasily alongside the same document's proposed security specification, which includes PAS24-certified entrance doors and windows, high-security locking systems, external CCTV covering all access points, a video door entry system, a monitored intruder alarm, external security lighting, and secure boundary fencing and gates. This is a materially higher specification of physical security than any ordinary dwelling on this street. As a resident with my own family living in the immediate vicinity, I have a legitimate interest in understanding why a level of physical security well beyond that of a normal home is considered necessary here, and would ask the Council to require the applicant to explain the basis for it, rather than accept it as a neutral description of 'a home, not an institution.'

- The submitted Proposed Site/Block Layout drawing labels the rear yard, which is also shown as providing three car parking bays, as a 'secured rear garden' with a 'timber fence around the property to provide security.' This is a description of what the applicant proposes to install, not of the property's current condition: based on my own first-hand knowledge of the site, no such perimeter fencing or rear security currently exists. I supply photographic evidence of the site's current condition separately in support of this objection. As the safeguarding case for this application appears to rely in part on this proposed security package, I would ask the Council to require the applicant to confirm precisely what boundary treatment and access control is to be installed, when, and how it would be reconciled with regular vehicle movements in and out of the parking area, and, if planning permission were to be granted, to secure this by way of a pre-occupation planning condition rather than accept it as already in place.
- Separately, I would ask the Council to consider the data protection implications of the proposed CCTV system for neighbouring residents. Once this property operates as a registered care business rather than a private dwelling, CCTV covering its entrances, parking area and external boundary is likely to fall under full UK GDPR and Data Protection Act 2018 obligations as a data controller. Given the site's position and the shared rear lane.
- In the management plan of this application point 7 states "There is a recognised shortage of suitable residential children's placements within the Kirklees district, which frequently results in children being placed outside the borough, away from family networks, education and community support. This proposal directly responds to this need by providing a local, high-quality, Ofsted regulated placement, supporting Kirklees Council's objectives of keeping looked after children within their local communities wherever possible." However the Children's Commissioning Manager for Kirklees Children's Services states "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 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 the government policy - Keeping Children safe, helping families thrive." This clearly states that point 7 of the management plan is untrue and further children's homes are not currently required in Kirklees.

- Increased traffic and noise is inevitable when staff shift changes occur, also visitors such as social workers, medical staff, police etc. These may also take place in unsocial hours, causing a disturbance to surrounding properties. The application states that cars will park behind the property, which is currently a quiet lane used by residents walking to and from their properties and is also used by children playing out, this increase in regular traffic is a safety concern.
- If any clinical waste is generated at the property, this will need collecting by a company aside from the general bin collection team, again further disturbance to surrounding properties.
- A lot of children, the majority on their own, walk past this property going to and from the local junior and high schools. Will they continue to be safe, taking into account the children's home maybe used for a child with emotional behaviour, which therefore could have unpredictable behaviour at times.
- This property was built as a residential family home, in a quiet residential area and therefore the location to use this property as a children's home is fundamentally unsuitable for this particular use and should be rejected.
- This is an established, tightly packed residential area consisting entirely of private dwellinghouses. There are no commercial premises or other businesses within the immediate neighbourhood. The introduction of a 24-hour staffed children's home would therefore represent a significant change in the character and intensity of the use of this property.
- My principal concern is parking and highway safety. This is already a highly congested area with considerable pressure on limited on-street parking. Residents rely heavily on spaces close to their homes and there is little spare capacity. Although only one child is proposed, a children's home is not equivalent to an ordinary family household. It will require staff cover, potentially involving shift changes, staff vehicles, managers, social workers, health and education professionals, maintenance workers and other visitors. These movements could occur at times when parking demand is already at its highest. This is not merely theoretical. Recent Kirklees planning assessments of children's homes have specifically considered whether staffing arrangements, shift changes, additional vehicle movements and parking demand materially alter the character of a dwelling. In one case, the Council

identified that staff shift changes could generate significantly more vehicle movements than would normally be expected from a dwelling.

- There are also legitimate concerns regarding residential amenity. A 24-hour staffed establishment creates a different pattern of activity from a conventional family home, including potentially increased vehicle movements, arrivals and departures during evenings, nights and weekends, external lighting, deliveries and waste collection. I ask the Council to consider whether this represents a material change in the character and use of the property, particularly given the intensity of staffing and vehicle movements. The Council's own planning documents recognise that whether a C3-to C2 change is material depends upon the character and consequences of the proposed use.
- The change of use creates a risk to the area especially related to noise, disturbances and a higher risk of ASB, missing from home and episodes that disturb the peace.
- Furthermore the company does not have extensive experience to provide assurance and has not adequately engaged or risk assessed the area! There are also more residential homes in the area than what is required for demand purposes!
- The outdoor garden or indoor communal space may be mathematically insufficient to meet both the recreational needs of the residents and the privacy buffers required for next-door neighbours.
- Furthermore, The continuous nature of these disturbances prevents adjoining residents from quietly enjoying their properties, which directly violates local planning policies regarding residential amenity.

Consultation Responses

KC Crime Prevention (Formal) - 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".

West Yorkshire Police object to this application and respectfully request that it is refused.

KC Children's Commission from application ref: 2025/93550 for same proposal - have been received from the Council's Commissioning Manager which outline that although the type of accommodation proposed is in line with placement needs, the location of the home and facilities provided is unsuitable for the type of children's home being proposed.

There is a significant over provision of children's homes in Kirklees that far exceeds our children's home placement needs. 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: The over provision of children homes in Kirklees is not a material planning consideration.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP49 Educational and health care needs
- LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 2026, 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.

Chapter4	Achieving Sustainable Development
Chapter5	Meeting the challenge of climate change
Chapter14	Achieving well designed places
Chapter19	Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1 – Principle of Development

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.

National decision-making policy S3: Presumption in favour of sustainable development 1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means: a. Policy S4 in this Framework should be applied when considering development proposals within settlements; b. Outside settlements, policy S5 should be applied; and c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

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

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

National decision making Policy: S4: Principle of development within settlements 1. 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 this Framework.

The dimensions of sustainable development will be considered throughout the proposal.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 14 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area

Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

National policy DP3 of the NPPF requires development to respond positively to its context and contribute to the creation of well-designed places, having regard to matters including local character, built form, appearance and materials. Development which is not well designed should be refused when assessed against national and local design policies and guidance. Policy DP4 further requires design quality to be considered throughout the assessment and delivery of development proposals.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

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 and the aims of Chapter 14 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policies within Chapter 17 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of 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.

Officers consider that the unit would not be materially different to the functions of a family home and therefore there would be no significant impacts upon neighbouring occupiers regarding noise, disturbance, or anti-social behaviour. Concerns raised such as external lighting, deliveries, and waste collection would not be significantly different to those functions that would be undertaken at a residential property, therefore, these actions would not be substantial enough to greatly impact the residential amenity of neighbouring occupants.

A usual operation of two staff operating 24/7 at the site is not considered to be significant enough to cause major disruption and impacts upon residential amenity.

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 Chapter 14 of the National Planning Policy Framework.

4. 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, Chapter 15 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.

The application seeks a change of use from a dwelling (C3) to a residential children's home (C2) at 57 Adelphi Road in Marsh, Huddersfield. The proposal will accommodate one child 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.

As such adequate parking provision will meet the requirements of all employees visiting the site. The proposal is therefore considered acceptable in this regard.

The provision of waste collection will remain as existing and is unaffected by the proposals.

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 15 of the National Planning Policy Framework.

5. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in Chapter 5 are to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

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.

6. Other Matters

Impact upon Ecology

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

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 14 of the NPPF states 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 potential for increased crime or anti-social behaviour associated with the operation of a children’s home at the application site is a commonly held perception; however, national and local guidance clarify that there is no substantive evidence to support a direct link between children’s homes and increased crime levels. The guidance issued by Kirklees Council explicitly identifies this as a prevalent myth and notes that such homes are regulated by Ofsted and operate under stringent safeguarding and management frameworks. Furthermore, the submitted Management Plan outlines appropriate operational procedures and security measures which contribute to the safeguarding of both residents and the wider community. As such, the proposed development is not considered to result in any demonstrable or unacceptable risk of crime or disorder in 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. 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 children.

Although the applicant has attempted to submit reasoning that the changes to the scheme would overcome the previous reason for refusal, it is considered that these changes do not overcome the outstanding concerns, 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 LP1 of the Kirklees Local Plan and Chapters 14 and 17 of the NPPF.

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

7. Representations

- This application should be refused. It is unclear why the application has been re submitted when there has been no fundamental change to the original proposal. While the applicant has introduced operational and security changes, these do not adequately address or mitigate the safeguarding concerns previously identified. The safeguarding issues arising from the immediate vicinity of the site remain materially unchanged.

Officer Comment: This is addressed within the 'Crime and Anti-Social Behaviour' section of this report.

- I object to a business in our residential area the house would be more fitting to a family with children in this time of housing shortages.

Officer Comment: In this case, only the proposed change of use applied for can be assessed, however, this comment is noted within a residential area.

- The proposed security measures are inconsistent with the application's own characterisation of the site, and do not match its current condition. The Design and Safeguarding Report submitted with this application states that a 'fundamental principle of the proposal is that the property will remain, both in appearance and operation, a HOME rather than an INSTITUTION,' and that there will be 'no institutional features' distinguishing it from neighbouring homes. This sits uneasily alongside the same document's proposed security specification, which includes PAS24-certified entrance doors and windows, high-security locking systems, external CCTV covering all access points, a video door entry system, a monitored intruder alarm, external security lighting, and secure boundary fencing and gates. This is a materially higher specification of physical security than any ordinary dwelling on this street. As a resident with my own family living in the immediate vicinity, I have a legitimate interest in understanding why a level of physical security well beyond that of a normal home is considered necessary here, and would ask the Council to require the applicant to explain the basis for it, rather than accept it as a neutral description of 'a home, not an institution.'

Officer Comment: This is not considered to constitute a material planning consideration as residential homes could also install security measures if they so wish.

- The submitted Proposed Site/Block Layout drawing labels the rear yard, which is also shown as providing three car parking bays, as a 'secured rear garden' with a 'timber fence around the property to provide security.' This is a description of what the applicant proposes to install, not of the property's current condition: based on my own first-hand knowledge of the site, no such perimeter fencing or rear security currently exists. I supply photographic evidence of the site's current condition separately in support of this objection. As the safeguarding

case for this application appears to rely in part on this proposed security package, I would ask the Council to require the applicant to confirm precisely what boundary treatment and access control is to be installed, when, and how it would be reconciled with regular vehicle movements in and out of the parking area, and, if planning permission were to be granted, to secure this by way of a pre-occupation planning condition rather than accept it as already in place.

Officer Comment: The parking area to the rear of the site was requested as part of the previous application to ensure there would be no significant stress on existing on-street parking measures at the dwelling. This parking area to the rear of the site has previously been considered acceptable by KC Highways Development Management and thus continues to remain as acceptable for the number of staff and vehicles proposed to visit the property.

- Separately, I would ask the Council to consider the data protection implications of the proposed CCTV system for neighbouring residents. Once this property operates as a registered care business rather than a private dwelling, CCTV covering its entrances, parking area and external boundary is likely to fall under full UK GDPR and Data Protection Act 2018 obligations as a data controller. Given the site's position and the shared rear lane.

Officer Comment: This is not considered to constitute a material planning consideration as residential homes could also install security measures if they so wish, and this would not specifically breach any GDPR laws.

- In the management plan of this application point 7 states "There is a recognised shortage of suitable residential children's placements within the Kirklees district, which frequently results in children being placed outside the borough, away from family networks, education and community support. This proposal directly responds to this need by providing a local, high-quality, Ofsted regulated placement, supporting Kirklees Council's objectives of keeping looked after children within their local communities wherever possible." However the Children's Commissioning Manager for Kirklees Children's Services states "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 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 the government policy - Keeping Children safe, helping families thrive." This clearly states that point 7 of the management plan is untrue and further children's homes are not currently required in Kirklees.

Officer Comment: This discrepancy has been noted by KC Children's Commission and the same stance as previously taken within application 2025/93550 will remain in this case, as outlined within the 'Consultation Responses' section of this report.

- Increased traffic and noise is inevitable when staff shift changes occur, also visitors such as social workers, medical staff, police etc. These may also take place in unsocial hours, causing a disturbance to surrounding properties. The application states that cars will park behind the property, which is currently a quiet lane used by residents walking to and from their properties and is also used by children playing out, this increase in regular traffic is a safety concern.

Officer Comment: This is addressed within the 'Residential Amenity' section of this report.

- If any clinical waste is generated at the property, this will need collecting by a company aside from the general bin collection team, again further disturbance to surrounding properties.

Officer Comment: KC Highways Development Management have previously outlined the waste storage facilities as adequate for the change of use proposed. Any 'further disturbance' would not be considered significant enough to impact residential amenity to a substantial degree in this case.

- A lot of children, the majority on their own, walk past this property going to and from the local junior and high schools. Will they continue to be safe, taking into account the children's home maybe used for a child with emotional behaviour, which therefore could have unpredictable behaviour at times.

Officer Comment: This is not considered to constitute a material planning consideration, with these actions being the responsibility of the care providers and staff on site.

- This property was built as a residential family home, in a quiet residential area and therefore the location to use this property as a children's home is fundamentally unsuitable for this particular use and should be rejected.

Officer Comment: In this case, only the proposed change of use applied for can be assessed, however, this comment is noted within a residential area, the impact of such a use is also assessed within the 'Residential Amenity' section of this report.

- This is an established, tightly packed residential area consisting entirely of private dwellinghouses. There are no commercial premises or other businesses within the immediate neighbourhood. The introduction of a 24-hour staffed children's home would therefore represent a significant change in the character and intensity of the use of this property.

Officer Comment: This is addressed within the 'Residential Amenity' section of this report.

- My principal concern is parking and highway safety. This is already a highly congested area with considerable pressure on limited on-street parking. Residents rely heavily on spaces close to their homes and there is little spare capacity. Although only one child is proposed, a children's home is not equivalent to an ordinary family household. It will require staff cover, potentially involving shift changes, staff vehicles, managers, social workers, health and education professionals, maintenance workers and other visitors. These movements could occur at times when parking demand is already at its highest. This is not merely theoretical. Recent Kirklees planning assessments of children's homes have specifically considered whether staffing arrangements, shift changes, additional vehicle movements and parking demand materially alter the character of a dwelling. In one case, the Council identified that staff shift changes could generate significantly more vehicle movements than would normally be expected from a dwelling.

Officer Comment: A private parking area has been proposed to the rear of the site and deemed acceptable by KC Highways Development Management in previous application 2025/93550. It is therefore considered that this area would meet the needs of the proposed use without significantly straining existing parking arrangements.

- There are also legitimate concerns regarding residential amenity. A 24-hour staffed establishment creates a different pattern of activity from a conventional family home, including potentially increased vehicle movements, arrivals and departures during evenings, nights and weekends, external lighting, deliveries and waste collection. I ask the Council to consider whether this represents a material change in the character and use of the property, particularly given the intensity of staffing and vehicle movements. The Council's own planning documents recognise that whether a C3-to C2 change is material depends upon the character and consequences of the proposed use.

Officer Comment: This is addressed within the 'Residential Amenity' section of this report.

- The change of use creates a risk to the area especially related to noise, disturbances and a higher risk of ASB, missing from home and episodes that disturb the peace.

Officer Comment: This is addressed within the 'Residential Amenity' section of this report. The potential for extenuating circumstances would not be considered to constitute a material planning consideration.

- Furthermore the company does not have extensive experience to provide assurance and has not adequately engaged or risk assessed the area! There are also more residential homes in the area than what is required for demand purposes!

Officer Comment: This has been noted from the submitted documents, however, the demand for housing and number of residential homes in an area cannot be assessed in this case, with only the change of use applied for being assessed.

- The outdoor garden or indoor communal space may be mathematically insufficient to meet both the recreational needs of the residents and the privacy buffers required for next-door neighbours.

Officer Comment: There is considered to be significant space inside the property to comply with NDSS standards, as well as ample amenity space serving the application property, with the use of the dwelling not being considered significantly different to a family home which would have the same impact upon neighbouring occupants utilising their private amenity space.

- Furthermore, the continuous nature of these disturbances prevents adjoining residents from quietly enjoying their properties, which directly violates local planning policies regarding residential amenity.

Officer Comment: The use of the application property would not be considered as significantly different from that of a regular family home when impacting on the enjoyment of neighbouring private spaces.

8. Conclusion

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. It is considered, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2026/92192

Officer Recommendation: Refusal

Reason for Refusal

1. The proposed use as a C2 residential institution, 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, as well as Chapters 14 and 17 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and Proposed Floor Plans	-	-	06/08/2026
Existing Location Plan	-	-	06/08/2026
Proposed Location Plan	-	-	06/08/2026
Application Forms	-	-	06/08/2026
Design and Safeguarding Report	-	-	06/08/2026
Crime Prevention Statement	-	-	06/08/2026
Response to Previous Appeal	-	-	06/08/2026
Hanivilla Management Plan	-	-	06/08/2026
Hanivilla Change of Use	-	-	06/08/2026
Climate Change Statement	-	-	06/08/2026
Flood Risk Assessment	-	-	06/08/2026
APEX Letter	-	-	06/08/2026
APEX Experience	-	-	06/08/2026

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 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. No amendments were sought as it was considered that the proposal was beyond the scope of amendments given the limited changes made from previous refusal 2025/93550, which sought a very similar development.

Report Dated:

29/09/2026

