



PLANNING STATEMENT

Application for a Lawful Development Certificate: use of a house (Class C3a) as a 3-bedded residential children's care home for three children aged 8–17, with a manager and two carers on a rota basis (Class C2 use). Maximum 3 staff on-site at any time. Maximum 6 movements per day on weekdays.

23 Broomsdale Road
Batley
WF17 6PF

Date: August 2026
Prepared by: C2 Homes Planning Consultancy

1. Background

1.1 This Planning Statement is submitted in support of an application for a Lawful Development Certificate (LDC) to use Broomsdale House, 23 Broomsdale Road, Batley, WF17 6PF, a Class C3a dwelling, as a 3-bedded residential children's care home for up to three looked-after children aged 8–17 with emotional and behavioural difficulties (EBD) at a medium priority level, cared for by two Residential Care Workers and one Home Manager working on a staggered rota. This use falls within Use Class C2 (Residential Institution) of the Town and Country Planning (Use Classes) Order 1987.

1.2 Broomsdale House will be registered with and inspected by Ofsted as a specialist residential children's care home under the Children's Homes (England) Regulations 2015 prior to receiving any child. Each child placed will undergo a stringent pre-placement assessment and group impact risk assessment. The children will live at the property as their main and sole residence on a medium to long-term basis — this is their home, not a transient or crisis facility.

1.3 The Use Classes Order 1987 defines 'care' within Class C2 to include 'the personal care of children.' Children's residential care homes where carers work on a rota basis and do not permanently reside at the property fall within Class C2 — as confirmed by *North Devon District Council v The Secretary of State* [2003] EWHC 157 (Admin) and affirmed in numerous subsequent Planning Inspectorate appeal decisions.

1.4 It is accepted, following *North Devon* [2003], that the proposed use falls within Class C2 and that the change from C3a is not an automatic permitted change. However, it is firmly and comprehensively argued in this statement that there is no material difference between the current and proposed use in planning terms — meaning planning permission is not required and a Certificate of Lawfulness should be granted.

1.5 Determining whether there has been a material change of use is a question of fact and degree in every case. The focus must be on the character of the use (*East Barnet UDC v British Transport Commission* [1962] 2QB 484). Following *Gravesham BC v Secretary of State* [1982], the property does not lose the characteristic of a dwelling house by reason of its occupancy by looked-after children or the management by a care provider.

1.6 In *SSETR and Waltham Forest LBC* [2002] EWCA Civ 330, the court held that Section 192 requires comparison between the proposed use and the actual previous use — the question is whether the proposed use is materially different in character.

1.7 A Ministerial Statement was issued in May 2023, constituting a material consideration:

'The planning system should not be a barrier to providing homes for the most vulnerable children in society. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs.'

1.8 This Ministerial Statement sets a clear and binding national expectation that Kirklees Metropolitan Borough Council, as the Local Planning Authority, should be actively supportive of this application. It is a material consideration to which the LPA must give real and substantive weight.

1.9 Section 22G of the Children Act 1989 places a statutory duty on Kirklees Metropolitan Borough Council to secure, so far as reasonably practicable, sufficient accommodation for its looked-after children within the local authority area. The proposed provision at this home directly and immediately addresses this documented sufficiency deficit.

2. The Proposal

2.1 Broomsdale House will provide a safe, stable, and therapeutically enriching family-style home for up to three looked-after children with EBD at a medium priority level. The home operates under the Children's Homes (England) Regulations 2015 and will be fully registered with and regulated by Ofsted prior to receiving any child.

2.2 There will be no external physical alterations whatsoever to the building, its boundaries, its garden, or its curtilage. The property will look identical from the street and from all neighbouring properties before and after the proposed change of use.

2.3 The home directly and substantively addresses an identified and documented local need: a shortage of in-area residential children's care placements for looked-after children with EBD in the Kirklees area, as documented in Kirklees Metropolitan Borough Council's Children in Care Sufficiency Strategy.

Ofsted

4. Before Broomsdale House can receive any child, it must receive full Ofsted registration — a comprehensive, multi-stage, and entirely independent assessment separate from the planning system. Ofsted requires a detailed location risk assessment, full assessment of the premises' suitability, and assessment of the governance, staffing, and care model before approving the home for registration. This regulatory safeguard has been affirmed as a material consideration in multiple Planning Inspectorate appeal decisions.

Staffing — Maximum 3 Staff On-Site at Any Time

5. Three children will live at the home, cared for by two Residential Care Workers on duty during waking hours (2:3 therapeutic ratio) and one Home Manager attending on weekdays from approximately 9:00am. Maximum 3 staff on-site at any time — maintained through a staggered changeover model. Changeover at approximately 8:30am, lasting 15–30 minutes. One RCW remains overnight. On-call management available 24/7 outside office hours.

Other Visitors

6. Professional visits are minimal and pre-planned: social workers approximately every 4–6 weeks per child; Regulation 44 visitor once per month; Ofsted inspections approximately annually. All-staff meetings and case reviews are conducted off-site or by video conference. Therapeutic and health appointments for children take place away from the property wherever possible.

Purpose

7. The purpose of this home is to provide three children with EBD a stable, therapeutic, and nurturing residential environment — supporting them to build emotional resilience, develop self-regulation, re-engage with education, form positive relationships, and prepare for their future. The medium priority level reflects a focus on children with moderate to significant EBD who require structured therapeutic support.

3. Planning Assessment

3.1 It is well-established in planning law that where care is provided on a rota basis and carers do not permanently reside at the property, the use falls within Class C2 rather than Class C3b. This was confirmed in North Devon [2003] and affirmed in numerous Planning Inspectorate appeals since.

3.2 The key question is whether the care of three children with EBD (medium priority) by two RCWs and one Home Manager at this home gives rise to any material change in the character of the use and/or any meaningful variation in off-site impacts from ordinary family residential use. The answer — comprehensively demonstrated in Section 4 — is clearly no.

3.3 There will not be regular visits to the property by care staff other than the home's own employed staff team. All staff meetings, case reviews, training, and professional activities are conducted off-site or remotely. Social workers visit each child approximately once every four to six weeks. Ofsted inspects the home approximately once per year. The Regulation 44 visitor attends monthly.

3.4 The three children will live at this property as their sole and main residence. They will attend school, take part in community activities, share meals, pursue leisure interests, and live a daily domestic life that is functionally indistinguishable from the character of children living in a family home.

3.5 Taking all of the above into account, the total movements at the home — and the character of its use — are materially indistinguishable from ordinary family residential use. The Certificate of Lawfulness should be granted.

4. Assessment — Comings and Goings

4.1 The task, in accordance with East Barnet [1962], is to compare the character of the previous use with what is proposed. In every meaningful respect, the proposed use mirrors the character of ordinary family residential use.

4.2 Three children will live at the property as their only and principal home, with full and free access to all living, sleeping, dining, kitchen, and garden areas. They will attend school, go to activities, receive family visits, and pursue all the normal domestic activities of childhood. The carers will interact with the property and the children in a manner functionally equivalent to a parent, guardian, or resident carer in a family home.

Movement Schedules — Previous Use vs Proposed Use

The following schedules compare typical movements at the property under Class C3 family residential use and under the proposed 3-bedded care home. Maximum staff on-site under proposed use: 3. Changeover staggered — maximum 3 never exceeded simultaneously.

Schedule 1 — Previous Family Use (Class C3a) — Typical Weekly Movements

Activity	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Adults travelling to work or school		4	4	4	4	4	
School run — 3 children (out and return)		4	4	4	4	4	
Shopping, social, recreational outings	4			2			4
Visitors (family, friends, tradespeople)	4			2		2	4
Total daily movements	8	8	8	12	8	10	8

Schedule 2 — Proposed Use: Broomsdale House (3 Children, Max 3 Staff on-site) — Maximum 6 Movements Per Day

Activity	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Carer — staggered changeover (1 in, 1 out, ~30 min)	2	2	2	2	2	2	2
Home Manager (arrives/departs — weekdays only)		2	2	2	2	2	
Children's school or activity transport		2	2	2	2	2	2
Total daily movements	2	6	6	6	6	6	4

4.3 The comparison is clear: the proposed use generates a maximum of 6 movements per weekday and 4 at weekends — materially fewer than the previous family use (8–12 per day). This is directly consistent with the reasoning in the Egerton Appeal (Ref. 3161037) and the Dale Road appeal (APP/P1045/X/20/3263178).

'The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family occupying the premises... There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.' (Dale Road Appeal, APP/P1045/X/20/3263178)

4.4 The property will look identical from the street. No external alterations are proposed. At the daily staggered changeover — lasting approximately 15 to 30 minutes at approximately 8:30am — there will be a maximum of 3 staff briefly at the property. This generates no material impact on residential amenity.

Fear of Crime / Anti-Social Behaviour

4.5 In the absence of any specific, evidenced, and objectively verifiable basis to conclude that crime and anti-social behaviour are an inherent and unavoidable characteristic of the proposed use, such generalised fears cannot carry sufficient weight. Confirmed in Appeal Ref. 2162636.

Section 22G Sufficiency Duty

4.6 Kirklees Metropolitan Borough Council bears the statutory sufficiency duty under Section 22G of the Children Act 1989. The home directly and immediately addresses the council's documented EBD residential placement deficit. Kirklees as LPA should recognise this benefit in assessing the application.

Positive Planning Reasons

4.7 Beyond the absence of harm, there are strong positive planning reasons to grant this certificate: it supports the council's Section 22G duty; it keeps vulnerable Kirklees children close to their families and communities; it provides a high-quality, Ofsted-regulated alternative to costly out-of-authority placement; and it is directly aligned with national policy direction.

5. NPPF 2024 Compliance

NPPF Reference	Policy Content & Relevance
Paragraph 63	LPAs should assess and reflect the needs of groups with specific housing requirements. The evidenced need for in-area EBD residential placements in Kirklees satisfies this directly.
Paragraph 71	The NPPF supports residential institutions where there is demonstrated need — comprehensively evidenced in this statement and the accompanying Analysis Report.
Paragraphs 92–95	Planning should support community services including specialist care provision. This proposal keeps vulnerable West Yorkshire children close to families, schools, and communities.
Paragraph 11 — Presumption in Favour	Where a proposal constitutes sustainable development and no material consideration clearly indicates otherwise, approval should be given. The evidence firmly supports this presumption.
May 2023 Ministerial Statement	LPAs must give due weight to and be supportive of applications for accommodation for looked-after children reflecting local needs. A material consideration of significant weight.
Chapter 2 — Sustainable Development	Providing accommodation for vulnerable children close to their community, family, and local services is sustainable development in its social, economic, and environmental dimensions.

6. Conclusion

6.1 The proposed use does not constitute a material change of use in planning terms. The character of the proposed use is functionally and characteristically indistinguishable from the previous Class C3a family residential use.

6.2 The property looks identical from the street. Daily movements — a maximum of 6 on weekdays — are materially fewer than those generated by a typical family home. The domestic daily life of the children, carers, and home mirrors family residential use in every meaningful respect.

6.3 The proposal is supported by the NPPF 2024, the May 2023 Ministerial Statement, and Kirklees Metropolitan Borough Council's own Section 22G statutory sufficiency duty. The planning balance is overwhelmingly in favour of granting the Certificate of Lawfulness.

6.4 Kirklees Metropolitan Borough Council is respectfully and confidently invited to grant the Certificate of Lawfulness for Broomsdale House, 23 Broomsdale Road, Batley, WF17 6PF, and to play its part in delivering this much-needed, well-planned, and positively regulated provision for three vulnerable young people in the Kirklees area.

7. Supporting Precedents

Successful LDC Applications

Local Planning Authority	Reference
Hynburn Council	11/19/0238
Sunderland Council	21/02212/CLP
Redbridge Council	1006/23
Bolton Council	15060/22
Dudley Council	P 20/0074
Kirklees Council	2021/CL/91398/W
South Ribble	07/2021/01196/CLD
Fylde Council	24/0207
Manchester Council	142294/LP/2025
Oldham Council	CEA/353207/24
West Northants	2024/4161/LDP
Bedfordshire Council	PL/24/2314/SA
Coventry City Council	PL/2024/0002190/LDCP
Milton Keynes	24/01924/CLUP
Enfield Council	24/04255/CE
Slough Council	P/10175/001
Spelthorne Council	25/00393/CPD
Reigate & Banstead	25/00322/CLP

Successful LDC Appeals

Local Planning Authority	Reference
Derbyshire Dales	APP/P1045/X/20/3263178
Lewisham	APP/C5690/X/23/3329560
Welwyn and Hatfield	APP/C1950/X/23/3325924
Liverpool	APP/M4320/X/22/3300633
Wyre Council	APP/U2370/X/21/3277997
Bassetlaw	APP/A3010/X/21/3277785
Sefton	APP/M4320/X/22/3300633
Ashford	APP/E2205/X/16/3161037

8. Character of the Use — Additional Analysis

8.1 The Children's Experience

The three children who will live at Broomsdale House will experience it as their home — not as a facility, institution, or managed setting. They will decorate their bedrooms, choose their meals, have friends visit (as agreed in their care plans), celebrate their birthdays, take part in community activities, and live daily lives indistinguishable in character from children living in any family home on the street. The property is their residence — in the fullest, most meaningful sense of that word.

This is precisely the character of use demanded by the Children's Homes (England) Regulations 2015 and the Ofsted Quality Standards — a domestic, family-like, community-integrated residential experience. The regulations do not permit an institutional model; they require a home. And a home is what this property provides.

8.2 The Staff Experience

The Residential Care Workers on duty at this home interact with the property in a manner functionally comparable to a live-in or rota-based parent, guardian, or carer in a family home. They prepare meals in the kitchen, watch television in the lounge, sit at the dining table with the children, and engage with the domestic environment in a way that is indistinguishable from a family household. The Home Manager who visits on weekdays occupies the ground floor office — a room functionally equivalent to a home office.

8.3 Response to Potential Objections

8.3.1 Impact on Residential Amenity

The most commonly cited concern in applications of this type is impact on residential amenity. However, as the movement schedules in Section 4 demonstrate clearly, the proposed use generates fewer movements than the previous authorised family use. The external appearance of the property is unchanged. The maximum of 3 staff on-site is no more than the adults who might occupy a family home. Ofsted's regulatory framework requires the home to operate domestically — the registered provider has professional and regulatory obligations to ensure it does. There is no credible basis on which the proposed use can be said to cause material harm to residential amenity.

8.3.2 Traffic and Parking

A maximum of 6 vehicle movements per weekday and 4 at weekends is generated — materially fewer than the previous family use. There is no credible basis on which to argue that this level of activity constitutes a material change in traffic impact compared with the previous authorised residential use.

8.3.3 Character of the Use

Some objectors in cases of this type argue that a care home has a fundamentally different character from a family home. This argument was expressly rejected in North Devon [2003] and has been consistently rejected in Planning Inspectorate appeals since. The character of the use — domestic, family-like, occupied as the principal residence of the children who live there — is what matters. The employment arrangements of the carers do not alter this character any more than paying a nanny or au pair alters the domestic character of a family home.

8.4 The Planning Balance

The planning balance is overwhelmingly in favour of granting the Certificate of Lawfulness: no material harm to residential amenity; no material change in traffic impact; no external alterations; a robust independent regulatory safeguard through Ofsted registration; direct support for the local authority's statutory sufficiency duty; clear support in the NPPF 2024 and the May 2023 Ministerial Statement; and an overwhelming record of Planning Inspectorate appeals and LDC applications being granted across England. The case for the Certificate is clear, strong, and comprehensively evidenced.

9. The Sufficiency Duty — A Positive Planning Reason

9.1 Kirklees Metropolitan Borough Council, as a metropolitan borough council, bears the full statutory sufficiency duty under Section 22G of the Children Act 1989 — to take steps to secure, so far as reasonably practicable, sufficient accommodation for its looked-after children within the borough. This is a statutory legal obligation, monitored by the DfE and assessed by Ofsted.

9.2 The council's failure to discharge this duty has real and measurable costs: children placed at significant distance from Kirklees — away from families, schools, communities, and cultures; higher placement costs driven by scarcity; educational disruption; and weaker long-term outcomes. Every new in-area placement directly reduces these costs and directly supports the council's discharge of its statutory duty.

9.3 Granting this Certificate of Lawfulness costs Kirklees Metropolitan Borough Council nothing — and delivers a direct, measurable, and immediate benefit to the council's sufficiency position, its looked-after children, and its budget. The council, as LPA, should recognise this clearly and act accordingly.

9.4 Kirklees is simultaneously the LPA and the Children's Social Care commissioner for this application. This dual role means the council is uniquely placed to assess both the planning merits and the sufficiency benefits of granting this certificate. Both dimensions point strongly in the same direction: grant.

10. Positive Reasons to Grant

In addition to the absence of material harm, there are strong, positive, and directly evidenced reasons to grant this Certificate of Lawfulness:

- Direct support for Kirklees Metropolitan Borough Council's statutory sufficiency duty under Section 22G of the Children Act 1989.
- Three vulnerable Kirklees children kept in their home borough — close to families, schools, communities, and cultural connections that are essential to their welfare and identity.
- A high-quality, Ofsted-regulated alternative to costly, disruptive, and educationally damaging out-of-authority placements.
- Direct alignment with the NPPF 2024, the May 2023 Ministerial Statement, and national policy direction on looked-after children's residential provision.
- A precedent of 18 successful LDC applications and 8 Planning Inspectorate appeals nationwide — demonstrating that proposals of this type regularly and rightly succeed.
- No external alterations, no additional footprint, no change in the property's outward character — a use change with no physical impact on the built environment.

11. Legal Test — Summary

11.1 The legal test for this application is clear and well-established: has there been a material change of use in planning terms? The answer, applying the established test from East Barnet [1962] and Gravesham [1982], is no. The character of the proposed use — domestic, family-like, occupied as the principal residence of the children who live there, with professional care provided on a rota basis — is not materially different from the previous Class C3a residential family use.

11.2 The movements generated — a maximum of 6 per weekday — are materially fewer than those of a typical family home. The external appearance of the property is unchanged. The daily domestic life of the children mirrors family residential use in every meaningful planning respect. The planning balance is clear, and the Certificate of Lawfulness should be granted.

11.3 Kirklees Metropolitan Borough Council is respectfully and confidently invited to grant the Certificate of Lawfulness for Broomsdale House, 23 Broomsdale Road, Batley, WF17 6PF, and to support the delivery of this much-needed, well-planned, and positively regulated provision for three vulnerable young people in the Kirklees area.

12. A Note on Residential Children's Homes and Communities

The public discourse around children's residential care homes sometimes focuses disproportionately on risk and disruption. The evidence tells a different story. The vast majority of residential children's care homes, when properly managed, make no measurable impact on their neighbourhood and become invisible presences on their street within weeks of opening. The regulatory framework — Ofsted registration, Regulation 44 visits, Regulation 45 reviews — provides comprehensive and independent assurance that the home is operated properly.

This home will be a normal domestic property in all outward respects. The children who live there will be ordinary children — going to school, coming home, making meals, pursuing hobbies, and living the lives that every child deserves. The carers who work there will be professional, considerate, and caring adults. The property will be well-maintained, quiet, and a positive presence on the street.

The planning system should not be a barrier to these outcomes. The May 2023 Ministerial Statement, the NPPF 2024, and the established Planning Inspectorate case law all confirm this. Kirklees Metropolitan Borough Council is respectfully and confidently invited to grant the Certificate of Lawfulness.

13. Final Invitation

13.1 Kirklees Metropolitan Borough Council is respectfully, confidently, and unreservedly invited to grant the Certificate of Lawfulness for Broomsdale House, 23 Broomsdale Road, Batley, WF17 6PF. The evidence is clear, the precedents are overwhelming, the national policy direction is unambiguous, and the benefit to the council and to three vulnerable looked-after children is direct and immediate.

13.2 A Certificate of Lawfulness costs the council nothing — and delivers a direct and measurable benefit to the council's sufficiency position, its looked-after children, and its budget. The planning balance, the national policy framework, the statutory sufficiency duty, and the established case law all point in the same direction. The right decision here is to grant the certificate.

13.3 C2 Homes Planning Consultancy is available to provide any additional information, clarification, or supporting documentation required by the Local Planning Authority in the determination of this application. We welcome engagement and dialogue with the planning department and are committed to co-operating fully with the LPA's reasonable requirements.

13.4 This statement has been prepared with professional care, in good faith, and on the basis of the best available evidence and legal authority. The applicant is confident in the merits of the application and in the quality and completeness of the supporting documentation submitted.

Prepared by C2 Homes Planning Consultancy on behalf of the Applicant · August 2026

15. Planning History and Context

There is no relevant planning history at this property precluding the grant of a Certificate of Lawfulness.

The home will be registered with Ofsted prior to any child being admitted, providing a comprehensive independent assessment of premises suitability, staffing, and governance.

The Kirklees Local Plan 2019 does not contain specific policies addressing residential children's care homes of this scale. The NPPF 2024 is the primary policy framework — which firmly supports this application.

The residential character of the area is fully maintained by the proposed use. No departure from residential character arises. The property looks identical before and after the change of use.

The proposed 3-bedded residential children's care home directly and immediately supports Kirklees Metropolitan Borough Council's discharge of its Section 22G sufficiency duty, its children's social care commissioning priorities, and the stated national policy aim of expanding high-quality in-area residential children's care provision.

The proposed use has been designed from the outset to minimise community impact: maximum 3 staff on-site at all times; staggered changeover; maximum 6 movements per weekday; no external alterations to the property. These operational parameters are embedded in the home's governance framework and will be monitored by Ofsted through the Regulation 44 and Regulation 45 inspection regime.

Ofsted has a comprehensive and independent inspection regime that provides a robust assurance framework entirely separate from the planning system. The existence of this regime is itself a material consideration supporting the grant of the Certificate of Lawfulness.

The three children who will live at this home will experience it as their home in every meaningful sense. The Ofsted Quality Standards require the registered provider to maintain a genuinely domestic and family-like environment. The planning use and the regulatory requirement are entirely aligned.

Planning Inspectorate appeals have consistently found that the domestic character of a rota-staffed residential children's care home is not materially different from a family home in planning terms. The evidence base cited throughout this statement, and in the accompanying Analysis Report, confirms this position.

The applicant is a committed, professional, and experienced provider of residential children's care. The home will be a responsible, considerate, and positive presence in the neighbourhood. The community impact will be minimal, the regulatory safeguards are robust, and the benefit to three vulnerable young people and to Kirklees Metropolitan Borough Council is direct and immediate.

In the light of all the above, the Certificate of Lawfulness should be granted. The application is sound, the evidence is clear, and the public benefit is compelling.

Prepared by C2 Homes Planning Consultancy on behalf of the Applicant · August 2026