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07850 595458 | support@planningmanagement.co.uk

PLANNING STATEMENT

4 Stoney Lane

Batley

WF17 0LS

Proposal
Application for a Lawful Development Certificate: Use of a Dwellinghouse (C3a) as a Residential Children's Home for a Maximum of One Child Aged 10 to 17 on Admission with Emotional and Behavioural Difficulties (EBD), with Two Carers Working on a Rota Basis and Visits from the Registered Manager (C2).

Prepared by
Mubeen Patel BA (Hons) MTPl MRTPI Planning Consultant

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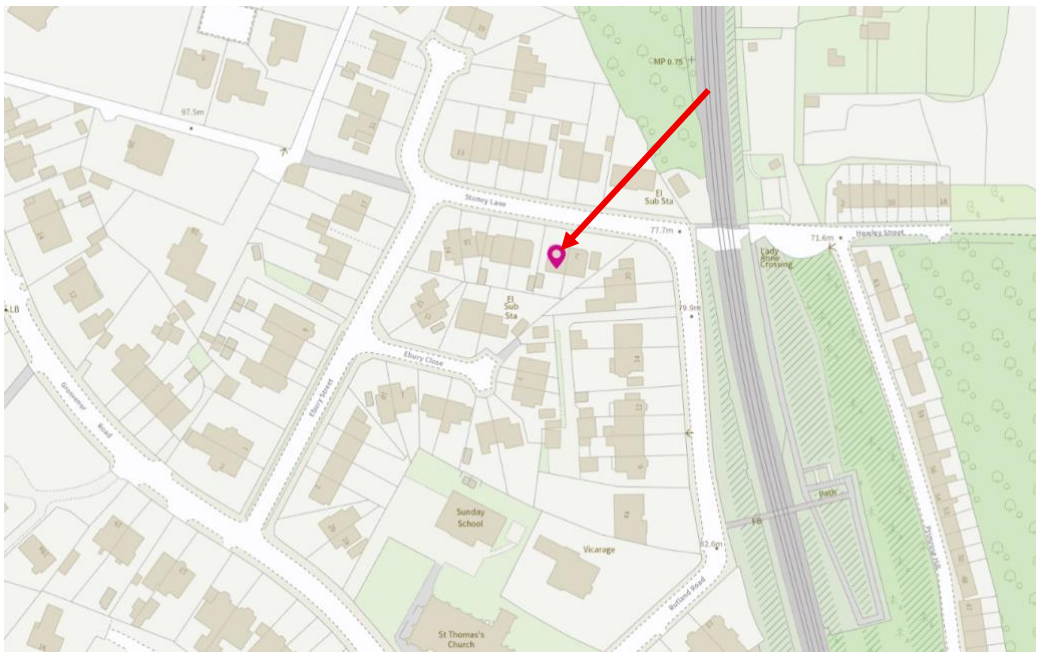
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1.0 INTRODUCTION

1.1 This Planning Statement is submitted on behalf of the applicant, Care Angels Batley Ltd, for the proposed use of No. 4 Stoney Lane, Batley, as a small residential children's home for a maximum of one child aged 10 to 17 on admission with emotional and behavioural difficulties (EBD). The applicant is seeking a Lawful Development Certificate for the proposed use of the existing C3a dwellinghouse as a residential children's home within Use Class C2.

1.2 The proposed home will provide residential care and accommodation for a child aged 10 years and over, up to their eighteenth birthday, who experiences emotional and behavioural difficulties (EBD). The service will operate as an Ofsted-registered children's home, rather than supported accommodation. Care will be tailored to the child's age, development, experiences and assessed needs. Before admission, a detailed assessment will consider the child's needs, the home's staffing and skills, and risks associated with the location and local community. The aim is a stable medium- to long-term residential placement with consistent care and relationships. The proposal is for one child at any time and is not for emergency overnight accommodation.

1.3 The site is located within the development boundary for the settlement of Batley as defined in the Local Plan (below). There are no other designations to the site.



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1.4 The Property has a detached outbuilding to the rear.

1.5 It is accepted that the proposed use falls within Use Class C2 and hence the change of use from C3 is not an automatic permitted change. However, it is nevertheless argued that there is little material difference between the current and proposed use, meaning that planning permission is not required.

1.6 Section 55(1) of The Act defines the meanings of the term 'development' as including the making of any material change in the use of any buildings. Section 55(2)(f) essentially states that in the case of buildings which are used for a purpose of any class specified by the Secretary of State, the use of the building for any purpose within the same class shall not be taken for the purposes of The Act as amounting to development. Section 57(1) of The Act provides that planning permission is required for the carrying out of any development of land and Section 336(1) defines 'land' as including a building. Section 192 of The Act (as amended) makes provision for an application to be made to the local planning authority to ascertain whether any proposed use of a building would be lawful and which is the purpose of this application.

1.7 In a ministerial statement from Rachel Maclean (Minister of State (Department for Levelling up, Housing and Communities in March 2023 she stated: *'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'.*

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1.8 *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 and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this'.*

1.9 Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate.

2.0 SITE AND SURROUNDINGS

2.1 The application site is located at 4 Stoney Lane, Batley, WF17 0LS. The property comprises a semi-detached residential bungalow situated within a well-established, quiet cul-de-sac position in the highly sought-after residential suburb of Upper Batley.

2.2 The site features associated garden space to both the front and rear, alongside private off-street parking and a detached garage structure to the side/rear. A good level of private amenity is afforded to the rear. Parking is provided on the hardstanding to the front, on street parking is also available. Internally the dwelling provides a large living/dining room, separate kitchen, bathroom, and 2 bedrooms.

2.3 The property is currently empty, however prior to its vacancy it had a family residing at the property which included 2 parents and 2 children.

2.4 Stoney Lane is an established, quiet residential street characterised by a low-density, suburban layout. The immediate street scene displays a pleasant, varied mix of mid-century and traditional properties, including semi-detached houses, detached properties, and occasional low-rise blocks. The local urban fabric is distinctly domestic, defined by regular building footprints, generous spacing between plots, and consistent front gardens or private driveways that enhance the street's open, uniform character.

2.5 The surrounding area is mainly residential use (Use Class C3). The site is highly sustainable, benefitting from excellent access to localised green spaces, nearby educational facilities, and immediate road links via the A652 and B6123, connecting the site to central Batley and the wider Kirklees district.

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2.4 **Above:** Aerial Image indicating the property with local amenities within walking distance to the south and open space to the north.



Above: Front elevation of application property with hardstanding providing parking off street.

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Above: Rear elevation of application property, garden area to be tidied up prior to proposed Care use.

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3.0 PROPOSED DEVELOPMENT

Safety and Security

3.1 The home will provide a carefully planned transition into a residential placement for a child aged 10 to 17 with EBD. Staff will use consistent relationships, predictable routines and an understanding of trauma to help the child feel safe and manage their emotions. Care will reflect the child's individual care and placement plans, with medium- to long-term stability as the aim.

3.2 No external alterations to the building or its surroundings are proposed. The property will retain its domestic appearance. Bedroom privacy and security arrangements will reflect the child's age, understanding and assessed needs, while allowing staff access in an emergency. Any door alarms will be individually risk assessed and must not obstruct safe escape.

3.3 Any external CCTV at the front or rear of the property will be justified by a safeguarding assessment and used proportionately, with regard to privacy and applicable data protection requirements. Where it monitors a child, its use will comply with Regulation 24 of the Children's Homes (England) Regulations 2015, including written placing-authority consent and informing the child as far as reasonably practicable. It will not monitor bedrooms, bathrooms, or other private internal spaces.

3.4 The registered manager will introduce themselves to the local residents and give them contact details and advise them if they have any concerns. They should not hesitate to contact them if they feel that their concern has not been dealt with. They can then provide them with a complaints form. They will also advise the local residents that if they are not happy with the outcomes of the complaint, then they have the right to make a complaint to Ofsted.

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Ofsted

3.5 Before any home can open, it must gain the approval of OFSTED which has regulatory powers outside normal planning control. As such the property will be OFSTED registered. OFSTED will require a local risk assessment before approving the property as a care home. Planning is therefore not the only form of regulation which controls the suitability of the location. A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of children's care homes, the relevant powers are set out in:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration)(England) Regulations 2010
- The Children's Homes (England) Regulations 2015
- Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013.

3.6 The home will provide a domestic environment in which the child receives consistent residential care from staff working on a rota. The premises, facilities, staffing and care arrangements will be assessed through the Ofsted registration process and the applicable children's homes requirements. Any necessary safety measures will be designed to preserve the homely character of the property.

3.7 The Ofsted Guide to Children's Homes stipulates that all children's homes must have a children's guide. It advises that a cared-for child's bedroom should not generally be entered without their permission and that children should be provided with appropriate, lockable furniture to store their personal items, including any personal information. It also provides advice on the use of CCTV and monitoring equipment within the home. It stipulates at length the information, monitoring and record-keeping that a children's home must carry out and the procedures that it must have in place.

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Professionals and Visitors

3.8 The child will receive visits from their social worker and other relevant professionals in accordance with their care plan and statutory requirements. The home will also receive monthly independent visits under Regulation 44 and inspections by Ofsted in accordance with its inspection arrangements. These visits will be planned where possible to minimise disruption while ensuring effective safeguarding and oversight.

3.9 Care planning, education and health reviews will take place at suitable venues or remotely where appropriate. Meetings and visits will take place at the home whenever this is necessary to meet the child's needs, support their participation or fulfil professional duties.

3.10 Family and friendship contact will be supported where safe and consistent with the child's care plan and any court directions. Contact may take place at the home or another suitable venue, with supervision where required. Arrangements will reflect the child's wishes, welfare and assessed risks.

3.11 Staff will provide care and supervision throughout the day and night. The proposed staffing is two carers for the one child. Supervision within the home and community will reflect the child's age, development and individual risk assessment, with supported opportunities to develop confidence and independence where safe.

3.12 Staff will assess risks associated with leaving the home, missing episodes and exploitation, and agree clear safeguarding arrangements with the placing authority. Any monitoring or door alarms will be necessary, proportionate and reviewed. The home will provide residential care in a domestic setting; supervision arrangements must respect the child's rights and any applicable legal authorisation.

3.13 Bedtime and evening routines will be agreed according to the child's age, education and individual needs. An individual missing-from-care plan will be prepared with the placing authority and relevant agencies. If the child is missing, staff will act promptly under that plan and local procedures, including contacting the police and placing authority when required.

Fire Regulations

3.14 Fire precautions will be determined through a suitable fire risk assessment and applicable requirements, including safe means of escape, detection and alarm systems, appropriate fire doors and emergency lighting where required. Measures will be incorporated sensitively to maintain the property's domestic character.

Staff Rota Pattern

3.15 There will be two staff members during the day and at night for the one child living at the property. Six carers would operate on a shift pattern of 2 days on, 2 days off, except at changeover times, which last around thirty minutes. Changeover of staff would happen every two days at round 9:30 am. This will ensure continuity for the child in a "homely environment".

3.16 A Registered Manager will be responsible for the day-to-day management of the home, the quality of care and the child's safety, welfare and development. Management oversight, attendance and on-call arrangements will support the staff team and the child's assessed needs. Responsibilities include staffing, safeguarding, care planning, premises safety and liaison with relevant professionals. The Manager or Director will provide neighbours with a contact route for concerns.

Purpose of the home and Schooling

3.17 The home will provide a stable residential placement for a child with EBD, helping them build trusting relationships, feel secure and develop emotional regulation and confidence. Staff will support health, education, interests and age-appropriate daily living skills. For older children, preparation for adulthood will be planned with the placing authority at a pace appropriate to their needs.

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3.18 The child will be supported to attend suitable education, whether mainstream school, specialist provision or another agreed educational placement. Staff will work with education providers, the placing authority and relevant health professionals to address barriers to learning and support emotional wellbeing.

3.19 Daily life will include school attendance, shared meals, leisure, friendships and ordinary household routines. Staff will provide transport or accompanied travel where needed. Expectations and activities will reflect the child's age and development, helping them experience a secure and nurturing home life.

3.20 Where the child cannot immediately access a suitable school placement, the home will work with the placing authority and education services to secure appropriate interim education and a planned route into suitable provision. Any tutoring at home will be tailored to assessed needs and delivered by appropriately qualified staff; the proposal does not include operating a school at the property.

3.21 The proposed home will provide a nurturing domestic environment for a child whose emotional and behavioural needs require residential care. Care will recognise the child's experiences and strengths, avoiding assumptions about their family or background and promoting positive, consistent relationships.

3.22 Meetings will be organised to protect the child's routines and privacy while allowing effective involvement by the child, their family where appropriate and the professionals responsible for their care.

Risk Assessments

3.23 A location assessment will consider the suitability of the area for the proposed children's home, including relevant information from the police and local authority. Before admission, an individual placement assessment will consider the child's EBD, age, developmental needs, safeguarding risks and the home's capacity to provide appropriate care. The placement will only proceed where the home can meet those needs safely.

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Parking/Intensification

3.24 The property will be the child's sole and main residence. Staff will support school attendance, shared meals, hobbies and age-appropriate involvement in household activities. Daily routines will reflect the needs of a child aged 10 or over living in a residential placement, while retaining the ordinary domestic use of the property.

3.25 The comings and goings are not considered to be significantly different from those associated with the current use as a family. In terms of the two staff on the premises, they would normally work on a 48-hour shift basis, which would involve only one change over every two days.

3.26 The application site is within an established urban area in Batley. Access to local amenities and public transport will support education, appointments and leisure. Travel arrangements will reflect the child's age, needs and risk assessment, with staff accompaniment or transport where required:

- **Public Transport Connectivity**: The nearest operational bus stops are located at Scotchman Lane (Blenheim Hill) and Howley Mill Lane, both positioned within a highly accessible 0.2 to 0.4 miles (approximately a 4-to-8 minute walk) from the property. These stops provide high-frequency local services, including the 212 route (Dewsbury - Wakefield). This network links the property directly to Batley Bus Station (located approx 0.8 miles southwest), which acts as a regional hub connecting Leeds, Morley, Bradford, and Birstall. Batley Railway Station is also located under 0.7 miles away.
- **Proximity to Local Amenities:** Central Batley, featuring primary supermarkets, local pharmacies, and essential retail/commercial services, is located under 1 mile away (a 3-to-5 minute drive or a short public transit link). Community infrastructure such as the Batley Community Centre and Soothill Community Centre are within close proximity, offering localised peer groups and social support vital for community integration.

3.27 The application site previously generated a baseline of 2 to 3 privately owned vehicles associated with a standard four-person family unit. These generated unpredictable daily movements for commuting, school runs, and social activities. In contrast, the resident child under the proposed use will not own or operate a vehicle. The primary parking demand is limited strictly to the two on-duty carers present on-site.

3.28 Because staff work on a strict 48-hour shift pattern, changeovers occur only once every two days, resulting in zero high-frequency traffic accumulation. The physical infrastructure of 4 Stoney Lane comfortably accommodates this demand, providing two dedicated off-street parking spaces on its private driveway/hardstanding.

3.29 In the rare event of transient operational overlaps (such as the 30-minute bi-daily staff changeover or a monthly independent social services inspection), the local highway fabric offers an abundance of safe capacity. Stoney Lane and the immediate visual catchment of Butmere Road feature unrestricted, wide, and low-occupancy on-street parking. This ensures that any overlapping vehicle can be safely accommodated for short durations without causing highway obstruction or disrupting local residential amenity. There is no 'material change' in highway impact.

3.30 On this basis it is maintained that the proposed use as detailed in this supporting statement would not result in significantly more movements to give rise to planning concerns or result in a severe impact on parking and highways impacts in the area.

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Above: Image shows the availability of on street parking with the application property indicated to the right.

4.0 CASE LAW

4.1. It is accepted that where care is provided this is not the main residence of the carers, the use falls within C2 and not C3b.

4.2 There is some case law which establishes that if the carers work on a rota basis and that it is not their permanent residence, the use must be regarded as C2 and not C3b. In the judgement of Mr. Justice Collins in North Devon District Council v First Secretary of State [2003]. J. Collins was clear on the facts of that particular case, that carers who do not live but who provide, not necessarily through the same person, a continuous 24-hour care cannot be regarded as living together and that, whilst there would be less than six residents, the children, without at least one adult living with them at the premises, would not be capable of being regarded in the true sense as a household.

4.3 Whether the change of use would be material is also well established by the courts. Notwithstanding whether the use is considered to be within Class C2, rather than Class C3b, planning permission would not be required if the change would not be a 'material change' of use. It is still necessary to consider therefore, whether that change of use would be 'material'. It is a matter of fact and degree, in the circumstances of an individual case, as to whether a change of use will be 'material'.

4.4 By way of a guide, differences which might be considered 'material' are those which are measurable or quantifiable as resulting in a significant or substantial change or step up in the character or impact of a use.

4.5 The applicant's case is that the anticipated pattern of domestic activity and movements would remain comparable to a family dwelling. Staff changeovers, management attendance, statutory visits, education transport and appointments must all be considered in assessing the actual character of the proposed use. Professional visits will take place as required to meet the child's needs and relevant duties.

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4.6 There will be visits from friends when deemed appropriate, which would be in accordance with their care plan. This would be no different from children in a typical household.

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5.0 ASSESSMENT

5.1 The assessment compares the character of the existing residential use with the proposed home for one child aged 10 to 17 on admission with EBD. The property would be the child's sole and main residence, with shared living, dining and kitchen facilities. Staff would provide meals and support participation in cooking and other daily activities according to the child's age, abilities and safety needs.

5.2 The child would be supported to attend suitable education and take part in ordinary leisure and household activities. Staff would provide consistent care and supervision, with daily routines reflecting the child's age and assessed emotional and behavioural needs within a domestic environment.

Comings and Goings

5.3 The comings and goings are not considered to be significantly different from those associated with the current use as a family home. In terms of the two staff on the premises, they would normally work on a 48-hour shift basis, which would involve only one change over every two days.

5.4 Staff will undertake ordinary household tasks, including cleaning, cooking and gardening. The child will be encouraged to participate in safe, age-appropriate activities according to their abilities and care plan. No separate domestic staff are proposed.

5.5 Social workers, health professionals, family and friends may visit as required by the child's care plan and relevant duties. Visits will be managed sensitively to support the child's relationships, privacy and routines. They will not be excluded from the home solely to reduce activity associated with the proposed use.

5.6 The current use as a family house could typically have two parents with their own cars and possibly children with their own cars.

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5.7 It is maintained that the proposed use as detailed in this supporting statement would not be materially different from a typical household. This is supported by the Egerton Appeal (Appeal Ref. 3161037) where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

5.8 A similar conclusion is drawn in the Dale Road (Manchester) appeal (Appeal ref. 3):178): 'The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. 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.'

5.9 Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states:

> *'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly, the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use'.*

Impact of the presence of staff

5.10 Visually, the property would look no different to the adjacent houses. During the day, there would be two members of staff in the property at any one time, but this would have no impact on the amenity of the area. The current use for a family with children and parents working from home could have the same impact.

5.11 In terms of the nature of the proposed use, paragraph 25 of Circular 05/2010 is relevant. It states that the criteria for determining whether the use of particular premises should be classified within the C3 use class (or similar) includes both the manner of the use and the physical condition of the premises. The circular states that the premises can properly be regarded as being used as a single dwelling house where they are:

- a single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them.
- designed or adapted for residential purposes containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house.

5.12 In an appeal in Stockport (Appeal ref. 2162636) an Inspector noted that although the building would be fitted with an office [and fire alarm], this was not uncommon in many dwelling houses around the country and would not materially alter its basic character as a dwelling house. There are no major modifications required to this property.

Fear of Crime

5.13 The fear of crime and anti-social behaviour is a material planning consideration which might weigh against the granting of planning permission. The application is not an application for planning permission, however, and given that this is a matter of planning merit and in the absence of any basis to conclude that crime and anti-social behaviour are an inherent part of the character of the proposed use, such a fear is not relevant to the determination of this application for a Lawful Development Certificate.

5.14 There can be concern that the use would result in more noise and possibly anti-social behaviour due to the background of the children. A useful answer to this concern is contained in appeal decision (Appeal Ref.2162636-):

5.15 The fear of crime is a material consideration in the determination of the application. However, the weight that can be attributed to it depends on whether or not the evidence shows that the potential risk of crime is shown or expected to be high and the consequences for the community and individuals are serious. Whilst it is acknowledged that the incidents cited by the local residents would cause upset, they are not altogether unusual occurrences in modern society. Some of the incidents raised issues relating to the running of the home which have the potential to be overcome by changes to the management of the site. None of the evidence suggests that the potential risk from crime is shown or expected to be high or that the consequences for local residents are serious.

5.16 The evidence therefore leads me to conclude that the effect of the development on the living conditions of the occupiers of neighbouring dwellings regarding risk of crime would be low and carries insufficient weight to warrant dismissing the appeal on these grounds.

5.17 The assessment should consider the actual characteristics and operation of the proposed residential use. A child's EBD should not, by itself, be treated as evidence of crime or anti-social behaviour. Individual needs and risks will inform placement decisions, staffing and care planning.

6.0 CONCLUSION

6.1 The proposed use is a residential children's home for a maximum of one child aged 10 to 17 on admission with emotional and behavioural difficulties (EBD), supported by two carers working on a rota and management oversight. The two-bedroom property would provide the child's sole and main residence, with shared domestic facilities and 24-hour care. The applicant's case is that, on the stated operating arrangements, the character and intensity of use would not be materially different from the existing dwellinghouse use.

6.2 The home will provide a stable medium- to long-term residential placement, with care tailored to the child's age, development and EBD. It is not proposed as supported accommodation, a halfway house or overnight emergency lodging. Admissions and placement duration will reflect assessed needs, the home's Statement of Purpose and any conditions of Ofsted registration.

6.3 The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.