



BILSDALE WAY (REF 23/04538/CLP) RESIDENT COMMENTS RECEIVED

1. Comment Received 15th December 2023

Re. 32 Bilsdale Way Application 23/04538CLP

I understand that this application is due for discussion at your next meeting as it requires a rapid response (deadline in January). Please do what you can to help us address this matter which may affect other properties in Baildon in future.

This Application for a Certificate of Lawfulness follows an identical planning application for a Change of Use that was withdrawn following local resident's objections. My concerns with this application still stand.

This application for Lawfulness does not address the real concerns of residents who have bought houses on this quiet residential estate with the understanding that this amenity would be maintained through the restrictive covenants on the houses, including restricting them from being changed to business use. The intention of this application is to use this property for a business to run a care home facility.

This then does not meet the restrictions residents have agreed, such as ourselves, who have bought houses and lived on the estate for several decades. It is also not in the nature of the setting, nor is it in keeping with maintaining community cohesion.

The nature of a care facility is that it would incur increases in traffic and disturbance which would incur a loss of amenity to this quiet residential setting. It is highly unlikely that shift workers and children within the home would not need car transport when our bus service is limited. The children would be quite isolated from children's services which cannot be ideal for them.

As a resident on the estate, I have not been informed, nor consulted by the company in question. They have provided no reassurances, nor is there a clear mechanism for redress if a planning application does go through and problems occur.

For myself, soon to be a pensioner, I am concerned about being able to walk safely along the woodland footpath at the back of the estate to access the Glen tramway path. This is an amenity I currently enjoy to use, but this would be lost if antisocial behaviour increased.

Please take a whole overview when considering this application including its intentions and consequences.

2. Comment Received 20th December 2023

First of all I would like to express that I understand that there's a need to help vulnerable children in our Society. If the owners of 32 Bilsdale Way were taking on such a challenge as a family (ie such as Foster Carers), I wouldn't have any concerns. However my understanding of the situation is that 32 Bilsdale Way would be run as a Children's Home with paid staff - totally unsuitable and unfit for this purpose. The house isn't particularly large and has very small outdoor spaces - both in terms of play areas for children and parking for the number of staff who will be coming and going on a regular basis. I question whether the intention is to improve the quality of life for these vulnerable children or as a lucrative business to make as much money for the owners as possible.

3. Comment Received 21st December 2023

As with our previous opposition to the Planning dept re the change of use to the above address, our objections are as follows

1 Estate totally unsuitable for a residential care home for young people, isolated, poor and infrequent bus service. amenities over a mile away, nothing for them to do.

2 This is a totally residential area with lots of old people. ASB may not happen but older people at our objection meeting expressed their worries and concerns that this might happen. Elderly people should not have to have these worries.

3 There are also many families with young children and obviously such a care home would generate extra traffic in the area.

4. We understand there were about 160 objections to the original planning application, these objections should be remembered.

5. To use a C of L to create a business in an estate entirely of houses is, we feel not the intention of a C of L.

4. Comment Received 21st December 2023

I should like to comment on the proposal (Application for Certificate of Lawfulness) to change the above property from residential to business use, i.e. the setting up of a residential care home facility on a commercial basis.

I do not agree that this proposed facility is sited in appropriate premises or in a suitable location. It is questionable as to why the West Lane area of Baildon (BD17) has been chosen for such a facility since the location is not in the best interests of the children/young people under consideration.

A change of use from residential to business premises would set a precedent for the future and would alter the all-age, quiet residential community which has existed for over 40 years, offering a safe environment to local children.

Changing the use of residential dwellings to business use would go against the Government policy to increase the general housing stock.

If granted, the facility will not be subject to Council controls. Referrals, therefore, may come from other authorities seeking accommodation for children/young people with complex care needs, thereby putting pressure on Bradford's public services. Bradford Council's priorities should be to meet the needs of local children/young people.

The location in question does not offer an acceptable level of amenities. There is no play area, park or open space in the West Lane area of Baildon for children's recreation or sport.

There are few after-school/evening or weekend activities in the immediate area. Children and young people would need to be transported some distance to and from activities.

The location does not provide safe and convenient access to facilities such as shops and public transport. The local bus service operates on an hourly basis only during the day and two-hourly in the evenings. It is often unreliable and the service along West Lane/Prod Lane is regularly under threat of being discontinued.

During the winter there are occasional days, due to snow and ice, when High Baildon and the West Lane area is inaccessible, making it difficult for staff to come and go easily.

The house in question, although detached, is not suitable for the above facility due to its very close proximity to neighbouring houses.

Looking at the original application for planning permission, the floor plan of the accommodation is not large enough for up to 4 children/young people and one 'sleeping carer.' The staffing ratio (1 full-time/1 part-time) at any one time is not adequate. There is no support service locally.



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The garden plot, both front and back, is not large and does not offer adequate leisure space.

Since staff will be coming and going and visits by health professionals arranged, there is not enough accessible and convenient car parking space available without affecting neighbours' properties.

The safeguarding of vulnerable children/young people is obviously paramount, as is also the safeguarding of local children/young people and vulnerable adults. Parents and elderly residents currently living on the estate are anxious about the above proposal and will need reassurance about the management structure of the facility in order to know how to raise a concern about security, should an issue arise.

5. Comment Received 22nd December 2023

32 Bilsdale Way, Baildon

I understand that the application for Certificate of Lawfulness in relation to the above property will be discussed at the Council meeting on 11th January 2024 and I would like to add my comments as follows:

There are a distinct lack of facilities both locally on the immediate estate and in the wider area of Baildon. This is particularly so for children who may be traumatised or have other problems as described in the earlier 'business proposal.'

The property is totally inadequate for the number of people who will be expected to sleep there on a permanent basis, i.e. 4 bedrooms for 5 people. Again this is especially so when children with emotional and behavioural difficulties are involved and it is totally unacceptable.

No attention has been paid to the safeguarding of the local community. There are already a large number of vulnerable people living on the estate - both young children and elderly people.

Public transport is a minimal and unreliable bus service totally unsuitable for young or teenage children.



6. Comment Received 22nd December 2023

I am writing to give my objections to the proposal to make 32 Bilsdale Way a residential care home.

Firstly the property itself seems totally unsuitable in that it is only a 4 bedroom house so there is not a bedroom for overnight carers to sleep. The property is compact for 4 teenagers and staff.

The estate itself will struggle to cope with the increased traffic which would be generated from deliveries, staff cars, visiting agencies and family members visiting.

The estate consists of mainly retired residents and there are no facilities locally that would be available for the children who would reside there.

7. Comment Received 22nd December 2023

Thank you for your interest in the views of local residents about the application from Headway Housing Ltd to obtain a Certificate of Lawfulness enabling the company to set up a care home for children business at 32 Bilsdale Way.

Local residents have concerns about what is stated and what is not said by the applicant in the application form. There do appear to be contradictory statements as well as some which do not reflect the true situation as observed by those living near the house.

I am submitting this as an individual comment to add to those you might have received from other residents

Critique of content and statements in the application form

Bradford's Planning Application Form includes the following statement:

WARNING:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have been issued as a result of such false or misleading information.

Application No. 23/04538/CLP (Application for a Lawful Development Certificate for a Proposed Use) contains a number of conflicting statements along with statements which appear not to match the reality 'on the ground'. Furthermore, certain information which could be regarded as material, is not entered on the application form.

Comments on the application form:

Section 1. Applicant Name and Address

Mr Khan gives his address as 32 Bilsdale Way, BD17 5DG

This property was rented to a mother and her young children for approximately 4 years until 2nd June 2023, when the family concerned moved out as their tenancy terminated. The lady concerned told her neighbours that she had originally found the house via an agency. During the period from then until mid October 2023 No.32 was unoccupied. (It is worth noting that in his earlier planning application **No. 23/03197/FUL** dated 25 August 2023 Mr Khan made the same claim regarding his address.) However, the only contact address for him available via the current planning process is that of his agent, Vangaard D&A Ltd.

The generally accepted meaning when you state your name and address on an official document is that the address you give is your place of domicile. In this instance this is different from the **site address** which is correctly given as 32 Bilsdale Way.

Section 5. Lawful Development Certificate - Interest in Land

In this section Mr Khan has responded 'Yes' to being the Owner

A Land Registry search (**Title No. WYK185521**) 32 Bilsdale Way, shows that the Registered Owner is someone other than Mr Khan. The same claim was made on his earlier planning Application **No. 23/03197/FUL** in August 2023.

NB HM Land Registry reminds us that

You must register all land or property with HM Land Registry if you've:

- bought it
- been given it
- inherited it
- received it in exchange for other property or land
- mortgaged the property

(NB There is a possibility that HM Land Registry is working through a processing backlog)

Mr Khan has responded 'Yes' to being the Occupier

It would appear that Mr Khan does not live at 32 Bilsdale Way given the timeline in the above sections.

Section 7. Grounds for Application Information about the existing use(s)

As Mr Khan asserts that he is the owner of 32 Bilsdale Way he will be aware from the Land Registry Title transfer that he signed that the property is and always has been a domestic family dwelling and that restrictive covenants are transferred with changes in ownership. The major restrictive covenant is a prohibition on operating a business from the property (apart from a lawyer or accountant practising alone and displaying no business sign). This covenant applies to the other houses on the estate. As Mr Khan's proposal is to change the use of the property from a private dwellinghouse to business premises with 24-hour operation and paid staff on a shift basis, and with the business by its very nature likely to generate additional vehicular traffic, requirements for parking, and increased levels of activity which could disturb neighbours, this omission could be regarded as withholding material information

Section 8. Description of Proposal

b) Change of use of the land or buildings

The applicant has responded 'Yes' to the above

In respect of the request to '*please give a full description of the scale and nature of the proposed use...and the hours the proposed use will be carried out*' Mr Khan provides no specific information

His further response to *'describe fully the existing or the last known use, with the date this use ceased'* is *'The property is currently empty'*. Relevant information has been withheld: There is no mention that the house was a family rental property. Furthermore, Mr Khan can't claim to live at 32 Bilsdale Way while at the same time stating that it is *'empty'* His statement about the house being empty is not correct in any case as since mid October 2023 the property has been occupied by a man, a woman and two young children and continues to be so. This is an open plan estate: Neighbours observe the comings and goings of two vehicles at No. 32; they are parked at the property each night; the pattern and timing of lights in the house suggests that someone is living there; the bins are put out for emptying each week.

In response to the question: *'Has the proposal been started?'* Mr Khan's response is *'No'* However, neighbours observed work was being undertaken at the property. This involved contractors, including a joiner and someone doing electrical work, being on site on a number of days over the August and September 2023 period. The work was noticed because the workmen had the door open and there was a lot of loud, intrusive noise lasting late into the evenings on some occasions; in addition, the contractors' vans were parked on the pavement.

From the way the Application is worded one might interpret the proposed change of use for 32 Bilsdale Way as being from a local resident, ie an owner occupier, who seeks consent to change the use of his house. The reality is very different. Although Mr Khan's name is on the application form the proposal is in reality on behalf of a business entity, Headway Housing Limited, a commercial company of which he is director. This proposal is about a business *'parachuting in'* to a wholly residential community without any consultation with those who may be affected and with no regard to the impact of the business's operations on their residential amenity or wellbeing.

8. Comment Received 22nd December 2023

Here are my objections for consideration.

In the first instance...

The sale of the land on which this estate was built, came with various covenants.

One of which states..

The land or any such buildings erected on it.

'shall not be used for any other purpose, other than a private dwelling house'

Therefore, any change of use as per, above proposal, would be in breach of the covenants in place for the whole estate.

Please note, I have copies of the original documents and covenants in my possession.

My other objections are as follows

The proposal to change the house from residential to business (care facility for children) is totally inappropriate for this location.



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It would cause traffic and parking issues for other residents.

Noise nuisance, due to challenging children and coming and going of staff and other professionals at all hours.

The type of residents (emotional and behavioural difficulties) could create an unsafe environment for other nearby residents.

Many of which are elderly and vulnerable.

As a family home it currently has appropriate facilities for the use of a single family. (Family bathroom, kitchen etc)

As the proposed use, as care facility for children .

- The current facilities are inappropriate.
- No 'separate' facilities for carers and children
- No separate bathroom and toilet facilities for male and female residents.
- No local amenities for children with behavioural problems.

And finally, should the proposal be approved, it would set a precedence for other houses on the estate, to be used for similar purposes

9. Comment Received 22nd December 2023

I hope this email finds you both well.

In the absence of the direct ability to make comment on this planning application, I am hoping you be good enough to ensure my strong objection to it is registered with the appropriate body.

It would be completely inappropriate for what is a property built as a family home in an entirely residential housing estate, to be turned over to any commercial use no matter what the underlying business. To do so, in our opinion, sets a worrying precedent on a number of levels not to mention being an affront to the amenity of the other residents.

We very much hope the application will be rejected and the property be used for its correct and original intention.

10. Comment Received 23rd December 2023

Such a large number of people opposed the original planning application for 32 Bilsdale Way, Baildon that the current application for a Certificate of Lawfulness seems to be an undemocratic way of foisting one man's poorly written, contradictory business plan onto neighbours who have lived in harmony in the area, many for 40 years. Mr.S.Khan has not consulted any of the neighbours. If he had done so he would have realized that many are retired and some are frail and vulnerable. Young families are gradually moving into this quiet, residential area and choose to live here knowing that there are limited bus services, shops over a mile away and the nearest park is at the bottom of the woods. From a child safeguarding point of view the house is situated six doors away from access to woodland and the moors should poorly supervised children decide to run away. Indeed, the woods and the Glen have been used by drug dealers and people who have groomed children.

According to the business plan Mr S.Khan would have four children aged 8 to 18 living in a 4 bedroom detached property situated on a small plot. If there is a possible fifth bedroom then this must be at the expense of other vital facilities that would be needed for a children's home in a property of this design, as there have been no extensions built since his first application which referred to the property having only four bedrooms. There is only one bathroom and a downstairs toilet. There would only be one full time carer and one part time carer who could well be still training. Where will they all sleep? I have no objection to children being raised in a caring foster home living as part of a residential family but this application changes the nature of the dwelling to a business, which is inappropriate in this area. Foster parents could then build strong relationships and keep a diligent eye on such vulnerable children, who we are lead to believe could have criminal convictions and drug or alcohol problems. Children who have such complex needs quite often attend well supervised Pupil Referral Units by taxi. It beggars belief that Mr S. Khan thinks that a limited number of care workers will be able to control such children.

The children themselves will be short changed. What facilities will they have for the amount of money Bradford will have to pay for their care? Is this the best use of money when Bradford already has a shortfall of almost £70 million? Some of the children could well come from outside the Bradford area thereby putting a strain on local resources but providing a good income for a private business.

Mr. S. Khan should not be granted a Certificate of Lawfulness because he would be running a commercial business from a dwelling house, which is a material change of use and will affect the amenity of the area for other residents. How secure will the premises of number 32 be? If carers are changing shifts who do neighbours contact if there are serious problems?

Road safety will be an issue for all the neighbours if there is an increase in traffic. The house is situated near a busy junction and there is limited parking for visitors and care workers changing shifts. Indeed during our 38 years we have had four cars damaged by people



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reversing into Bilsdale Way from driveways close to number 32. If four cars are parked on the plot of number 32 there would be very little garden space for children to play in. Currently the occupants struggle to park two cars on the drive, and cars and vans parked on the road obscure the vision for traffic in all directions which is made even more unsafe because there are no road markings showing right of way at the junction.

The truthfulness of Mr S Khan's application is in doubt because in his original application dated 25th August, 2023 it stated that number 32 was owner occupied. The house was not actually lived in until October, 2023 and a Mr Malik is on the Land Registry as having owned the property for 20 years. So who is the owner of number 32? Indeed, as recently as April/May, 2023 debt collectors were harassing the then tenant who subsequently felt the need to leave the property. Children living at that house might feel very threatened should incidents like that occur again.

On the new application Mr.S.Khan says that the property is unoccupied which is not true. Since 4th October, two cars <redacted> have either parked completely on the pavement or on the road outside the house. Currently the Volvo is regularly parked on the driveway at number 32 and a lady with two children appears to be living there.

Who is paying the Council tax for that property?

What is Bradford Council's definition of 'a change of material use'? The whole issue is quite nebulous. As a layman it appears to me that if Mr. S. Khan is provided with a Certificate of Lawfulness then it will open the floodgates for more people who fancy making money out of the misery of children or young people who need decent support. It appears to be a case of how can a landlord make the most money out of a private, residential property. The Council would be better investing money in purpose built or modernized properties that are larger and have good facilities and sufficient carers to support children with complex needs.

11. Comment Received 24th December 2023

Dear Councillors,

I trust this email finds you well. We are writing to express our objection to the proposed change of use for the residential house located at 32 Bilsdale Way to a commercial care home. We believe this change poses significant material differences that warrant careful consideration.

The nature of the neighbourhood is primarily residential, and introducing a commercial care home could disrupt the existing community dynamics. The increased traffic, noise, and potential for increased criminal activity related to this type of service could negatively impact the peaceful dynamics of the neighbourhood, and prevent families from allowing children to play safely in the area. There is also a significant elderly population who have



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chosen to live in a quiet, safe area with a sense of community and may be scared by the introduction of a care home.

Although we understand that the housing company are trying to provide a good environment for the Care Home, the proposed change raises questions about the ability of the existing infrastructure to support the demands of a commercial care facility, particularly in terms of parking, access, and utilities. Due to the rural nature of the area there are very little amenities and places for older children to spend time, and there is open moor and woodland close by which should be considered as a risk for vulnerable children/young adults.

In light of these material differences, we strongly urge the relevant authorities to carefully review the proposed change of use and consider alternative locations that may be more suitable for a commercial care home. It is essential to prioritise the well-being and interests of the current residents and maintain the integrity of our residential neighbourhood.

Thank you for your attention to this matter.

We appreciate your consideration of these concerns and look forward to a thorough examination of the potential implications of the proposed change.

12. Comment Received 26th December 2023

Having subsequently heard more concerns from local residents about the information the Applicant has provided/ not provided in the application form he has signed I request that to reflect their alarm this paper is escalated to 'Warning Bells' status and the issues raised incorporated as such into comments the Town Council might wish to communicate to Bradford's Planning Department following deliberation at its meeting of 11 January. In addition, local residents are concerned about the level of due diligence by Council officers in relation to this application given the issues outlined in the critique provided below.

13. Comment Received 28th December 2023

I object to this address being used for other than private residential. I have lived at <redacted> for over 40 years. In my 90th. year now I appreciate the quiet location, probably unsuited for younger people. The hourly bus into the village restricting for them. Car parking already crowded here. No really suitable entertainment for a young age. My house is similar to no.32 so I know It only has one complete bathroom available. Please find a better location for this use.



14. Comment Received 28th December 2023

Good afternoon

I have been given this email address to contact regarding my concerns about 32 Bilsdale Way Baildon, and the change of use / COL.

I live on Farndale Road, this property on question is at the end of my road.

When I initially objected to this, I stated in my objection that the funding and information given was for a BD9 area which I believe to be Heaton, and therefore should not be considered in our BD17 area.

I am very concerned that of this type of business is able to go ahead in a quiet residential area in Baildon, it will open the gates to other such businesses in Baildon, as I believe there is another larger property owned by the same person at the top of baildon.

My main concerns are safety of our local residents and young children.

As I believe something similar opened in Skipton and the area experienced a mini crime wave before it was shut down.

It's not an appropriate area for such a business, the funding and research for the need of this type of business was taken out and gained for a BD9 area and I think it will have a detrimental impact on our community.

I've been told that now a COL has been applied for, that we cannot object on the grounds that we did before and it will be tricky to get this stopped !!

I can only hope the Baildon Town Council have some ideas to help there residents. I've lived in baildon all my life, I've worked hard to afford a house for myself here and it is where my husband and I have chosen to open our businesses. Surely there is something that can be done ?

15. Comment Received 28th December 2023

We are concerned that despite the original Planning Application being withdrawn for the above named property another route is now being exploited in order to allow the change of use from Residential Class C3 to that of Residential Care Home Facility C2.

Original objections under Planning, stating why the proposed changes were not appropriate, was submitted with the plans being withdrawn. It now seems that the use of applying for a Certificate of Lawfulness is being sought as this we understand that this prevents us from raising objections to the scheme despite it not being appropriate in this area and appears to be being used to circumvent our previous objections.



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There would however seem to be only four bedrooms for four children but no provision made for any residential staff staying overnight. Also it appears that Mr Khan would not be involved with day to day operations in the home and has been stated to be the owner of the property or does this property actually belong to the Company.

There seems to be little information on what are the material differences between a family home which is in keeping with this local area and a property run solely as a children's care home business being operated for profit, in what is not an appropriate location with a lack of suitable amenities.

16. Comment Received 28th December 2023

Dear Members of Baildon Town Council,

I ask for your support to prevent the granting of a Lawful Development Certificate being granted to change the use of 32 Bilsdale Way, Baildon, from a Domestic Dwelling to a Care Home Business. I have written to our Local Councillors, (please see below copy email) which I hope is self explanatory.

Thank you for showing your concern about the views of local residents concerning the application from Headway Housing Ltd. to apply for a Lawful Development Certificate, (LDC) to convert the use of 32 Bilsdale Way, Baildon, from a Domestic Dwelling to a Care Home Business.

I submit for your attention my critique, and attachments referred to in said critique, as local resident who is extremely concerned about this proposal as I believe the application to be somewhat misleading, and factually incorrect, either intentionally or otherwise.

The applicant Sajid Khan states that he lives at 32 Bilsdale Way, (Section 1 of the Planning Application), this is wholly incorrect. A young family are currently renting this property, indeed, I have received a Christmas card from them.

Further, the applicant Sajid Khan, contradicts himself as in Section 8 of the said planning application he states the property is currently empty. As I type I am looking across the road at 32 Bilsdale Way and see the white Peugeot Van and black BMW saloon parked on said drive as they have been since early October!

In the "Existing Floor Plan" submitted in this application, the applicant shows a bathroom downstairs and a bathroom upstairs, again this is misleading, either intentionally or

otherwise, there is no downstairs bathroom, that area on the plan is a small cloakroom with a WC. and washbasin.

As recent as June earlier this year I was in the said property assisting the previous occupant to vacate the premises, having lived opposite for over 41 years I have got to know most of the previous occupants and been in the property many times.

The applicant Sajid Khan appears to ignore the restrictive covenants that exist prohibiting operating a business from said premises. His intention to change the use of the property from a domestic family dwelling to a business premises accommodating children/young persons with emotional behavioural difficulties(EBD youngsters.)

The applicants proposal is flawed and lacking in forethought, the current residential property is totally unsuitable in its current design to covert it to a 24/7 operation with staff working on a shift basis, it only has 4 bedrooms and one bathroom, and would require major building/structural work and refurbishment to bring it to a standard suitable for it to be used as a Care Home Business.

The property does not easily lend itself to development on such a scale that would be required to operate in the said proposed change of use, with limited off road parking to accommodate the extra vehicular use that would be required to transport said EBD youngsters, by Social Workers and /or Care Home Staff, public transport is very poor on non existent at times.

Bilsdale Way and neighbouring streets enjoy a community cohesion that many areas aim for, to allow a business as this to operate will destroy the community cohesion.

17. Comment Received 28th December 2023

We learnt recently that Headway Housing are submitting a plan to set up a care home at 32 Bilsdale Way for 8-24 year olds with EBD.

I am objecting through the appropriate channel which we picked up on Facebook. However, to the best of our knowledge this serious development has not been communicated by the council to the local residents.

Our objections are these:

- We paid a lot more money than we would for a comparable house in another location - we wanted the quiet and peace of mind the location brings.
- My wife and I both work in secondary education. As well as our home providing a refuge from the challenges of our day, we understand better than most what the challenges are that our neighbours will face.
- As a father of a 21 year old girl I do not want her to face the kind of inappropriate behaviour she will encounter.



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- Many of the local residents are elderly and live here for the peace it affords. Such a move will shatter that.
- Property prices will be affected at a time when everyone is facing a cost of living crisis and a likely housing downturn.
- We do not trust any of the authorities, social services, police, courts, to provide the protection, deterrence of boundaries that will give the residents peace of mind or protection.
- As workers in a local secondary school, we would be concerned that challenging pupils that we teach will now be on our doorstep.
- There is a track that runs outside the back of ours and other houses that has been the site of anti-social behaviour before and unlit and with access to people's properties, provides a clear temptation to those who would want to cause trouble.

If there is anything I can do to do more to prevent this taking place, could you please let me know? I look forward to hearing from you in due course.

18. Comment Received 1st January 2024

I live directly opposite no 32 Bilsdale Way please find attached my document opposing the application at 32 Bilsdale Way.

I have no experience of the planning process but the application is a blatant attempt to ignore existing planning rules in trying to convert a dwelling house to a residential institution - a COL application is not appropriate for such a request. I am also concerned that Bradford council only sent a letter of notification of planning proposal to 1 adjacent house for the initial application, I think it should have been sent to all adjoining and opposite neighbours.

Any help you can give to supporting the rejection of this COL application would be very much appreciated.

THANKS

Attached reasons to reject application document:

REF 23/04538 – 32 Bilsdale way – COL application

Reasons to reject the application for a Lawful development certificate.

A change from C3 to C2 children's home requires permission.

There is a 'material change of use'.

The property will not be run as a "household" for the purposes of Class C3.



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It will be operating as a residential institution (for profit commercial property)– it will not be a dwelling house for up to 6 people.

It will be a C2 residential institution – commercial premises.

Other objections

Personnel objection as a resident immediately opposite the property – there has been on local consultation about this application or the previous planning application and no official letter from Bradford council informing us, as an immediate neighbour about this proposed development.

Physical restrictions

The house is too small for 4 'care occupants' – there is very limited external space for their use, there is inadequate parking and access on site, there are NO facilities (private areas) for the carers (workers) on site.

It is a quiet residential area.

Compare this with the care home on West Lane (Glen nursing home) – this is a purpose built care home within its own grounds, lots of space outside for parking and outdoor relaxation and adequate access and parking.

There will be 'Material' changes to the use of the building as follows.

Carers providing 24 care as a shift pattern is not the standard behaviour/use of a dwelling house.

Standard dwelling house would not have locked doors for residents or have a fire alarm installed which would be subject to 'commercial building / Ofsted' regulations + regular testing – disturbance to neighbours.

A dwellinghouse would not be subject any Ofsted rules & regulations.

A commercially run property would have visitors that would not be the norm for a private dwelling – Eg. Ofsted, safety inspectors, social workers for multiple individuals, care workers, care worker managers, care company executives, care company owners, multiple health care personnel. emergency services etc

A dwelling house would have a consistent 'household' occupancy – eg. Person, couple, family – it would not have paid for carers working onsite (none permanent residents) and none family members – (random unknown individuals – not a family unit) who could be constantly changing depending of the length of stay at a care home.

Consider

The number of residents.

How operations is conducted – attended by none permanent residents.

Changes of character of use of house from a 'family home' to profit driven commercial premises.

Increase in coming and goings over and above a normal family dwelling.

Long term harm and significant concern for adjoining residents.

Can not ignore the recent objections (over 150) to the now withdrawn planning application REF – 23/03197/FUL at this residence.



BILSDALE WAY (REF 23/04538/CLP) RESIDENT COMMENTS RECEIVED

SUPPORTING REASONS

Leading authority on whether small children's care homes are C3 or C2 comes from the High Court ruling in North Devon DC v FSS [2003] EWHC 157 (Admin). The judge concluded that children living in the property with no adult residing permanently was not a "household" for the purposes of Class C3. Children could not be expected to run a house and therefore cannot be considered as a single household without a permanent resident care even if there is 24 hour on site care. **It is instead a C2 use.**

The North Devon case would suggest that under 18s cannot, however the age range in these homes often extends beyond 18. The fact that they receive a lower level of care and support is more indicative of them being able to run a house together.

If you want to change the use of the house to a small care home for children then you are moving from Class C3 to C2.

Conclusion.

Yes, there is a need for care for vulnerable children within the community but as outlined in the objection to the original proposal – this is not the property or area for such a development. This is documented in the objection document referred to above.

Issues with the application form.

No full name on document

Agent details vague.

Applicant is not same as land registry name.

Applicant is not the occupier. (currently rented to 2 adults & 2 children).

Grounds for application.

1. This does not fall under criteria for certificate of lawfulness
2. Reason for granting ' as advised by planning' – how can this be a valid reason ?
This is a dwelling house as defined by town and country planning definitions – C3.

This property is NOT empty.

Site plans are misleading – not to scale – and downstairs 'bath' is toilet & sink only.

Section 11 & 12 – no details – may have been removed for public publication.



BILSDALE WAY (REF 23/04538/CLP) RESIDENT COMMENTS RECEIVED

19. Comment Received 1st January 2024

Please see below comments previously submitted in relation to the change of use application from residential to business for 32 Bilsdale way, Baildon. This application was withdrawn on 14th Nov 23, with an astonishing amount of objections (168).

A new application has been submitted in such a way to avoid normal planning rules.

Our main concerns still include:

Increase noise and potential disturbances.

Potential for anti social behavior in a quiet residential area.

Safety concerns for existing residents a lot being elderly.

Properties built for residential use not business use.

De -value of properties within area.

Neighborhood also consists of young families with children, potential for noise & conflict at antisocial times with potential to upset and psychologically affect neighboring children.

These emotionally and behavior troubled children have the potential to attract more troubled children/ individuals in an area which is high in vulnerable elderly and young children.

20. Comment Received 1st January 2024

Certificate of Lawfulness plan for 32 Bilsdale Way

This is not good, considered planning or good use of the house at 32 Bilsdale Way.

It appears forced by a partnership between the applicant, who applied for planning permission for a change of use from residential to commercial for a property on a residential estate and the planning department.

The estate is not set up with road space or parking space for a commercial venture. This is acknowledged by signatures and attention given to a Covenant which has existed since the estate was built. The roads are not straight with few clear lines of sight. The neighbouring properties to #32 have very little frontage space for parking as does #32 itself. We are far from services such as shops. Care workers are difficult to find here.

The applicant wished to change that but decided to withdraw the Planning Application given the 168 objections to the proposal. Astonishingly, without proper notification to us for the second time, the planning officer advised him, presumably to circumvent the objections



BILSDALE WAY (REF 23/04538/CLP) RESIDENT COMMENTS RECEIVED

and a failed planning proposal, to use Certificate of Lawfulness to push us back. We did not think at the time that the planning officer had no knowledge of the objections!

The COL would be applicable if, for the last four years, the property had been used as a private care home, but it has not. The present course of action should not even be tried. On December 22nd 2023 a near neighbour (anon) received a phone call from (anon) the Planning Officer concerned and was told that the planning office and the person himself were not aware of the 168 objections to the Planning Application and that he would look into the matter after the Christmas break. Needless to say this is a spectacular lack of attention as far as we are concerned or did he 'tip the wink' to the applicant. We are waiting for the outcome of his investigation.

The Care Home proposals for both Planning Permission for Change of Use to C2 and then for COL contain incorrect and incomplete information. The planning for the business offered with the applications is scanty even for a 'cut and paste' attempt. It has details for another property in another area. There is no sign that there is knowledge of the breadth and depth of the situation.

The fact that he, the holder of the money, the director of the business says that he will be 'out of contact' when the business starts indicates planned lack of involvement and implies no interest either. He has other businesses; his cash flow will be significantly improved. The available house and the financial incentive seem to be his main drivers.

He does not seem to anticipate staffing difficulties. There is difficulty in obtaining care workers in this area. Care workers pay above the minimum wage if possible. Their jobs are demanding, physically and mentally. They need paid time off work to consolidate their organisation at home. The care workers need to be there to listen to the children on a regular basis like their family would. This is not idealism. It is what should be, bank staff are not appropriate, there is no available parking for staff who come by car. The bus service is infrequent.

If run as a functioning care home #32 lacks facility. An office is needed for records, safe storage of medicines and medical equipment. Food preparation requires another room. If an estimate of 4/5 bedrooms stands then the dining room cannot be an office. The conservatory is not heated, and it is hard to see it as a dining room. Eating together is good. Issues such as these need to be buttoned down beforehand.

This has been an unreasonably sustained attempt to win through to the privatisation of children's care. The applicant says that he has been doing market research in the North East. This would presumably bring a higher private premium for each cared for child. Bradford children would not benefit nor would Bradford Children's Trust.

The contracts offered to private children's care providers are too high. There are many press reports that record high premiums and profits and serious failures in Care.



21. Comment Received 2nd January 2024

Happy New Year.

I am writing to raise my objections to the change of usage application for 32 Bilsdale Way.

1. This is a **residential family area** as stated in the deeds for a family home. New usage would not be a family but a selection of children with a change over of carers. With many people coming and going day and night it is not a suitable area.
2. **Parking** is limited with additional cars causing traffic movement in the area to be difficult and causing visual obstruction in an area where many children play out.
3. **Refuse** /as a business the property would not be entitled to council bin collections. Where would big ' biffa' type bins go? Also medical refuse bins ?
- 4.
4. Are there enough bedrooms and bathrooms and toilets for many adults and carers to use?
5. What safe guarding measures are in place?
6. This area of Baildon is remote. Only bus connections for children, close to woods known for drug transactions and with no playground facilities.

In short. ? This property is unsuitable for residential care.

22. Comment Received 29th December 2023

I wish to bring to your attention an issue concerning the use of a Certificate of Lawfulness when the applicant realised that a normal Planning Application would probably not succeed. In this particular instance as argued below the application will change the amenity of the whole area, set a precedent that could create future problems for the whole district and for the council, while in the immediate term it would deeply upset and alienate existing residents, while not helping the children it seeks to assist at all.

While I realise that the children's welfare is of paramount concern, especially for the Council, it is important that their needs are met without causing undue harm to the character and amenities of the local neighbourhood in which they are being looked after.

In this instance I do not believe that granting a Certificate of Lawfulness would be in the best interests of either. In particular the premises are inappropriate and in an unsuitable



BILSDALE WAY (REF 23/04538/CLP) RESIDENT COMMENTS RECEIVED

location, as will be explained further; and there appears to be flaws in the safeguarding of the children and the interests of the local community.

I understand that nationally there is an increasing number of attempts to use Certificates of Lawfulness to change the use of existing residential dwelling houses into children's residential and supported accommodation homes. While this is admirable when used for an appropriate property, it should not be used simply to override valid planning objections and circumvent the needs of existing residents and the amenity of the area. In other areas where the need for such homes for children and young people has grown, the use of Certificates of Lawfulness has avoided Council controls being considered in terms of occupancy, so these children's residential and supported accommodation could elect to accommodate children and young people placed by other authorities. This has two key implications: Vulnerable children with complex needs are brought into the borough placing additional strain on already pressurised local public services; and this diverts further resources from being available to meet the needs involved with managing local children's accommodation within the borough. With Bradford Council already facing a serious shortfall in finances this does not appear to be an appropriate use of money.

I understand that a Certificate of Lawfulness for a Proposed Use is granted when the Council judges that the proposed use is not materially different in planning terms from the existing lawful use of a building. Factors which other councils have taken into account when considering materiality have included:

- Change in the character of the use as a result of increased day-to-day activity; - the area proposed for this Certificate of Lawfulness is predominantly a residential area occupied by elderly and vulnerable pensioners with a few younger people with small children. There is minimal traffic in the area but the property has already created problems with vehicles being parked regularly on the road where they obstruct the view round a corner or being parked in part on the pavement forcing pedestrians to walk on the road when passing. In addition, within this community it is difficult to see how the granting of such a certificate would assist in reducing levels of crime, anti-social behaviour and the perceived threat of these. It is also unlikely to help improve the quality of life for existing and future residents, or improve the economic performance of the neighbourhood' Indeed it is more likely to make the area less clean, noisier and a less healthy and safe environment, which will have a negative impact on the quality of life for all the existing residents. Such a reaction is likely to result in the children feeling unwelcome and becoming even more disruptive, leading to a downward spiralling situation where everybody loses and no one wins.
- Change in the character of the use as a result of the necessary form of operation of the premises; - the unavoidable extra noise and disturbance will undoubtedly alter the character of the neighbourhood
- Impact of the proposal in terms of the loss of family dwellings; - according to local estate agents there is a high demand for rental properties in this area and this will remove one of

the few such properties from the market. The house has been used as a rental let for around twenty years now and until the last tenant left has been occupied almost continuously for all that period.

· Impact of the proposal on local public service delivery; - The location of this property is over a mile from the centre of Baildon and already suffers because it takes longer for already stretched public services, such as the police and the ambulance service being able to get here in the same timescales as many other parts of Bradford. In addition, bus and other services are very limited in the area.

I mentioned earlier that the property itself is not appropriate. Although it was built as a four bedroom home it is not likely to be large enough to provide the facilities required by the registration authorities (cooking facilities, bathrooms, dining and communal facilities) without the need for any substantial extensions which would be very difficult, on such a small plot of land, without having a detrimental effect on the area, the amenity or the neighbouring properties and the character of the property and locality. I also understand that such premises should be located near to, or enjoy safe and convenient access to facilities such as shops, parks and public transport. As already stated, the closest shops are in the village a mile away or through woodland paths which would expose the children to potential drug dealers, and grooming or other criminal activities. As also indicated previously these homes require adequate, convenient and accessible parking space within the curtilage to comply with parking standards without adversely affecting neighbouring properties or the character of the locality, but the occupiers of the property are currently struggling to park two vehicles on the drive and as stated previously the property is near a blind corner where road parking is potentially dangerous to other road users and pedestrians. If extra parking were to be provided on the property, then this would remove the open garden areas and spaces which would be considered suitable and sufficiently attractive to the children at the property. How is this parking issue compatible with reports that state that 'it is recognised that children's residential and supported accommodation requires more car parking than dwelling houses of a comparable size. This is because of the number of staff members who are likely to be working at the property at any one time, and also because of the potential for visits from other professional support workers'.

It is recognised that many children who require accommodation in a children's residential and supported accommodation may have suffered trauma or neglect of some kind. This can result in behavioural problems. Whilst such children undoubtedly deserve to live in a pleasant, caring and supporting residential environment, it is also important that the amenities of neighbours are appropriately protected. To achieve these aims it would be reasonable to expect the property to have sound-proofing and to have safeguarding measures such as the provision of appropriate boundary treatments to garden areas and the installation of CCTV for both the security of the children and the neighbours, but this does not appear to have been done.



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Is the property likely to receive OFSTED approval as without it the application has no validity and providing a Certificate of Lawfulness could then be used to change the status of the property and alter the amenity of the area?

Bradford Council are reported to be £70 million in the red, so is it a good use of money to spend on homes like this where private individuals are reported to be making an average of 20% profits while the council fights for funding?

There are also a number of questions raised by the application.

For example, the property is said to be owner occupied by a Mr Khan but the land registry shows a Mr Malik owns the property and it has not changed hands for around twenty years. There are also anomalies in the business plan and application concerning the occupancy status of the building. In the original planning application it stated that the property was owner occupied when neighbours claim no one was living in the property while in the application for a certificate of lawfulness it states that no one is living in the property when there are the same vehicles present most of the time and parcels are being delivered which have on at least one occasion been left with a neighbour. When this neighbour delivered the parcel she was greeted by a lady with two small children who appeared to be resident at the address and happily took the parcel. Furthermore, there are still references in the paperwork to the property in 'BD9' but this application relates to BD17 which has a very different profile and population mix. These discrepancies all cast doubt on the accuracy of the application.

Between the Planning and Certificate of Planning applications the property appears to have morphed from a 4 to a 4/5 bedroom property. With no extensions having been completed this can only mean the small rooms have been further partitioned or other rooms have been renamed as bedrooms. As the space was already limited and lacked space for the functions normally required in a children's home this begs the question where will children play, eat etc.?

It may also be relevant to mention that covenants in the original deeds to this property prohibit the use of the building as a business, so is this change legitimate, when all the other properties in the area have abided by these rules for over 40 years? A business of this type would not only breach the covenant but would also change the amenity of the whole area. In Blackburn and Darwin the council recommended the use of the following checklist to determine whether applications were appropriate. While the business plan addresses some of these points it also raises many unanswered questions and these omissions should in my opinion be sufficient to result in the rejection of this application.

- How many children would be accommodated?
- What is the ratio of staff to children that is required, i.e. delivery model?



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- What is the likely level of need of the children accommodated, i.e. is there a focus on complex needs?
- What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?
- What support officers would be likely to visit the property?
- How would visits be scheduled and would staff/support-worker meetings take place at the property?
- If residents are unable to participate in full-time, mainstream education, what educational support would be offered on-site?
- Would therapeutic care be offered on site?
- Would case reviews take place on or off-site?
- Are friends and relatives of residents able to visit at any one time?
- Will the property be OFSTED registered?
- Will the property be CQC registered?
- Will the property be registered on the relevant Council's Commissioning Framework?
- Are children ever left alone at the property?
- Under what circumstances are children allowed to leave the property?
- Would staff members be informed/aware if a child left the property?
- Is there a curfew?
- What would happen in the event of a breach of the curfew?
- What security provisions are proposed e.g. security and access controls on doors?
- Would CCTV be installed?
- How would local residents know how to raise a concern in the event of an issue?
- How will the service work with other professional and voluntary services

I realise that many of my neighbours may already have expressed similar opinions, but I would like to add my name to the list of concerned residents who wish to see the best for these needy children, but not at the expense of breaking up a happy and cohesive neighbourhood and creating further pressures on local services and amenities, while at the same time depriving Bradford city of much needed funds just to enable one business to make a lot of money which will not be of benefit to the community. All this from a proposal that appears to be riddled with inaccuracies and false statements.

23. Comment Received 2nd January 2024

Dear Councillors,

I am sending you an email and as an attached PDF regarding the Certificate of Lawfulness application for 32 Biltsdale Way.

I live directly opposite the property and find the proposed change of use and C.O.L. deeply concerning.



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In addition, I have recently found the following article which has been very helpful in clarifying certain aspects of a similar situation.

<https://www.theplanner.co.uk/2021/12/02/appeal-inspector-rejects-appeal-change-use-home-children-care>

Any help regarding this matter would be greatly appreciated.

I am raising my concerns regarding Ref: 23/04538/CLP | Change of use from a residential dwelling (Use Class C3) to residential care home facility (C2)...32 Bilsdale Way, Baildon.

Firstly, I would like to comment upon the application from Mr Sajid Khan. The Director of Headway Housing Limited (Company No. 11077393).
The application looks to be submitted by an individual rather than that of a company.

THE APPLICATION FORM:

Under section 10 of the application, it states:

That it is an offence to furnish false or misleading information or to withhold material information with the intent to deceive.

Section 1:

The first name hasn't been filled in. It is usually presumed when filling out forms, that you would use the address of where you reside. Mr. S. Khan does not appear to live at this address. I personally don't know of him or what he looks like but many cars come and go which park on the road outside of the property but there are 2 vehicles that have been consistently parked during the day and overnight and I have been told that these people rent the property from Mr. Khan.

Section 2:

The title, first name, last name have been omitted. The address given is not the same as the registered address of Vangaard D&A Ltd.

Section 4:

States date given as 10/11/2023 and the decision to remove the initial planning application Ref: 23/03197/FUL after on the 14/11/23. A letter was received from the planning officer on the existing the 15th advising of the withdrawal. It was validated on the 7th Dec. Again, residents only heard about this through word of mouth. Also, knowing most people would be otherwise occupied during the festive period and could easily have been missed. Applicant states that he was advised to withdraw the application (the week prior to decision) and submit through COL.

Section 5:

It states that he is the occupier, but this does not appear to be correct, as he is not known to reside there and currently rents it out to a couple with 2 young children according to the accounts of a couple of residents that have spoken to them.

It also states that he is the owner but according to current Land Registry search results for the property, it states that someone other than the applicant owns the property. I think the owner was a Mr. Malik who rented out the property from around 2003 and has always been a rental with occasional periods of being empty. It may have changed hands but I don't know.

Section 7:

The section asks for the applicant to explain as to why they consider this change of use of land or building to be lawful and why a certificate should be granted.

There was no explanation given for either other than was advised to do so which I don't feel is sufficient.



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Supporting documentary evidence submitted - Care Business Plan. I personally don't think that constitutes evidence.

After looking for a website attached to the business, so as to try to understand more about the business, (which doesn't seem to be listed with supporting evidence, which I would have expected), I did find a website www.headwayhousing.com with the same logo (with contact details for Bradford, Sheffield and Birmingham), but only seems to mention only young people (aged 16-24) not 8 upwards as stated. It may well be just another of Mr. S. Khan's directorships, as he does appear to have multiple positions within varying fields according to information held on GOV.UK Company Information.

Section 8:

In section b, yes was selected for change of building use.

If yes to b, please give full description of the scale and nature of the proposed use, including the processes to be carried out...

The statement given is: Currently it is a residential home, proposed use would be residential care home.

The statement does not really give a full description of the scale and nature nor the processes to be carried out.

The proposed change of purpose to a commercial residential care home which is a very different entity from a regular family home, as I will elaborate on later within my comments.

If yes to b, please describe fully the existing or last known use, with the date this use ceased:

The statement given is that the property is empty.

This statement is untrue as there has been a man, woman and 2 children living there since the middle of October and currently still do, who are believed to be renting the property from Mr. Khan. It has been a rented property since from 2003.

NB. He did previously state that 32 Bilsdale Way as his address, he is the owner, occupier and also that the property is currently empty.

Has the proposal been started?

No was the answer but workmen have been seen at the property after the previous tenant left and prior to the current people residing there. Deliveries to the property have also been seen. Vehicles have obstructed the pavement on a number of occasions.

The property also has a covenant attached that doesn't allow a business to operate from.

Section 10:

A declaration statement stating *...any facts are true and accurate ...* has been signed and dated which seems to have inconsistencies within the application.

THE PLANS:

These plans do not appear to be a true scale representation. The drive is narrow with a hedge to the side which belongs to the neighbour and leaving a car in front of the door would create a hazard in an emergency situation. 1-2 cars are on the drive at any one time but having more would make it extremely hazardous with shift change overs and visitors.

Our drive directly opposes this property's drive which would make it extremely hazardous/obstructing for us when we reverse out and accessing our property. We have had vehicles recently parked across the end of their drive which would have made it impossible for us leave via car.



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MY PERSONAL VIEWS FOR THIS PROPOSAL:

I find it deeply concerning that there has been a complete lack of consultation and transparency within the planning process regarding this matter.

Initially, an application was submitted for planning permission Ref: 23/03197/FUL regarding the above property with the same change of use (C3 to C2) as mentioned above. Again, many people only learned of this application through hearsay or not adequately informed with a clear understanding of the proposal. Despite this 168 people raised, varied and valid objections to the proposal.

To be then informed by the planning officer, Simon Eades, that the application had been withdrawn on the 14th November 2023 and knowing that advice had been given to the applicant to withdraw the application and submit via a different route (COL) (prior to issuing this letter), as what appears to be a way of avoiding objections to the proposal. Regardless, whether there is any legal requirement to inform or not on this issue, it seems to be an unethical practice when knowing of this whilst making objectors believe this issue had been dropped rather than rerouted, with the effect of silencing opinions and views of local residents.

This proposed change from a residential property to a business facility care home would bring an extremely disruptive and significant change to the area. A commercially run care home for vulnerable young children/youths facing multiple challenges including trauma, behavioural issues, abuse victims, with criminal histories, substance abuse & susceptibility to exploitation is highly likely to compromise the sense of security, safety, peace and cohesion amongst our residents and families with their valid concerns.

It would change the very nature of the neighbourhood that initially attracted its residents to the area which in turn could affect the quality of life of its residents which should be considered as laid out in the NPPF but under COL this process totally overrides and disregards this planning protocol.

Another issue regarding the property's change of use is that there would be an increased need for emergency services to the facility (which has been shown to be the case in various publications eg. Police Professional 2019 stating data regarding excessive calls to the police from children's homes. The fact that the property is far too small for such a commercial residential care facility the likelihood would be pushed to boiling point caused from the stress of feeling enclosed within such a small residence with another 3 challenged individuals, workers and care manager and a feeling of unrest and animosity amongst neighbours towards the home which would detrimentally affect the neighbourhood from a proposed change of purpose.

Given that the response times to the area in some instances have been extremely poor and resources are already stretched. It would make more sense to locate larger purpose built premises with car park nearer to such services and facilities.

The change in purpose would also bring an increase of traffic not just from emergency services. The day to day running of the home would not be the same as that of an ordinary residential home and would constitute a 'material' difference with its usage. Care home manager, care staff (the finding and retention of the right calibre staff is highly problematic within the industry and as a result is likely to experience staffing problems), of which an average residential home (C3) does not experience, shift changes, fire drills, Ofsted inspections, CQC inspections, social worker visits, other legally required inspections, removal of any clinical waste would surely be required within a care setting and as a result additional refuse collection as clinical waste may not be disposed of within domestic waste, increased volume of traffic on quite a narrow residential street and usage would not be the same as that of an average home due to the above and additionally having visits from 4 separate families/relatives and other social visits would create traffic/parking road safety and access issues for the residents, pedestrians and the children involved.

RELEVANT PASSED JUDGEMENTS

The proposed change to 32 Bilsdale Way, would change the character of the property. It would change from a C3 family residential home to a C2 a commercial residential care home. This is a material change, so a Certificate of Lawfulness is not appropriate, as a High Court ruling in north



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Devon DC v. FSS (2003) EWHC 157 (Admin) the judge concluded, "Children living in the property with no adult residing permanently was not a "household" for the purpose C3". Shift patterns of 24/7 do not constitute a permanent resident. They would have to live there permanently. There would be insufficient space within the property for any permanently residing staff. There are many regulations that would be required by law for the change of use with this type of property, ie Building Regulation, Health & Safety etc so it would require planning permission and not a Certificate of Lawfulness.

Walsall Borough council also rejected such an application and argued "that the increased number of children and carers would extend beyond the limitations defined by the use. Consequently, the proposal would result in an increase in activity which would reflect the operation of a C2 care facility and a material change of use.

The appellant said the property would run as a household, with the experience of the occupiers akin to that of a household, rather than a care home.

The inspector SA Hanson said that the circumstances of the appeal were similar to those in case law as established by the North Devon District Council v First Secretary of State (2003) judgement, which considered that the children would live permanently on the premises, with the carers living elsewhere on a shift rota.

Hanson said that the children, because of their troubled backgrounds, receive high levels of one-to-one care, which means that the administration of the home is not typical of a normal family life". *For easy reference I shall also attach the article in addition to this link*

<https://www.theplanner.co.uk/2021/12/02/appeal-inspector-rejects-appeal-change-use-home-children-care>

Blackburn and Darwen authorities, have pointed out that the change of C3 to C2 type properties constitutes a material change.

A Staffordshire councillor has called for a change in planning so residents are consulted about all new children's homes.

There have been many articles regarding calls for reform of private care homes, including "Urgent calls for reform after horrific abuse..." published by the Guardian 20/04/23 and a House of Commons Committee report, dated 08/07/22, with recommendations to the government regarding failures of residential care which also states, "The Independent Children's Home Association highlighted problems recruiting registered children's homes managers".

The Bishop of Blackburn Rt Rev Philip North says "Children's misery in 'being monetised' as those in care are moved miles away from everything they know".

<https://apple.news/AY9mP9JWKQ1qEjyUBbfc1uA>

To summarise, **the property is not suitable for such a change in use and it would constitute a material change and a C.O.L. application should not be granted.**

There should certainly have been full consultation & transparency.

Given the dire financial situation of Bradford Council and the exorbitant costs involved with childcare services, locating a residential care home away from emergency services and other facilities would further stretch this financial burden. It would surely make more sense and be much cheaper to have larger purpose built facilities that is not privately run. Neither do I feel that this proposal benefits anyone other than the business owner and the potential exorbitant revenue involved.

24. Comment Received 31st December 2023

Ref 23/04538/CLP.

1. Apparent errors in the Application.

- a) The application mentions S.Khan as owner. The Land Register still shows Mr Malik.
- b) Item 8 describes the property as currently empty.

Someone lived in the property until May 2023 and left after being "pestered" by continuous Debt Collectors acting on behalf of Bradford Council and others.

A 'family'; including a man with a white van, a woman in a black VW and children have lived in the property since October 2023.

We have even received a Christmas card from No 32.

2 .Deed Of Covenant.

- a) Regardless of who owns the property, whoever purchased it must have signed the Deed Of Covenant laid down by Sir Lindsay Parkinson & Co Ltd

covering the use of properties on this estate formally known as Glen Valley Park. This covers 70 years of which there are approximately 25 years to run.

It states that the properties will only be used as private domestic dwellings and will not be used for any business purposes (apart from accountants and solicitors with their permission).

It would appear that the current property owner is showing a flagrant disregard for this Legal Document he has signed.

Surely, one would expect a Certificate Of Lawfulness to consider the Law, be it Criminal or Civil Law.

- b) The main intention of a Deed Of Covenant is to protect the owners of the properties they have purchased and the environment in which they live.

This application is against the interests, desires and amenities of the Estate's property owners and will create a significant MATERIAL CHANGE

in the whole area. This is not a minor infringement similar to a fence in the wrong place or someone keeping poultry on the Estate.

This Certificate would create a precedent on this Estate, and other Estates with Deeds of Covenant, potentially leading to serious levels of unpreventable commercialisation of domestic residences, turning a Domestic Residential Estate into a Business Park uncontrolled by current Planning requirements.

3. Ground floor of plan and Staff Facilities. Clarification Requested.

- a) The plan indicates 'Bath' located under the stairs. In reality, this is a small cloakroom with a toilet and sink.

This would leave only one actual bathroom (bath, sink and toilet) for a possible 4 resident 'teenagers', regardless of gender mix.

b)The Health and Social Care Act 2012 states that the design of a Children's Home should provide staff who sleep in the house overnight with appropriate accommodation and facilities.

In the proposed Business Plan, Running of the Children's Home, Item 10, final sentence " At night we will have a Minimum of one walking night staff and one sleeping staff member to support with any needs the child may have during the night"

Is this downstairs cloakroom the staff toilet facility ? Where is the appropriate staff sleeping accommodation ?

4. Access To Dining Room.

a)The original house dining room will now be the office.

The office will inevitably contain several types of items including :-

Residents Personal Records

Residents Medical Files (Data Protection Act 1998)

Prescription Medicines and Drugs, Sharps etc

Resident's Personal valuables and money for safekeeping.

It would seem normal practice in Homes and Clinics for the Office to be a Restricted Area with Combination Locks on doors to prevent general access.

The plan shows open access to all residents, staff, visitors, relatives and friends especially from the dining room. Is this open plan advisable ?

b). If the Office was closed off to the Dining Room /Conservatory (is this a Building Regulations requirement anyway ?), then the Dining Room access would be via the Kitchen where food is being prepared and cooked.

Is there an issue here with Health and Safety Regulations, Risk Assessments and Hygiene Regulations.

Clarification Requested on Dining Room access.

5. Traffic, Parking, Staff Changeovers . Major Material Change to Estate Environment.

There will need to be at least 8 to 9 Care Staff arrivals and departures every 24 hours, including day and night vehicle changeovers on the Parking Drive.

Full staff numbers have never been divulged in the Plan, but when children with emotional and behavioural difficulties (EBD's) are being cared for and

monitored by Professional Care Staff, who is preparing and cooking 12 meals per day (not including staff meals), who is washing up, who is doing the house laundry, who is cleaning the house ? Will a cook and cleaners be arriving and departing as well as doctors, social workers, food and provision deliveries, pick ups and drop off to schools by the pool car, parent, relatives and friends arrivals ?

Most Homes and Clinics have substantial parking facilities to accommodate all the above. Three places appear to be totally inadequate.



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A substantial increase in on-road parking outside the surrounding houses will be a serious Material Change to this estate.

On the imminent arrival of making Pavement Parking an offence, the situation will deteriorate.

25. Comment Received 2nd January 2024

Good Afternoon,

I am writing to object to the above planning application tabled as a certificate of lawfulness, as I am unable to object to the application in the usual manner via the planning website.

Although the new application does not allow the substantial residential objections to be considered, as a our local council I would expect you to make representation for the numerous elderly residents, who have grave concerns with the properties change of use.

I personally am troubled by the way both application processes have been handled by Bradford Council, the issue around the business proposal still exists where there are detail inconsistencies in how the business will be run on a daily basis. The change in the deeds which does not allow properties on Bilsdale Way to operate as business, which could if permitted allow the street to change to something it has not been built for, and the dangerous presidence this will set.

Are you as our local council team able to deep dive how impartial Bradford council are in the application process, as they have in the first application clearly not scrutinised the inconsistencies in the business plan, and here on the second application advising the applicant on how he should go about getting the properties change of use, this clearly demonstrates to me an underhand approach which needs to be investigated.

I look forward to hearing from you on how you as a team can support my objection. Should you have any queries with the above please do not hesitate in contacting me.

26. Comment Received 29th December 2023

Following withdrawal of their earlier planning application to change 32 Bilsdale Way from a family home to a Care Home business for children with emotional and behavioural difficulties, Headway Housing Limited appears to have now taken a different route. The company has recently applied to Bradford Council for a Certificate of Lawfulness. Their aim is still to change the property's status from residential to business use -by employing a legal



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manoeuvre which falls outside the planning approvals process, thus circumventing the level of scrutiny associated with a routine planning application. This strategy is also being used to avoid objections from local residents.

When the initial planning permission came through there were many many objections as this is a small residential area where this type of business would not be appreciated by the local residents. We have strongly objected to this in the past, and this is the only way we can see to object again.

Please consider the local residents in the area over the business' own interests, you're time and help is much appreciated in this matter.

27. Comment Received 28th December 2023

To whom it may concern,

I am writing to formally raise my concerns on the change of use application relating to 32 Bilsdale Way, Baildon.

I don't believe the application is lawful, under permitted development rules. I would ask the council to consider whether a planning application is in fact required.

I understand that planning permission is needed if the work being carried out meets the statutory definition of 'development' which is set out in [section 55 of the Town and Country Planning Act 1990](#).

'Development' includes a change of use of land or buildings that constitutes a material change of use. By requesting to change the use of the house to a small care home for children then the property is moving from Class C3 to C2. Staff will be employed on shift patterns and are not full time residents, this is consistent with C2 use. And there is clearly a material change of use, the relevant factors being:

1. The internal fitting out of the premises with fire alarms, lockable doors, medication locker etc
2. Greater level of disturbance and amenity effects e.g movements to and from the property associated with such a use, including shift patterns, regular visitors (including the emergency services).

I would hope the council consider this case very carefully for the precedent it will set for future applications of this nature.

I also have reason to believe the information provided in the application is false or misleading:

1. Applicant states they are the owner and occupier but they are not resident in the dwelling, it has been rented out to tenants.
2. The business plan is in the name of Headway Housing Ltd but there is also reference to 'Daisy Hill' throughout the paperwork, this is confusing and not accurate.
3. 'Personnel information' section states that Carmen Nosegbe is the responsible individual, however in the description of their experience and knowledge it makes reference to a person named 'Rebecca'? Again this is confusing and not accurate.
4. 'Competitors in the Bradford area' section speaks to the need for children's homes in BD9 area. 32 Bilsdale Way is not situated in BD9 - thus the application makes false and misleading statements about the area.

The lack of attention to detail and accuracy of the application should ring alarm bells about the operation of this business.

I thank you in advance for considering my concerns.

28. Comment Received 2nd January 2024

I would like to add my comments to the objection of the application of the certificate of lawfulness of 32 Bilsdale Way.

I objected to the planning permission of the change of use of residential use to business use, as they first applied for. This I believe got many objections. It is my understanding that the planning department of Bradford Council told them to withdraw the application due to the vast number of objections and apply in this way for their business venture. Surely, the planning department shouldn't be giving such advice and should be impartial to all applications?

Indeed, the whole purpose of a children's home is to help, support and give the children a good home- but I genuinely think that the location and size of this particular house for the number of residents and carers stated is unsuitable. It's not fit for purpose. 4 bedrooms and 1 full bathroom is not sufficient. The location is quite isolated as local bus services are infrequent. There are no shops nearby either. It's a completely residential area, what it was built to be, in the deeds - no businesses, therefore I feel that allowing this would open floodgates and be detrimental to the area.

Would it not be appropriate for the young people who need be housed to be accepted by the residents in the area they lived? The number of objections to the initial planning application would say otherwise.



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As the application is not stating specific details of the children it would home has caused much upset in our quiet, community environment, of which there is an aging population amongst young families. Not knowing if we will have 4 juvenile offenders living in amongst our community is unnerving. And when they move out, who next will we get living there, and then the next young person, and the next?

I do feel that Bradford Council allowing and advising a business opportunist to apply in this way knowing the community opposes is very underhand.

I give you permission to forward these comments to the planning department on my behalf and also my name, address and email address.

29. Comment Received 27th December 2023

Dear Councillors and Baildon Town Council

The application to change the use of 32 Bilsdale Way from residential to business use as a home for children with emotional or behavioral difficulties is not appropriate to the residential and community nature of Bilsdale Way and the surrounding area and not a change the local residents, many of whom are families with young children, wish to see. The proposed change seems to be based mainly and possibly only on the house owner's wish to make money.

While appreciating that young people with emotional or behavioural difficulties may need help it would be counterproductive if this caused emotional or behavioural difficulties to or adversely influenced children already living in the residential area of Bilsdale Way and the surrounding residential estate.

In addition, if the proposed change of use from residential house to a business accommodating children with emotional or behavioural difficulties caused upset to residents of any age in Bilsdale Way or the surrounding area it would be seen by the children proposed to be homed at 32 Bilsdale Way and adversely affect their recovery or ability to become good citizens.

Can the following points be answered please before the proposed change of use is allowed:

Q: 1. Is it proposed that the children intended to be housed at 32 Bilsdale Way, after the proposed conversion of the house to business use, will leave the house to attend school, further education, day centres or employment and if so will they be accompanied on their journey to and from any of these places.

2. Will the children proposed to be housed at 32 Bilsdale Way be allowed to leave the house at any other time and if so will they be accompanied and supervised at all times?
3. will the supervisors be on duty individually on a 24 hour rota basis? i.e. one at a time but at least one always on duty?
4. What measures have been/are being taken to make sure no disturbance is caused to other residents of Bilsdale Way and the surrounding residential estate?
5. Is it proposed that the car park space at the front of 32 Bilsdale Way be increased to accommodate off road, all the cars of the staff on duty?

30. Comment Received 2nd January 2024

I am writing to express my strong objection to the proposed change of use of the residential home located at 32 Bilsdale Way, Baildon BD17 to the business of a care home for older teenage children. As a resident in the area, I hold significant concerns about this proposal and the potential impact it may have on the local community.

There are important differences between a residential home and a care home business, with a number of issues that a business of a care home may bring that are not present in a regular residential home. For instance, care homes need to accommodate large numbers of staff and residents, which I'm afraid would significantly increase the traffic and parking congestion in the area. Moreover, shifts can be long, so residents and staff work on rotating schedules, meaning cars would be parked outside of the property throughout the day and night, even on weekends. (The current plans show parking for a maximum of 3 vehicles if the garage is used which is probably unlikely. The street has minimal on street parking due to existing driveway access needed for the current residents , who all have dropped kerbs and driveways preventing most on street parking. This is not a wide street and so on street parking could prevent access to emergency vehicles / refuse vehicles and the like.) There would also likely be visitors to the property , and again ,insufficient parking, and increased traffic.

In addition, the care business is more likely to require the presence of counselling staff, nurses, ambulances potentially , and other medical professionals to attend to residents , which could further add to traffic congestion, lead to noise and potentially disrupt the neighborhood's peaceful character.

Furthermore, care homes could potentially generate a considerable amount of waste compared to a private home , larger refuse bins could prohibit the use of the driveway for



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their staff , and mean increase collections (again increased traffic and noise and potential parking issues).

Finally, it is also essential to understand that this proposed development is located in a quite, well cared for residential area and may certainly impact the quality of life and well-being of existing residents. Furthermore, the proposed change of use may well affect the value of our properties and may lead to other businesses seeking to operate in a residential area. (Once approved for one house it would be no doubt more difficult to refuse others .)

Therefore, I urge the council to consider my objections and decline the proposed change of use permit for this property. If approved, this proposal could have negative consequences for the neighborhood's character, impact the quality of life of existing residents, and threaten their property value.

Thank you for considering my objections.

31. Comment Received 3rd January 2024

My initial concern is that is ambiguous what the applicant is actually applying for. The title of the application states *“Change of use from residential dwelling (Use Class C3) to residential care home facility (C2)”*

The actual application has been submitted on a “Certificate of Lawfulness” basis, but a change of use from C3 to C2 would require a full planning application and therefore this application should be rejected on this basis alone.

Furthermore the application form contains a number of statements which are factually incorrect:

Section 1 – Applicant Name and Address

The Applicant (Mr S Khan) gives his private address as the address of the proposed application - 32 Bilsdale Way, BD17 5DG.

This is incorrect - Mr Khan doesn't reside at this address. The property was rented by a family for 4 years until June 2023 when they vacated at the end of their tenancy.

The property was then unoccupied until Autumn 2023 when another family (not named Khan) have moved in and appear to be resident at the address.

Section 5 – Lawful Development Certificate – Interest in land

In this section Mr Khan has responded “Yes” to being the owner of the land. However a land registry search under title number WYK185521 shows that this isn’t the case and that the property is owned by someone other than Mr Khan.

Section 7 – Grounds for Application (Information about the existing use(s))

As Mr Khan suggests he is the owner of the address he will no doubt be familiar with the restrictive covenant in the transfer deed which he apparently signed – the relevant covenant being the prohibition of operating a business from the address (outside that of a professional such as an accountant “working from home”)

Mr Khan’s proposal is to change this property from a dwellinghouse to a business address operated by a limited company that will operate 24 hours a day, 7 days a week and be staffed by a full team on a shift rotation basis. This will generate increased vehicular movements to the address, together with increased requirements for parking and will generate additional noise levels and nuisance for neighbours beyond what would be expected from a normal domestic dwelling.

This omission could be considered as withholding key material information.

Section 8 – Description of proposal (b – Change of use of the land or buildings)

Relevant information has been withheld here -

Mr Khan gives no information to the question ***“Please give a full description of the scale and nature of the proposed use”***

Mr Khan’s response to the question ***“Please describe fully the existing or the last known use, with the date this use ceased”*** ... Mr Khan states “The property is currently empty.” There is no mention of the property having been rented privately a family until very recently. Also Mr Khan cannot claim to be living here whilst at the same time claiming that the property is empty.

His statement regarding the property currently being empty is also incorrect as there currently appears to be a family living in the property and have been since October. (Bins are put out every week, and there are vehicle and people movements commensurate with a residential dwelling)

In answer to the question ***“Has the proposal been started”*** Mr Khan’s response is “No”



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However neighbours have observed tradesmen working at the address during July and August (electrician and joiner) with working and noise until late in the evening. New outdoor lighting has also been installed at the property. Various contractor vans have been observed parked on the pavement outside the property.

Summary

The applicant appears to be attempting to circumvent the planning process by attempting to obtain a lawfulness certificate for a proposal that should require a full planning application for change of use.

It appears to be posing as a local resident owner occupier who wishes to change the use of his house.

The reality is completely different. This is a limited company intending to operate a 24/7 care home from the address. The applicant claims to live at the address, but doesn't and he is in actual fact a director of the company wishing to open a business at the address.

This proposal is about a business taking over a domestic dwellinghouse a wholly residential community without any consultation with those who may be affected and with no regard to the impact of the business's operations on their residential amenity or wellbeing.

The business plan submitted by Headway Housing Ltd shows this to be a proposal for a care home business staffed by a team on a rotating shift basis.

As you may be aware, there was a similar case in North Devon where it was ruled that in order to operate a Care Home under C3 without a change of use would require the staff to use the address as their permanent residence – the proposal by Headway Housing Ltd doesn't mention staff living at the address and the application for 4 resident children with only 4 beds at the address. Further details can be found on this link -

<https://www.planningresource.co.uk/article/413157/casebook-court-cases-court-rethinks-interpretation-residential-class>

32. Comment Received 3rd January 2024

I am writing to you to raise my concerns with the above application to change the use of the domestic residence into a Residential Care Home for children with emotional and behavioural difficulties.

I have significant concerns that:

The location and setting for these residents is not suitable - there are no facilities nearby
The property is not big enough to house the number of residents and staff and the additional of visiting family members, which is stated as a key goal in the business

However the greatest concern is that there has been no communication, nor is it written in the business plan on how the business intends to operate in the environment and safeguarding the local community, which is made up of a large number of vulnerable people, both young and old.

I personally have 2 young children of ages 2 and 4 and cannot see how this business will be able to ensure the safety of my children, given the lack of information provided.

Our property is within 50m of the property and situated at the bottom of a cul de sac, it gives me anxious thoughts that with the lack of controls, adequate staffing levels, such a broad range of young persons issues being catered for that this proposed business will undoubtedly put a risk to the safety of my family.

33. Comment Received 3rd January 2024

Planning Application No. 23/04538/CLP

To whom it may concern.

I am writing with regards to the application to Headway Housing Proposal for 32 Bilsdale Way. I have been a resident in this area since 2019 and feel that this application is completely inappropriate for this area.

Firstly , the type of application being proposed is not encouraging for the area and the local residents. My key concerns are:

1. Restrictive parking with increased traffic coming in from people visiting those who are in this housing. The area houses families with young children and there is a



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Safety concern with regards to the increased traffic coming in and out of the small closed street and neighbouring streets.

2. Behind the houses on Bilsdale Way, there are woodlands and there is a real concern that this can be used as a meeting area for people in care in this facility. We live directly behind this woodland and it could potentially be a safety concern.
3. There is a point on the NPPF under post 92 B.

Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which

B . Are safe and accessible, so that crime and disorder or the fear of crime do not undermine the quality of life or community cohesions. (Focusing on the fear of crime.)

4. The street has limited parking and the type of housing in the area doesn't really suit the needs for a rehabilitation facility.

As a family, we moved into this area as it felt welcoming. Having a facility within the street feels out of place and has the potential to bring disorder to a very cohesive community. There is a real fear of an increase in crime.

It's a real concern for us as residents and people in the surrounding areas and I hope these comments can be taken seriously.



34. Comment Received 4th January 2024

Dear Town Councillors

Apologies for bothering you yet again. This morning I received an e-mail from Mark Hutchinson, Keighley and Shipley Area Planning Manager, in response to a query about the Certificate of Lawfulness process I had originally raised with Simon Eades. In his reply Mr Hutchinson defines a Certificate of Lawfulness proposal as a means by which the LPA makes an assessment against the law, to confirm that a proposal is (or not) permitted Development ie lawful.

And lawfulness in such situations is determined through precedent. Significantly, the Planning Officer's Report (attached) on the recent (successful) planning application for a change of use to create a children's care home in BD9 (Application No. 23/03539/FUL) makes clear reference to precedent. Zarina Shahbaz says case law (a reference to the North Devon High Court judgement 2003) on this subject has established that there would be a material change of use . . . requiring planning permission. This clarification by the Planning Department is extremely helpful.

If this is the interpretation of one of Bradford's Planning Officers it is reasonable to expect consistency across the LPA. From this I would expect the Certificate of Lawfulness proposal regarding 32 Bilsdale Way to be rejected on the basis that planning permission is required because there would be a material change of use.

35. Comment Received 28th January 2024

Please see the attachment outlining reasons why I believe a C.O.L. should not be granted in this case, and the issue to be investigated as a full planning application.

Thank you in advance for your attention:

Why a Certificate of Lawfulness (LDC-Lawful Development Certificate) should not be granted to enable 32,Bilsdale Way Baildon to become a commercially run care home.

1.Government Guidance is set out in sections 191-193 of Town and Country Planning Act of 1990

In order for a C.O.L. to be challenged, material changes/effects in the purposes for which, or the circumstances in which a building is used,must be shown

- A) The current C3 category would have to change. 32, Bilsdale Way would go from being a family residential home C3(a) to being a residential care home for children thus changing the character of use. Care homes for children of any number fall under Class C2. C3(b) category can only be used for small care homes for up to 6 adults, not childrens' homes.. In the High Court ruling in north Devon DC v. FSS (2003) EWHC 157 (Admin) the judge concluded that "children living in the property with no adult residing permanently was not a "household" for the purposes of C3". (24/7 shift patterns do not count as having permanent

residents... they have to live there!) This is a material change of use and should negate the issue of a C.O.L..

In any case without building changes there would be insufficient accommodation for permanently resident staff. These and other necessary changes to allow the changed use of the property to operate properly and legally in its new form would require planning permission and building regulation checks etc.

Under section 192 the authority has to ask “if this proposed change of use had occurred, or if this proposed operation had commenced on the application date, would it have been lawful for planning purposes?” The answer to this is clearly “No” as according to Paragraph 004 Reference ID:17c-004-20140306 “The grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements such as the Building Regulations 2010..... or other licensing or permitting schemes”. A change in the status of the building from C3 to C2 requires planning permission therefore a C.O.L. is not applicable

- B) As has been pointed out by other authorities such as Blackburn and Darwen, there would be a material change in the character of the use as a result of increased day to day activity. Due to the problems of the children who would be living there would be a range of professionals such as police, social care workers, mental health workers, cleaners who would need to visit frequently.
- C) It would remove the availability of a family home from much needed rental stock in the area.
- D) Essentially this is a change from a residential family home to a commercially run business which needs an office for administration.
- E) A C.O.L. cannot be issued under the 4 year rule because the house has not been previously used as a Residential Care Home business
- F) There appear to be some inaccuracies in the information given by the applicant. Eg. It states he is the owner occupier, but he is not living there and as at present he is not named by Land Registry as being the owner. Maybe closer scrutiny of the information in the application might be advisable.
- G) Potential material effect on Bradford local public service resources as “uses established through a Certificate of Lawfulness are not subject to council controls in terms of occupancy so these children’s residential and support accommodation could elect to accommodate children and young people placed by other authorities.
*Vulnerable children with complex needs would be brought into the borough placing additional strain on already pressurised local public services needed for Bradford’s own children

In Summary - material changes are- change of use from family home to residential care home
requiring a change of planning status
-change of character of use because of increased activity
-would remove family home from rental market
-would change building from family home to a business

Other objections – inaccuracies!?! in application



36. Comment Received 7th January 2024

Please find attached a copy of a letter my wife and I have recently sent to Baildon Ward Councillor Debbie Davies, indicating our concerns about the planning 'application' for 32 Bilsdale Way.

Please add our comments to others you may have received on this matter:

My wife and I are writing to you to express our concerns about a proposed project at 32 Bilsdale Way, Baildon. As you are aware, this is the second planning application, although it appears this time to have been introduced as a Certificate of Lawfulness which does not seem to provide for comments to be made on the Bradford Council website. We are therefore writing to you as ward councillor.

As this project looks as though it may be a profit generating concern i.e a private business, how can this not be a change of use therefore, which surely requires Council Planning Permission?

In any event however, our objections still remain the **same** as before insofar as we feel that a home that cares for challenging young people, needs a location that provides individual 'Specialist Care' (possibly long-term) along with suitable, beneficial and enjoyable activities. This housing development does not, without the parental ownership of a car for transportation, offer any such prerequisite.

When our own children were young and of a similar age to the ones in question, they complained about the fact that there was nothing to do close by. Indeed, there are in fact dangers in the vicinity, as there is a large secluded wooded area (within 1-2 minutes walk), an easy environment for drug dealing and alcohol abuse etc. In the forty-five years we have lived here, we have enjoyed peace and tranquility, which in our old age as you can imagine we would very much like to continue.

If the intention is to care for 4 young people, we would also suggest it is very doubtful that the property in Bilsdale Way is in fact large enough to provide adequate space and facilities for the youngsters and their carers; and this plot of land does not contain sufficient room for a satisfactory play area.

Each youngster would need their own room we feel. This means no bedroom for staff. The conservatory would need good heating provision during the winter - to be used as a dining room: but it is badly located, as it means easy access to the office where confidential information would be stored.

There is then of course, the question of traffic which the extra cars owned by carers plus visiting agencies such as social workers, probation officers, police; not to mention possible drug dealers and the like would generate. The housing development has over the years and



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most notably of the last decade, had to cater for increasing numbers of vehicles, which even now causes it to suffer from too much roadside/pavement parking.

We have **most** concern however, about our safety as an elderly couple together with that of the many other elderly people on the development, as well as some families with small children who may worry about them playing in gardens. Would people feel safe to walk freely around the development and the local vicinity as we do now?

We should be very grateful if you would kindly consider this notification, alongside all the other objections raised.

37. Comment Received 12th January 2024

I live in the near vicinity of the above address and wish to express my serious reservations about the suitability of the change of status of the property at 32 Bilsdale Way from a family home to a property run as a care home business by Headway Housing.

I feel the location is far from ideal for the residents of the neighbourhood, as noise and constant movement of young people, staff, and other visitors would have a very negative effect on them.

I also feel that 24 hour care on a shift basis would not be in the best interest of young people with serious social, mental and health issues. I do not feel that they would receive the level of support, guidance and stability that these they badly need.

Neither do I feel that the property itself could provide sufficient accommodation to be 'fit for purpose.'

It appears that financial gain is the main objective rather than a real interest in meeting the varied needs of the 'clientele.'