



Appeal Decision

Site visit made on 20 June 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/R2330/W/22/3313104

7 Beech Crescent, Altham West, Accrington, Lancashire BB5 5EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ziafat Ali (Thrive Residential Properties Ltd) against the decision of Hyndburn Borough Council.
 - The application Ref 11/22/0262, dated 28 June 2022, was refused by notice dated 17 November 2022.
 - The development proposed is the change of use of existing dwellinghouse (Use Class C3) to children's home (Use Class C2), to provide care for up to 4 no. children with all associated facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing dwellinghouse (Use Class C3) to children's home (Use Class C2), to provide care for up to 4 no. children with all associated facilities at 7 Beech Crescent, Altham West, Accrington, Lancashire BB5 5EQ in accordance with the terms of the application, Ref 11/22/0262, dated 28 June 2022 subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Ziafat Ali (Thrive Residential Properties Ltd) against Hyndburn Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. I have taken the description of development from the decision notice and the appeal form as they provide a detailed description that more accurately describes the proposal than the application form.

Main Issue

4. The main issue is the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

5. The appeal property is a large detached dwelling that is situated at the end of a cul-de-sac, Beech Crescent and close to a turning area. The property has an attached garage with a driveway to its front. Beech Crescent is accessed from Whalley Road, which provides public transport connections by bus.
6. The proposed change of use would provide two additional parking spaces, accessed from the turning area, and would also retain the space on the existing

driveway. I note the latter are substandard in size and would result in vehicles overhanging the footway but given the width of the footway and the location of the appeal property at the end of Beech Crescent, I do not consider this would be harmful to pedestrians. The existing parking on the driveway is also an established arrangement as acknowledged by the Highway Authority, and it is not clear why such parking would necessarily lead to congestion along the cul-de-sac.

7. The combined existing and proposed parking provision would provide for up to four members of staff that would work at the site on any one shift. I acknowledge that at certain times, when there are staff changeovers or visits by other professionals, there may be further demand for parking. It is also clear from the evidence before me that there is a high demand for on-street parking but this is limited to certain days and times, particularly football match parking associated with the nearby stadium. Notwithstanding that areas of the footway are currently used for parking, at the time of my visit in the early afternoon, there was on-street parking available along Beech Crescent. The appellant has set out that the timing of staff change overs and other visits can be planned to avoid peak periods when parking is at its busiest, and the details of such can be secured in a Green Travel Plan by way of planning condition. It is also common ground between the main parties that the appeal site is in an accessible location which provides opportunities for travel to and from the site that is not reliant on private vehicles.
8. I note the concerns relating to manoeuvring for emergency and other larger vehicles. There is a turning area adjacent to the appeal site, and [given the proposed development is unlikely to add significantly to on-street parking, I do not consider there would be any harmful impact arising in this regard]. I also note that the Local Highway Authority have not raised an objection to the proposal.
9. Given the above, I conclude that the appeal development would not have an unacceptable adverse impact on highway safety, with regard to parking provision. As such, it would not conflict with Policy Env7 of the Council's Core Strategy, Policy DM32 of the Council's Development Management DPD or Paragraph 111 of the National Planning Policy Framework, which set out, amongst other matters, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

10. I have considered representations made by interested parties including concerns relating to anti-social behaviour. There is however no evidence that indicates that such behaviour by residents of children's homes would be a problem.
11. I accept that there would be some differences in activity between the proposal, which would include visits by staff and other service providers when compared to the use of the appeal site as a dwelling occupied by a family. These visits are likely to be scheduled and given their frequency for a home that would accommodate up to 4 children, I do not consider that such activity would cause significant disturbance or would be harmful to the character of the area as the children would be living together as a single household.

12. I also note the concerns in relation to the proposal putting pressure on local services, but there is no substantive evidence that this proposal to accommodate 4 children would be significantly harmful in respect of this matter.
13. I have taken into account all other matters raised, including the number of other similar applications in the Borough. Each case should however be assessed on its own merits, and I can confirm that I have done so here. None of the other comments made would alter my conclusion on the main issue.

Conditions

14. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
15. A condition is necessary requiring the provision of parking in the interests of highway safety, as is a condition relating to a Green Travel Plan for the same reason and to encourage the use of sustainable transport modes.
16. The Council has suggested a condition relating to landscaping, including details of boundary treatment. Given the proposal is for a change of use, I do not consider that details of landscaping, including those of trees or other planting is necessary. I do however consider that details of boundary treatment should be provided in the interests of living conditions of surrounding residential occupiers.

Conclusion

17. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (GL448F/00), Existing Plans (GL448F/11), Existing Plans (GL448F/12), Proposed Plans (GL448F/61) and Proposed Plans (GL448F/62).
- 3) The development hereby permitted shall not be first occupied until the parking provision which shall be constructed in porous bound material, has been provided in accordance with the approved plans. The parking provision shall be retained and kept available for its intended purposes.
- 4) The development hereby permitted shall not be occupied until a Green Travel Plan for the site to include proposals for minimising car-borne travel and encouraging walking, cycling and the use of public transport has been submitted to and approved in writing by the local planning authority. The Green Travel Plan shall include details of funding, implementation, monitoring and review. The approved Green Travel Plan shall be implemented and monitored in accordance with the approved details.
- 5) The development hereby permitted shall not be first occupied until details of the boundary treatment to the curtilage of the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter.

End of Conditions