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# Appeal Decision

Site visit made on 2 February 2024

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 April 2024**

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**Appeal Ref: APP/R2330/W/23/3329512**

**49 Bluebell Way, Huncoat, Lancashire BB5 6TD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr E Smethurst of Trinity Care and Education Services Ltd against the decision of Hyndburn Borough Council.
  - The application Ref is 11/23/0070.
  - The development is described as proposed change of use to form a household comprising of a resident Mother and Baby or two children, supported by up to 3 carers in line with use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
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## Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use to form a household comprising of a resident Mother and Baby or two children, supported by up to 3 carers in line with use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) at 49 Bluebell Way, Huncoat, Lancashire BB5 6TD in accordance with the terms of the application, Ref 11/23/0070, subject to the following 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:
    - Drawing Nos: 22-045-002; 22-045-100; and 22-045-300.
  - 3) The building shall be used as a Children's Care Home (which may include provision of accommodation for a resident mother and baby) and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

## Preliminary Matters

2. Although the description of development above states that the proposed use is to form a household comprising a resident mother and baby or two children, it has also been referred to as a Children's Care Home. I do not consider that these two references contradict each other in terms of the intended use, and I have assessed this appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal.

Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

## **Main Issues**

4. The main issues are the effect of the proposed use on (1) highway safety and (2) the living conditions of local residents in relation to vehicular activity and parking.

## **Reasons**

### *Highway Safety*

5. The appeal site comprises a detached four bedroomed house and its garden. It is located within an estate of similarly designed residential properties with each property having space for off-street parking. No 49 Bluebell Way has two off-street parking spaces to the front of the house.
6. The proposed change of use relates to the occupation of the house with the main difference between the existing use and that proposed being that, in this case, the occupiers could be a mother and baby or two children supported by carers (also referred to as a Children's Care Home).
7. A Travel and Parking Management Statement has been submitted which sets out possible handover arrangements between carers shifts and car sharing. However, limited weight can be given to this as the document provides only an indication as to possible arrangements which will vary with the level of care required by the occupiers at any given point in time. Nevertheless, from the information submitted regarding the number of children and the scale of care, there is no substantive evidence that staff and visitors would cause extra traffic, congestion or parking problems that would be noticeably greater than that of a family occupying this four bedroomed house.
8. The number of occupants would be small, and I do not consider that the number of carers required to support them would be of a scale to generate a significantly higher number of vehicles visiting the property over and above that which could arise for a family dwelling. I do not therefore consider that the proposal would result in a hazard to highway safety.
9. There is no suggestion that the off-site parking provision would be below the Council's standard. I note that the Highway Authority did not object to the proposal and did not raise any highway concerns. Moreover, the proposal would not generate significant amounts of traffic and it is located within an urban area amongst other residential properties and so the same level of accessibility to services and facilities would be available to occupiers/users of the property.
10. For these reasons, the proposed use would have an acceptable effect on highway safety. Therefore, it would not conflict with Hyndburn Development Management DPD<sup>1</sup> Policy DM32 which, amongst other things, requires development to meet local parking standards and also states that development

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<sup>1</sup> Hyndburn Borough Council Local Plan Development Management DPD, adopted 2018 (minor typographical corrections made October 2018).

proposals that will generate significant amounts of traffic should be located where the need to travel is minimised and is in a location that is readily accessible by a variety of transport modes.

### *Living Conditions*

11. For the same reasons as above, I am satisfied that the proposal would not result in a greater number of vehicles visiting this property than would be the case if it were occupied as a four bedroomed family house under Class C3. On-street parking and an unspecified number of vehicles could occur however the house was occupied, and there is no compelling evidence to demonstrate that the proposal would cause an increase in activity to the detriment of the living conditions of the surrounding residents. In addition, there is no substantive evidence to demonstrate that the comings and goings as well as noise and disturbance, including at hours when nearby residents would reasonably expect a degree of peace and quiet, would be significantly more than that associated with a family dwelling.
12. For the reasons given above and due to the scale of the proposal, the proposed use would have an acceptable effect on the living conditions of local residents in relation to vehicular activity and parking. Consequently, it would not conflict with the requirements of Policy Env 7 of the Hyndburn Core Strategy<sup>2</sup> which seeks to avoid any adverse effects in relation to traffic, visual impact, local amenity or other nuisances.

### **Other Matters**

13. Lancashire County Council (LCC) have expressed concerns about the provision of private children's homes. LCC notes that although there is a high number of children's homes in its area, it struggles to find suitable, local, good quality and good value homes for some children in LCC's care. A large number of children's homes in Lancashire do not have local children living there which impacts on local resources. LCC have stated that it does not support this proposal as there is no gap in the provision of this type of home (in terms of a resident mother and baby); there is another planning application on the same street and two homes in close proximity makes matching and safeguarding children more challenging; and LCC have had no contact with the appellant, Trinity Care and it is highly unlikely that Lancashire children would be placed in this home.
14. Whilst LCC's comments are noted, the provision of care homes for children is subject to regulations outside that of planning controls and there is no substantive evidence that these matters should override the planning policies set out in the development plan and the Framework.
15. Concerns have also been raised by neighbours, some of which reflect LCC's comments above, but which also include concerns about the safety of children currently living in the estate, impact on local services, other buildings more suitable, similar applications nearby, covenants, loss of family home, railway line nearby, character of the area, whether staff would be adequately trained, anti-social behaviour and an increase in crime including vandalism, together with falling house prices. These concerns are not supported by robust evidence and the Council did not refuse the planning application on the other matters raised within the objection comments. Taking into account planning policy,

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<sup>2</sup> Hyndburn Borough Council Local Development Framework The Core Strategy, Adopted January 2012.

there is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, or that could justify the dismissal of the appeal on these grounds.

### **Conditions**

16. The Council has suggested conditions which I have considered in light of Planning Policy Guidance (PPG) and the Framework. In addition to the standard time limit condition a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. However, the submitted Location Plan is numbered 22-045-002 and not 22-045-001 as indicated on the lists of plans submitted by both parties.
17. It is reasonable and necessary to attach a condition restricting the use to a children's home, including a mother and baby, and for no other use within Use Class C2 of the Use Classes Order<sup>3</sup> as other uses within this use class have not been assessed and may have different implications for the property itself and the surrounding area which given the residential character of the area may not be appropriate. I have referred to the description as a children's care home in my Procedural Matters above.
18. A condition is also suggested that the home should be operated in accordance with the terms of the submitted Travel and Parking Management Statement. The document is not precise in its proposed arrangements and consequently a condition requiring the development to adhere to it would be imprecise and unreasonable, which would not satisfy the tests set out in the PPG or the Framework. In any event, I have found that the vehicular activity associated with the proposal would not cause harm in relation to the main issues I have identified above.

### **Conclusion**

19. For the reasons given above the appeal should be allowed.

*J D Clark*

INSPECTOR

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<sup>3</sup> Town and Country Planning (Use Classes) Order 1987 (as Amended).