



Appeal Decision

Site visit made on 26 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal Ref: APP/R2330/W/24/3350453

6 Grasmere Close, Rishton, Lancashire BB1 4EL

- 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 Najeeb Dalal of Birchwood Children Services against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0225.
 - The development proposed is application for the change of use of a C3a dwelling to a children's home for a maximum of one child, with up to three carers, two of whom will sleep overnight, working on a rota basis (C2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a C3a dwelling to a children's home for a maximum of one child, with up to three carers, two of whom will sleep overnight, working on a rota basis (C2) at 6 Grasmere Close, Rishton, Lancashire BB1 4EL in accordance with the terms of the application, Ref 11/24/0225, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1:1250 Location Plan;
 - Plan Nos: 6GC-DRA-01; 6GC-DRA-02; 6GC-DRA-03.
 - 3) Prior to the first use of the development hereby approved, the driveway/hardstanding shall be extended to a minimum width of 5.8 metres and surfaced in bound porous materials. The driveway/hardstanding shall thereafter remain available for vehicular parking.
 - 4) Prior to the first use of the development hereby approved, an electric vehicle charging point shall be installed in accordance with the approved plans. Charge points should have a minimum power rating of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.
 - 5) The building shall be used as a Children's Care Home for one child and for no other purpose including any purpose within Use 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 Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 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

3. 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

4. The appeal site is a detached three-bedroomed house and its gardens on a residential estate comprising similar properties. It has an attached garage to the side with a driveway in front. The house is located on a curve in the road.
5. The proposal would involve a maximum of three carers at the property attending the needs of one child, two of which would stay overnight. In addition, visitors would include clinicians and social workers together with family and friends. The appellant states that these times would be managed in terms of the times of the visits and parking arrangements.
6. The Council's Highway's Engineers consider that the existing garage is sub-standard in size and so the driveway would need to be widened to allow parking for two cars and space for pedestrians to pass. I am satisfied that this would be achievable whilst still retaining some soft landscaping to the front of the house and could be secured by a condition. I note that a number of properties in the area have widened driveways with some evidence that garages have been converted to living accommodation.
7. The scale of the proposed children's home is very small with the intention for only one child to permanently reside here. Taking into account the proposed three carers, the amount of comings and goings would be limited. The appellant has given an indication about when carers would arrive and details of a rota system although I am mindful that this may vary over time. Nevertheless, given that the proposal is to accommodate just one child and given the information submitted regarding 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 three bedroomed house.
8. For these reasons, the proposed use would have an acceptable effect on highway safety. Therefore, it would not conflict with Hyndburn Development Management DPD¹ Policy DM32 which, amongst other things, requires development to meet local parking standards and not have an adverse effect on highway safety.

¹ Hyndburn Borough Council Local Plan Development Management DPD, Adopted January 2018 (minor typographical corrections made October 2018).

Living Conditions

9. 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 three 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.
10. 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 Strategy² which seeks to avoid, amongst other things, unacceptable adverse impacts or loss of local amenity in relation to traffic, visual impact or other nuisances.

Other Matters

11. In addition to the main issues I have already raised above, concerns have been expressed by some residents in the area in relation to the suitability of the property for the proposed use and the existence of other care homes in the area. However, this is a residential area and the provision of a residential care home of the scale proposed would not be out of place in the area. Although there may be other similar uses in the area, I have little information about these and no evidence that this is a matter that should affect the outcome of this appeal.

Conditions

12. The Council has not specifically suggested conditions in the event that this appeal is allowed but the report to the Planning Committee recommends conditions. I have taken these as the suggested conditions.
13. A condition requiring the development to be carried out in accordance with the submitted plans is reasonable for the avoidance of doubt and in the interests of proper planning. A condition requiring the driveway to be extended would be reasonable given that the existing garage is fairly narrow and the existing driveway can accommodate just one car. Two spaces would be in accordance with the Council's standards and therefore to minimise the need for on-street parking, a condition to secure this is necessary.
14. The installation of an electric charging point is suggested by the Council and is shown on the submitted plans. This would support the use of sustainable forms of transport and therefore a condition is reasonable and consistent with the details submitted. There is no need for a condition to secure bicycle parking as there is space in the garage and in the rear garden for bicycles.
15. A condition restricting the use of the house as a children's home and for no other use falling under Use Classes³ C2, C2A and C4 is suggested. Whilst Use Class

² Hyndburn Borough Council Local Development Framework The Core Strategy, Adopted January 2012.

³ The Town and Country Planning (Use Classes) Order 19878 (As Amended).

C2 can include uses as a hospital, nursing home, residential school, college or training centre, these uses may not be appropriate given the scale and location of the appeal site. It is therefore reasonable and necessary to withdraw permitted development rights⁴ to change amongst the different uses falling within Class C2. However, to change from C2 to C2A or C4 would require planning permission and so these changes would not benefit from existing permitted development rights. A condition with regard to use Classes C2A or C4 would therefore not be reasonable or necessary.

16. The Council suggest that the care home should be operated in accordance with the details set out in the Design and Access Statement submitted with the planning application. However, this describes how the dwelling would be occupied and staffed and given that the individual requirements of a child may change over time, a condition restricting its operation to that set out as it is intended now would be unreasonable and given my findings on my main issues, unnecessary. Consequently, such a condition would not satisfy the tests set out in the Planning Practice Guidance or the Framework.

Conclusion

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

J D Clark

INSPECTOR

⁴ The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).