



Appeal Decision

Site visit made on 18 February 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/R2330/W/24/3351983

47 Hambledon Mill Park, Accrington, Lancashire BB5 5FQ

- 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 Prosperity Children's Services Ltd against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0261.
 - The development proposed is a change of use from use class C3 (Dwelling) to use class C2 for the provision of residential accommodation to children in need of personal care'.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use from use class C3 (Dwelling) to use class C2 for the provision of residential accommodation to children in need of personal care at 47 Hambledon Mill Park, Accrington, Lancashire BB5 5FQ in accordance with the terms of the application, Ref 11/24/0261, subject to the conditions in the attached schedule.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Having considered the content of the revisions it is not necessary to re-consult the main parties about this change in national policy as they do not alter my conclusion.

Main Issue

3. The main issue is the effect of the proposed development on parking conditions and consequently highway safety and the living conditions of the occupiers of neighbouring properties.

Reasons

4. The appeal relates to a detached dwelling that is located at the end of a residential cul-de-sac. The submitted plans demonstrate that 2 car parking spaces could be accommodated on-site. This would largely meet the needs of the proposed use. However, it is likely that additional spaces may be required where all 2 members of staff and visitors are present.
5. At the time of my mid-morning site visit there was only 1 car parked on street and there was sufficient space available in the vicinity, on the Hambledon Mill Park highway, to accommodate additional cars. I appreciate that this is only a snapshot in time, and that this situation may change at busier peak times during the evening and weekends when there is likely to be a greater demand for parking.

6. Nonetheless, in the absence of any substantive evidence, it gives an indication of the level of on-street car parking that currently takes place during a week day when additional professional visitors would be more likely to call. I am also mindful that the LCC Highway Authority has not raised any objections regarding additional vehicle movements, the availability of parking, or highway safety and I have no substantive reason to disagree with any of this.
7. There may be times where comings and goings associated with the proposed use would be noticeable to neighbouring occupiers. The potential for noise and disturbance would be at its greatest at staff changeover times as a result of vehicle movements. Even so, these changes only take place every 3 days. There is also no evidence to suggest that movements to and from the site at any other times would be any different from those of a single family household. As such, the proposal would be compatible with surrounding land uses and the residential character of the area.
8. Accordingly, I am unable to find that the proposed development would have a harmful effect on parking conditions, highway safety or the living conditions of the occupiers of neighbouring properties. It would thereby not conflict with Policy Env 7 of the Hyndburn Borough Council Local Development Framework The Core Strategy 2012 and Policies DM29 and DM32 of the Hyndburn Borough Council Local Plan Development Management DPD 2018. These seek to ensure that material impacts arising by reason of traffic, noise and other nuisances do not give rise to unacceptable adverse impacts and protect the amenity of surrounding existing and future residents.

Other Matters

9. Children can misbehave or have emotional problems irrespective of whether they are within a care setting of a familial home. I also have no substantive reason to believe that the proposal would adversely affect the safety and security of local residents, including children and the elderly. Nor is there any firm evidence to suggest that it would cause unacceptable harm to local services and resources, or the community cohesion of the area and its quiet character.
10. Issues regarding covenants and leasehold agreements have also been raised by local residents. Nonetheless, these are private legal matters between the relevant parties and have not had any material bearing on my assessment of the planning issues in this appeal. Furthermore, the level of support or objection are not determining factors in the consideration of an appeal and it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
11. Reference has also been made to other similar developments that the appellant runs, including on Epping Avenue. Nonetheless, on the evidence presented I cannot be certain that they represent a direct parallel to the proposal.

Conditions

12. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty.

13. The proposal has been assessed as a care home for up to 2 children and so its impacts on living conditions have only been considered against this. Therefore, it is necessary to restrict the use and limit the number of children that can be cared for at the site. To ensure that the site is suitably served by parking spaces, and that highway safety is not harmed, a condition is also necessary to ensure that the garage and driveway parking spaces are retained and available.

Conclusion

14. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be allowed.

Mark Caine

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 - Drawing Number 24-018-001, Plans and Elevations as Existing - Drawing Number 24-018-101, and Plans and Elevations as Proposed - Drawing Number 24-018-300.
- 3) The building shall only be used as a Children's Care Home for the accommodation of a maximum of two children (as described in the application) only and for no other purpose including any purpose within Use Classes C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The garage and driveway car parking space shall be kept available at all times in connection with the use hereby permitted.

END OF SCHEDULE