



Appeal Decision

Site visit made on 1 April 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28th April 2025

Appeal Ref: APP/Z2315/W/24/3356537

22 Boundary Street, Burnley, Lancashire BB10 1UA

- 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 Mrs Shazia Noreen of Welfare First Ltd against the decision of Burnley Borough Council.
 - The application Ref is FUL/2024/0483.
 - The development proposed is change of dwelling house into a C2 children's home, which will be used as a solo placement with internal refurbishment.
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Decision

1. The appeal is allowed and planning permission is granted for change of dwelling house into a C2 children's home, which will be used as a solo placement with internal refurbishment at 22 Boundary Street, Burnley, Lancashire BB10 1UA in accordance with the terms of the application, Ref FUL/2024/0483, 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 drawing no 2162/501 - Location Plan and Existing Scheme (annotated with proposed scheme), received 18.09.2024.

Preliminary Matters

2. The development is described in the application form as "change the dwelling house into a C2 children's home, which will be used as a solo placement where only one young person between the ages of 6-17 will live there with 2:1 staffing. I do not propose any changes to the building itself but there will be a full refurb internally ensuring all the health and safety and fire safety equipment is installed". In the interests of clarity, I have adopted the description from the decision notice in the banner heading above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residential occupiers, with regard to noise, disturbance and parking pressure.

Reasons

4. No 22 is a modest 2-storey mid-terrace property with family room, lounge and kitchen at ground floor level and 2 bedrooms and bathroom above. The front door opens onto the footway and it has a small enclosed rear yard. It is in a densely

- developed residential area with terraced housing in a grid-iron pattern of narrow streets with on-street parking. No 22 is in use as a dwelling and, taking into account the accommodation, it would be suitable for a family of 2 adults with 1 or 2 children.
5. As part of normal residential use, adults might be expected to leave for work in the morning and children might leave for school or work, depending on their age. In the evening, the occupiers would likely return from work or school but they might go out again for recreation or employment. There would also likely be visitors to the dwelling including family members and unrelated adults and children. In this scenario, there might be little activity at the property during the day. However, this would not necessarily be the case if for example there were resident young children, disabled or elderly persons requiring care.
 6. Consequently, the existing occupation of No 22 could potentially result in frequent and intensive activity in and around the dwelling. While some journeys to and from the property could be made by sustainable forms of transport, other journeys would be made by private vehicle. Each resident adult, including any adult children living at home, might have access to a separate vehicle. As such, family occupation of No 22 could result in on-street parking demand for 2 to 3 cars plus any number of visitors' vehicles.
 7. Under the proposal, there would be one child and 2 adult carers at the property at all times. Irrespective of staff change overs, the number of persons permanently occupying No 22 would be in keeping with its use as a family dwelling. Indeed, it is the appellant's intention that the proposal would operate as a regular family home with 2 adults caring for one child. In this regard, there is little evidence that it would not function similar to a dwellinghouse, where residents live as a single household and care is provided for residents.
 8. In addition to the 2 carers and the child, the registered homes manager would be present during office hours for half of the week and the appellant would also visit a few times a week. Even accepting that these persons might travel by car, there is little substantive evidence the proposal would give rise to a significantly greater number of visitors than might an unrestricted C3 dwellinghouse use.
 9. The Lancashire County Council Highways consultee has grave concerns regarding the absence of guidance as to how the proposal would function and the lack of parking. In this regard, photographs have been provided that show on-street parking on 30/09/2024 and 30/01/2025. These appear to show little spare parking capacity. However, they do not constitute a robust parking survey. At the time of my visit, there was on-street parking availability on Boundary Street and nearby roads. There is in any case little substantive evidence that a home with 2 adults looking after 1 child would result in any materially greater parking demand than a family dwelling. As such, the proposal would not result in an unacceptable increase in on-street parking pressure to the detriment of local residential amenity.
 10. The Council further considers that the proposal would be an intensification of the use of the property and it would result in unacceptable noise and disturbance to nearby residents. As noted above, there would be 2 resident adults and a child at all times, with a third adult present for part of the week and occasional visitors. This seems reasonably consistent with the level of use of the property by a family with unlimited visitors. I note concerns that there would be more frequent opening and closing of the front door and car doors, including at shift changeovers. However,

there is no restriction on the existing number of vehicle movements or activity of residential occupiers and their visitors. I see no reason why the comings and goings of professionals, who would be caring for a child that requires a stable environment, would be any more noisy or disruptive than a normal family.

11. Third parties also raise concerns in relation to noise including as a result of a child with mental health issues or drug addiction. The appellant acknowledges that children in care settings have different needs to those in foster care, but most in solo placements require a calm and settled environment with bespoke care packages delivered by experienced staff. Even if a child in care was noisy, I see no reason why that would be different to one or more children in a family home. It also seems reasonably unlikely that professionals caring for a child would be noisier than adults in a family home. Indeed, given the problems and nuisance caused by previous occupiers, including as a result of drug use and dogs, the proposal could be an improvement in this regard.
12. Therefore, I conclude that the proposal would not harm the living conditions of neighbouring residential occupiers with particular regard to noise, disturbance and on-street parking. It would not conflict with the aims of Policies HS5, SP5 or IC3 of Burnley's Local Plan Adopted July 2018. These require, among other things, that unacceptable adverse effects on residential amenity are avoided, including in terms of on street parking problems. There would also be no conflict with the residential amenity aims of the National Planning Policy Framework (the Framework).

Other Matters

13. As part of the government's objective of significantly boosting the supply of homes, the Framework states that the needs of groups with specific housing requirements should be addressed. The government is also committed to supporting the development of accommodation for looked after children. Consequently, the Council considers that this is a type of development that is acceptable in principle in residential areas.
14. I understand that Lancashire has the highest number of Ofsted registered children's homes, the majority of which care for children from other authorities. This adversely affects resources and the local authority's ability to find suitable good quality homes for Lancashire children. While the appellant's existing care home currently supports a Lancashire child, the local authority aims to avoid placing children in solo homes for long periods and states that the proposal would not meet a local need. Notwithstanding, the planning application was not refused on grounds relating to unacceptable impacts on local children's care services and this is not a matter that weighs significantly against the proposal.

Conditions

15. The Council suggests planning conditions in the event the appeal was allowed. I have considered these against the tests set out in the Framework. Conditions specifying the time limits of the permission and the approved plans are necessary in the interests of certainty.

Conclusion

16. For the reasons set out above, I conclude that the proposal would accord with the development plan and there are no material considerations to indicate that a decision should be made to the contrary.
17. Therefore, I conclude that the appeal should be allowed.

Sarah Manchester

INSPECTOR