



Appeal Decision

Site visit made on 4 February 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2025

Appeal Ref: APP/R2330/W/24/3354008

463 Whalley Road, Clayton-le-Moors, Lancashire BB5 5RP

- 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 Kenneth Tomkins (Jigsaw Children's Home Ltd), against the decision of Hyndburn Borough Council.
 - The application Ref is 11/24/0177.
 - The development proposed is change of use from dwellinghouse (Class C3) to Children's Care Home (Class C2) for 3 children; construction of rear dormer roof extension and insertion of roof lights on front roof slope to provide two additional bedrooms on the second floor.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Class C3) to Children's Care Home (Class C2) for 2 children; construction of rear dormer roof extension and insertion of roof lights on front roof slope to provide two additional bedrooms on the second floor at 463 Whalley Road, Clayton-le-Moors, Lancashire BB5 5RP in accordance with the terms of the application, Ref 11/24/0177, 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 nos: Location Plan; Drawing 1 Existing Layout; Drawing 2 Proposed Alterations.
 - 3) The premises shall be used for a Children's Care Home for the accommodation of a maximum of two children only 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).
 - 4) The car spaces shall be kept available at all times for the parking of motor vehicles in connection with the use hereby permitted and for no other purpose.

Preliminary Matters

2. The description of development originally applied for was for the change of use to a children's care home for 3 children. This description was subsequently amended to 2 children with the agreement of both parties and considered by the Council on that basis. I have therefore used the amended description and determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on a) the living conditions of nearby occupiers with regard to noise and disturbance and b) the living conditions of nearby occupiers and highway safety of users of the surrounding road network with regard to on street parking.

Reasons

Noise and Disturbance

4. The property is a mid-terraced dwelling set back from the highway with two parking spaces to the front. It lies within a predominantly residential area with open space opposite and on street parking available on the surrounding residential streets.
5. The Care Home would accommodate two children who are in need of support or care. There would be two or three members of staff at the premises at all times and they would work on a rota system. There would be comings and goings to the property including shift changes, occasional visits by Ofsted and Social Services as well as the residents travelling to school, social activities and shopping. These movements would be similar to those of a family dwelling with occupiers travelling to work, school and socialising.
6. The Jigsaw Management Plan and other policies illustrate how the Care Home is intended to run and function, as well as how the staff and managers would maintain good relations with the community and limit noise from the premises. There is therefore no substantive evidence before me to be certain that the use would result in greater levels of noise and disturbance than the property's use as a family dwelling.
7. Accordingly, the proposal would not unacceptably harm the living conditions of nearby occupiers with regard to noise and disturbance. It would comply with Policy Env7 of the Hyndburn Core Strategy 2012 (Core Strategy) and Policy DM29 of the Development Management Development Plan Document 2018 (DMDPD) which together, and amongst other matters seek to ensure that development protects the amenity of surrounding residents.

Parking

8. Policy DM32 of the DMPDP and accompanying Car parking and Access Standards 2010 requires for residential care homes one parking space per five beds plus one space per ten beds for visitors and staff. This would mean that there is a requirement of two spaces for the proposal. Concern has been raised that there would on occasions be more than two vehicles at the premises. Whilst there are parking restrictions outside the premises, on my visit I saw that there was adequate on street parking on the nearby residential streets. However, to ensure that the two parking spaces are maintained for users connected with the care home a condition would be necessary to reduce the necessity of on street parking associated with the proposal. This would ensure that the majority of the necessary parking for the proposal would be off street and on this basis would not unduly limit the amount of available on street parking available for local residents.
9. The vehicle movements associated with the use as a Children's Care Home would include staff changeovers and occasional visits by social workers and regulatory visits as well as the children being taken to school and other social activities. This

level of activity including the turning and manoeuvring of vehicles would therefore be on a similar scale to those expected if the property was occupied as a family dwelling. In addition, the Management Plan indicates that wherever possible meetings will take place away from the premises, reducing the vehicular activity at the site.

10. The proposal would not result in harm to the living conditions of nearby occupiers or the highway safety of users of the surrounding road network with regard to on street parking. It would therefore comply with Policy Env7 of the Core Strategy and Policies DM29 and DM32 of DMDPD which together, and amongst other matters seek to ensure that development meets local parking standards.

Other Matters

11. I have had regard to the comments and objections to the proposal by interested parties. These include issues relating to the impact on children and carers as well as the impact on elderly residents in terms of lack of privacy and security, proximity to the road and pollution, pressure on local amenities, inadequate local infrastructure, and the complex needs of residents. However, the level of occupation of the building would be similar to the level expected from a family dwelling and the impact on the local area would be minimised through the measures outlined in the Management Plan.
12. The proposal includes the construction of a rear dormer extension and the insertion of roof lights on the front roof slope. The Council have not raised any objections to these elements of the proposal. The dormer would be set down from the ridge and accord with the design of the roof. In addition, there would be sufficient distance between the facing habitable room windows of the nearby property to prevent overlooking and loss of privacy. It would therefore not harm the living conditions of the neighbouring occupiers.
13. The property would increase from three bedrooms to five bedrooms and would retain space for social interaction. There would therefore be sufficient space within the property for the proposed use. The use as a children's home would not detrimentally harm the character of the area as it would remain a predominantly residential area with a mix of families and older residents. Furthermore, from the evidence before me, there is a need for private sector care homes which are supported by Government policy.
14. There is also concern that the proposal could be extended into the adjoining property leading to an over intensification of the use and that it would set a precedent for other proposals. Any further expansion of the use would require a further planning permission, and all applications would be determined on their own merits.
15. Concerns regarding safety including fire safety, are matters that would be dealt with in the Management and other plans relating to the appropriate running of the Care Home. This would include safety protocols along with appropriate staff training.
16. The Draft Children's Residential and Supported Accommodations Supplementary Planning Document has been brought to my attention. This is emerging guidance subject to public consultation and may change before it becomes part of the development plan. This has therefore had only a limited bearing on the appeal.

Conditions

17. I have considered the conditions put forward by the Council which the appellants have had the opportunity to comment on.
18. To provide certainty I have included the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
19. The condition limiting the use of the building to a children's care home for a maximum of two children is necessary to protect the living conditions of neighbouring occupiers and the condition retaining the car parking spaces for the care home use is necessary for highway safety reasons.

Conclusion

20. The appeal scheme would comply with the development plan for the reasons I have set out. The appeal should therefore be allowed, subject to the above conditions.

H Senior

INSPECTOR