



Appeal Decision

Site visit made on 16 June 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/Z2315/W/25/3362691

109 Basnett Street, Burnley, Lancashire, BB10 3ES

- 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 Ahsan Arif (Care Services To You Ltd) against the decision of Burnley Council.
 - The application Ref is COU/2024/0669
 - The development proposed is a change of use from a C3 dwellinghouse to a C2 residential institution.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed use has apparently been ongoing for several months and so the planning application is retrospective in nature.

Main Issues

3. The main issues in this case are the effects of the proposed change of use on:
 - The living conditions of the occupiers of nearby dwellings by way of noise and disturbance, and
 - The living conditions of the occupiers of the appeal property by way of internal and external amenity space.

Reasons

4. No 109 is a small mid-terraced dwelling situated on the western side of Basnett Street. It has a shallow front garden area behind a low brick wall. There is a single-storey rear outrigger at the rear with a small rear yard leading out onto a broad rear alleyway. From the submitted plans the house has two-bedrooms (one with en-suite) with a lounge and dining area on the ground floor. The kitchen is situated in the rear outrigger. The proposal would involve the change of use of the property from a Use Class C3 dwelling to a Class C2 residential institution. The change would enable the housing of a single child, aged between 8 and 17 and requiring tailored support, with live-in carer(s) available on a 24/7 basis.
5. From the information available to me, it would appear that the resident child would have a bedroom with en-suite, and that a carer would be on site on a 24 hour basis using the other bedroom. All other facilities and space would be shared. A manager

from the appellant company would also be present at the property on a daily basis, and there would be change-overs of staff on a 48 hour shift rota. There would also be occasional visits from family or other specialists as required.

6. Policy SP5 of the Council's Local Plan (LP) requires that development proposals should ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users; not result in unacceptable conditions for future users and occupiers of the development; and provide adequate and carefully designed storage for bins and recycling containers, which should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.
7. The Council contends that the proposal would represent an intensification of use that would generate additional noise and disturbance that would have an unacceptable adverse impact upon the amenity and health of occupants of the neighbouring properties; that the proposal would fail to provide the young person with a separate room and that the property would not provide sufficient space for the operation of a children's home including carers; and finally, that the proposed storage of waste and recycle bins to the back street fails to comply with Policy SP5 of the LP that seeks adequate refuse provision.
8. The appellant contends that there would be no significant intensification of use, since there would be only one adult permanently on site with the resident child. There could be up to three carers on site during the day or at changeover times, but that changeover times would be short and, as a result, would not result in any stress to parking provisions in the vicinity
9. There has been a number of objections to the proposal from local residents, largely relating to noise, disturbance and parking issues. Some of these are potentially verifiable and some are not. In addition, some relate to issues that are not planning matters, including concerns over the type of child who might be resident in the house. Nevertheless, there are certain concerns that need to be considered.
10. Whilst the number of permanent occupants, along with daytime carers, would not necessarily be any greater than with traditional family use of the property, the activities associated with the proposed use would likely be more significant. The carers would be employees or managers rather than household members, and the noise and disturbance associated with 24 hour care of a child who needs specialist attention is likely to be greater than with normal family use of the house. In addition, the house is a small, terraced property and so any potential noise or disturbance would impact directly on the occupiers of the dwellings on both sides. Finally, because of the nature of the use, there would likely be more comings and goings at the property than would be the case with a traditional household in a small dwelling.
11. It appears that the resident child would have a private bedroom with a personal ensuite. The Council expresses concern about the lack of a separate playroom for the child, but there are two rooms downstairs in addition to the kitchen giving sufficient internal all-round space for use by the child and carers under normal circumstances. I do have some concerns, however, that the small nature of the house, combined with very limited external amenity space, could result in harm to the welfare of the child, the amount of harm being determined by the level of social and mental needs of the individual, which could vary from child to child.

12. With regard to storage of waste and recycling bins, at the time of my site visit there were no bins in the alleyway, and there appeared to be room in the rear yard for the requisite number of bins to be stored on site, albeit taking up some amenity space.

Other Matters

13. The appellant has produced several examples of cases across the country where a Certificate of Lawfulness has been granted for use of a dwelling for similar purposes as with this current proposal. Each case is, of course, individual with different contexts, and whilst the principle of use of a dwelling for care purposes may, in certain circumstances, be considered not to constitute a change of use, in this particular case, there is not a Certificate of Lawfulness before me, and I have no evidence to suggest that a change of use would not, effectively, take place.
14. Although not solely a planning matter, I note that the Senior Commissioning Manager for Policy, Commissioning and Children's Health at Lancashire County Council (LCC) indicates that there are 2 operational children's homes under 1 mile away from the appeal site and a further 13 homes within two miles. The current proposal is, therefore, not a planning application that LCC Children's Services supports, I have no detailed information about the nature of the existing nearby children's homes, but it would not appear that the current proposal would necessarily provide a social facility or service needed by the local community, as outlined in paragraph 98 of the National Planning Policy Framework.

Conclusion

15. In conclusion, I find that the proposed scheme would represent an intensification of use of the appeal property and a different form of usage from that of a traditional family home. In this case, therefore, the proposal would be likely to result in harm to the living conditions of the occupiers of nearby dwellings by way of noise and disturbance. In addition, the limited scale of the property with only a small amount of external amenity space, could result in harm to the living conditions of the resident occupier of the house, the amount of which would be dependent on the specific needs of the occupier.
16. On the basis of the above, I find that the proposal would conflict with Policy SP5 of the LP and, accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR