



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: 25 June 2025

Appeal Ref: APP/R2330/W/25/3362689

316 Willows Lane, Accrington, Lancashire, BB5 0NJ

- 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 Care Services To You Ltd against the decision of the Borough of Hyndburn Council.
 - The application Ref is 11/24/0508.
 - The development proposed is a change of use from a C3 dwellinghouse to a C2 residential institution to operate as a children's home for one child aged 8 to 17.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from a C3 dwellinghouse to a C2 residential institution to operate as a children's home for one child aged 8 to 17 at 316 Willows Lane, Accrington, Lancashire, BB5 0NJ, in accordance with the terms of the application, Ref: 11/24/0508, and the plans submitted with it, subject to the following 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: GA(00)03 (Proposed Plans); GA(00)04 (Proposed Elevations).
 - 3) The building shall be used only as a Children's Care Residential Institution for a maximum of one child (as described in the application), and not for any other purpose within Use Class C2 of the Schedule to the Town and 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) Before the property is brought into use for the purpose hereby granted, an additional car parking space shall be provided in accordance with details to be beforehand submitted to, and approved in writing by, the Local Planning Authority. The additional car parking space shall be surfaced in a bound, permeable material. Thereafter, the car parking spaces shall be retained and kept available for use at all times in connection with the purpose hereby granted..

Main Issues

2. The main issues in this case are the effect of the proposed change of use on:

- The living conditions of the occupiers of neighbouring properties by way of noise and disturbance, and
- Highway safety along Willows Lane.

Reasons

3. No 316 is a semi-detached house with an attached garage situated on the western side of Willows Lane in an edge-of-settlement location to the south of Accrington. It is a three-bedroomed house with a large rear garden. Willows Lane is a busy main road and a bus route. The dwelling at the appeal property is set well back from the front boundary. Due to the topography of the area, the house is situated well above the level of the road and the front garden also slopes up from north to south. The proposal is to change the use of the property to a residential institution catering for one child with 24/7 care provision.
4. Policy ENV7 of the Council's Core Strategy (CS) indicates that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, noise, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards.
5. Policy DM29 of the Council's Development Management Development Plan Document (DPD) states that development will be required to protect, and where possible improve, the amenity of surrounding existing and future residents. Policy DM32 of the DPD indicates that all development proposals will be required to meet the local parking standards, and also ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety.
6. The Council contends that the proposed development, due to its altered nature, increased intensity of use, and likely increase in noise from vehicular movements would result in an unacceptable level of disturbance to the residential amenity of neighbouring properties and the wider area. In addition, by reason of its location on a busy main road, it would result in an unacceptable risk to residents of the institution which would include occupation by a vulnerable child.
7. The appellants contend that the proposed care home would be staffed by trained professionals and overseen by a registered Manager, who is accountable to Ofsted, and that this structure would ensure that any issues relating to noise or disturbance could be proactively managed and resolved. Moreover, when compared to a private household, this setting provides a more structured and responsive approach to potential disturbances, whereas a private household with no professional oversight may, in fact, be more likely to generate unresolved disturbances within a community. Since there would be only one child below driving age, there would likely not be any additional vehicular activity over that generated by a large family.
8. In addition to the above, the child would be supervised at all times and there is no reason to suppose that the location on a main road would represent any more of a danger than for the children of a traditional family. The appellants also note that there has been no objection to the proposal from the Highway Authority.

9. There has been a number of objections to the proposal from local residents, largely relating to noise, disturbance, security and parking issues. Some of these are speculative. I acknowledge that the activities associated with the proposed use would likely be somewhat different from that of a family home, but the carers would be trained professionals rather than household members, and the noise and disturbance associated with 24 hour care of one vulnerable child may or may not, in practice, be greater than that of up to three children within a normal family setting. In any case, the staff would be accessible to nearby residents and would have a responsibility to deal with any problems of a potentially anti-social nature raised by neighbours.
10. I also acknowledge that the proposed use would perhaps be more appropriate in the context of a detached house, but this is a good-sized house with a large rear garden, and the scale and type of accommodation would be suitable for the creation of a family-type of environment for the benefit of the resident child.
11. The Highway Authority and the Council note that the parking provision within the property would appear to be inadequate, in that the garage is below normal size standards and the driveway is narrow. The appellants have indicated that they would accept a condition requiring improvements to the on-site parking provision, and I am satisfied that a suitable condition could be applied to achieve this. Furthermore, it would appear likely that any additional parking requirements would be short-term only and of an irregular nature, as would normally be the case with visitors to a family home. I do not consider that the proposal would result in any significant harm to highway safety by way of substantial demand for on-street parking.
12. Finally, given the nature of the accommodation and the management arrangements, I am satisfied that adequate safeguards could be put in place by the trained staff to ensure the safety of the resident children with regard to living in proximity to a main road, as would be the case with any family having children and living in such a location.

Other Matters

13. The appellant has produced 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 four operational children's homes under one mile away from the appeal site, and that LCC does not support the application. However, I have no details of the type or scale of the alternative provision and, in any case, I consider that this proposal would potentially represent a social facility/service and a house type that could be needed by the local community, as outlined in paragraphs 61, 63 and 98 of the National Planning Policy Framework.

Conclusion

15. In conclusion, I find that the proposal would not be harmful to the living conditions of the occupiers of neighbouring properties by way of excessive noise or disturbance, and that it would not be harmful to highway safety. On this basis, it would not conflict with Policy ENV7 of the CS, or with Policies DM29 and DM32 of the LP. Accordingly, I allow the appeal subject to the conditions below.

Conditions

16. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition restricting use to that specified in the application since the application does not demonstrate that the building would necessarily be appropriate for any other purpose within Use Class C2. Finally, I have attached a condition relating to the provision of on-site car parking in the interests of highway safety.

J D Westbrook

INSPECTOR