



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/25/3361464

19 Pendle View, Burnley Road, Altham, Lancashire, BB5 5UY

- 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 Kara Manley (2gether4children) against the decision of the Borough of Hyndburn Council.
 - The application Ref is 11/24/0502.
 - The development proposed is a change of use from Use Class C3 to Use Class C2, to use as a residential care home consisting of 2 children and 1 sleep-in staff member.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from Use Class C3 to Use Class C2, to use as a residential care home consisting of 2 children and 1 sleep-in staff member at 19 Pendle View, Burnley Road, Altham, Lancashire, BB5 5UY, in accordance with the terms of the application, Ref: 11/24/0502, 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: Location Plan; Floor Plan drawing.
 - 3) The building shall be used only as a Children's Care Residential Institution for a maximum of two children (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) Parking space for two cars shall be provided within the property boundary and retained 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 on neighbouring properties by way of noise and disturbance, and
 - Highway safety along Burnley Road.

Reasons

3. No 19 is a semi-detached house situated on the southern side of Burnley Road, in a suburban location between the settlements of Altham, Altham West and Clayton-le-Moors. It is a three-bedroomed house with a large rear garden and a full-width, single-storey rear extension. Burnley Road is a busy main road and a bus route. There are no properties with access onto the road on its northern side along this stretch of the road. The dwelling at the appeal property is set well back from the front boundary, and the front garden area is largely paved with a small amount of planting. The proposal is to change the use of the property to a residential institution catering for two vulnerable children 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 vulnerable children.
7. The appellant contends that the proposed scheme would be staffed by experienced professionals who would ensure minimal disruption and that, in any case, the occupation of the property by a maximum of two children with one or two staff in attendance, would be no more intrusive or noisy than could be the case with any large family in a three-bedroomed house. Also, the institution would be subject to external inspection. In addition, the children would be supervised at all times and there is no reason to suppose that the location on a main road would be a danger for residents. The appellant notes that there has been no objection to the proposal from the Highway Authority.
8. 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 speculative. In addition, mention is made of concerns raised by the Council's Environmental Protection relating to issues around multi-occupation properties. However, I have no details as to the type or scale of the multioccupancy properties referred to and, in any case, this would not be classified as a multi-occupation property, having an occupancy less than might be expected from full use as a family home.
9. 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 two vulnerable children 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 children.
11. The Council accepts that the provision of two parking spaces within the property would meet local planning standards. 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, 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. In addition, the lack of any properties with direct access onto the opposite side of the road would significantly reduce potential conflicts due to turning movements onto or off the road.

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. I note the existence of another care home in the immediate vicinity at No 1A Pendle View. However, at my site visit, there were elderly residents at No 1A being escorted to a specialised minibus, and it would appear that the property represents a different type of facility altogether.
15. 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 two operational children's homes under one mile away from the appeal site, but that this type of facility is one that the Council is struggling to find. The appellant and the Council have been in dialogue about the proposal and the current proposal is a planning application that LCC Children's Services supports. On this basis, I consider that the proposal would represent a social facility/service and a house type needed by the local community, as outlined in paragraphs 61 and 98 of the National Planning Policy Framework.

Conclusion

16. In conclusion, I find that the proposal would not be harmful to the living conditions of the occupiers of nearby properties by way of excessive noise or disturbance, and 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

17. 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