



## Appeal Decision

Site visit made on 17 July 2025

**by H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

**Appeal Ref: APP/P2365/W/25/3361672**

**10 Briars Green, Skelmersdale, Lancashire WN8 6SG**

- 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 Dr C Worrall (Briars Green Care Limited) against the decision of West Lancashire Borough Council.
- The application Ref is 2024/0857/FUL.
- The development proposed is change of use of dwelling (C3) to residential care home (C2).

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed care home would be an appropriate development at the site having regard to need and the children's care home context within Lancashire;
  - The effects of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to the levels of noise, disturbance and activity which would arise from it; and
  - Whether parking provision would be acceptable and the effects of the development upon highway safety.

### Reasons

#### *Need and the children's care home context within Lancashire*

3. Of the Council's three reasons for refusal, it is the first which relates to matters of need and demand for the children's care home proposed. Within it, the Council cites conflict with Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 (LP).
4. Policy GN3 concerns a range of design and environmental considerations including local and landscape character, site accessibility and transport matters, flood risk and pollution. As such, whilst Policy GN3 relates to a wide range of matters, none of its criteria are relevant to this main issue.
5. Policy IF2 concerns transport infrastructure, parking standards, and the provision of electric vehicle recharging points and means to reduce transport emissions. Again, therefore, its content is not relevant to this main issue.

6. Since neither of these LP Policies require a demonstration of local need for this type of development, nor touch upon the children's care home context of Lancashire, the proposal does not conflict with them. This finding is consistent with the Inspector in the Hutton Road appeal decision<sup>1</sup>.
7. The Council's first reason for refusal also refers to the National Planning Policy Framework (the Framework). Paragraph 63 of the Framework relates to the housing needs of different groups including looked after children. It informs policy making by the local planning authority, and it does not place a requirement upon an applicant or appellant to demonstrate a need for a children's care home.
8. That said, I am mindful that a preceding paragraph (61) sets out that it is important that a sufficient amount and variety of housing land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that the overall aim of boosting the supply of homes is to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
9. Therefore, given its emphasis on housing location, mix and addressing particular requirements, the Framework does seek to ensure that the right residential developments come forward in the right places.
10. I have an abundance of other evidence before me which relates to the need for children's care homes, the patterns of their provision and the effects of this. This includes:
  - consultation responses from Lancashire County Council's Children's Services (Children's Services);
  - Lancashire County Council Market Position Statements on children's care homes (that dated April 2025 being the most recent);
  - Versions of Lancashire's Children in Our Care Sufficiency Strategy (the 2025-2028 version being the most recent);
  - a Competition and Markets Authority report of March 2022;
  - The Planning for Accommodation for Looked After Children Written Ministerial Statement of 23 May 2023;
  - The Fylde Council Internal Affairs Scrutiny Committee document: A Review into the use of Residential Premises as Children's Care Homes January 2024; and
  - The Ofsted publication: Main findings: Children's Social Care in England (the 2024 version being the most recent).
11. Altogether, such evidence compellingly demonstrates to me certain patterns in relation to children's care home provision and that certain detrimental effects have arisen as a consequence of this. The evidence shows that Lancashire continues to have the highest number of Ofsted registered children's care homes in the country, but the majority of these are not caring for Lancashire children. Although there can be circumstances when it is appropriate in child protection terms for a child to be

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<sup>1</sup> Appeal Decision APP/P2365/W/24/3342030, 3 Hutton Road, Skelmersdale

placed distant from where they are from, this does not account for the high proportion of children housed in care in Lancashire.

12. An effect of so many children being cared for in Lancashire is, on the one hand, that children have been relocated to an unfamiliar setting, far from the people and places they have connections and bonds with. An outcome of this can be that any trauma or behavioural issues a child may have can be exacerbated. On the other hand, another effect is that it can be challenging to place Lancashire's children in care in Lancashire even though this may be the most appropriate place for them and, therefore, subject those children to the same issue of being cared for inappropriately far from home.
13. A further detrimental consequence of Lancashire's proportion of children's care homes are that it places pressures on local services such as on schools, the police and health services. In addition, staff recruitment problems arise because supplying enough quality staff to deliver the right care for the quantum of children in care is challenging.
14. I have considered the appellant's submissions that, in essence, the proposal would seek to deliver a more bespoke care offer, geared towards the forms of children's care that Lancashire needs, rather than that it does not. However, although the appellant seeks to provide assurance that the proposal would prioritise care for the likes of Lancashire children, there is no mechanism before me which would secure that this would be the case. The same applies in relation to children with complex needs and, moreover, Children's Services have set out that the staffing levels proposed do not meet its expectations in these regards, expectations which I have no good reason to disagree with. I appreciate that collaboration between the appellant and Children's Services could well take place outside of the planning process and that the likes of the registration process with Ofsted provides another regulatory process. However, the evidence before me does not provide me with sufficient comfort that such processes or collaborations would ensure that a children's home tailored towards what is specifically needed in Lancashire would be delivered.
15. Overall, the proposal does not provide me with reasons to be confident that it would not result in a further children's care home of a type which there is already an abundance of within Lancashire and, in turn, contribute to the persistence of the aforementioned detrimental effects.
16. In coming to the above views in relation to this main issue, I have had regard to the appeal decision at Woodlands Drive<sup>2</sup> which the appellant considers provides support for the development proposed. I note that in that case the Inspector referred to a demonstrable national need for regulated children's homes and that, in effect, this was a benefit which outweighed the limited evidence of a local need. On a related point, I have also had regard to the appellant's submissions that a record number of children are currently in the care system in England. However, the Woodlands Drive case was in Staffordshire, and the evidence before me in this case leads me to a different conclusion: that adding to Lancashire's children's care home offer in numerical terms would, overall, be counterproductive not simply that the evidence of local need is limited.

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<sup>2</sup> Appeal Decision APP/C3430/C/21/3289833 Land at 2 Woodlands Drive, Coven

17. The findings of the Inspector in the Hutton Road appeal do not reflect my views in these particular regards. However, appeal decisions are heavily dependent on their case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. Consequently, neither of the appeals I have referenced in this main issue are a strong influence upon my decision.
18. In conclusion on this main issue, I appreciate that children's care homes provide a vital and specialist service for children and seek to provide them with a safe environment in which to grow. I have also identified no conflict with relevant development plan policies, policies which do not require a demonstration of need for the development proposed to be made. Nevertheless, for the reasons I have given, I find that the proposal would make a further contribution to, and compound further, certain detrimental effects related to children's care home provision within Lancashire. Consequently, relevant material considerations in this case mean that the proposed development would be inappropriate on these grounds. As a part of these findings, I conclude that the proposal would conflict with content within the Framework which seeks to ensure that residential development comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that an appropriate mix of housing types is provided for the local community.

*The living conditions of neighbouring occupiers*

19. No 10 Briars Green (No 10) is a large house. Its accommodation includes 6 bedrooms and generous living space, including 2 large reception rooms and a separate conservatory. Given its size and accommodation, the existing property lends itself to quite high occupancy levels, for instance by a large family.
20. As a result, I consider it likely that occupation of the existing house as a use class C3 dwelling has the clear potential to generate quite considerable comings and goings and levels of activity. This could arise from the likes of several family members utilising cars as they go about their typical activities, such as going to work, from using the garden and from visits made to the property from friends, family or because of deliveries.
21. It is proposed that the children's care home would provide care for up to 4 children. In addition, there would be staff providing the care: at least 2 staff on duty at all times, complemented by a manager during the day on weekdays. Given the size of the existing dwelling, I find such day-to-day occupancy levels to be reasonable and not excessive.
22. Upon completion of the proposed development, movements arising from staff arrivals and departures would account for a considerable proportion of the vehicular comings and goings. The duty staff changeover would entail 2 staff arriving and 2 staff leaving. The duration of this will vary since some handovers may take longer than others. That said, I expect that, for much of the time, the appellant's submissions that they would be short-lived would be accurate.
23. I find that this pattern of movements would differ from a typical scenario at a dwellinghouse where I would expect perhaps a concentration of departures to work and school then, a considerable time later, the arrivals back. Even so, I would not expect the proposed movement patterns to be very intensive and, with the weekday staff changeovers proposed to take place between around 7am and

7.15pm, they would not take place unduly early or late. The shift patterns for the duty staff would remain the same at the weekend too, even so, it is not unusual for dwellinghouse occupiers in residential areas to have varied working patterns, including shift working and working at weekends.

24. Other comings and goings to the proposed children's care home would result from school runs and visits from the likes of family, social workers and inspectors. However, equally, a multitude of visits can take place to a dwellinghouse, and I have no firm basis on which to conclude that the proposed development would result in any increase in comings and goings to the appeal site which would be especially marked, or which would be out of kilter with the area within which it is situated.
25. The appellant proposes that the existing gravel drive could be tarmacked. This would likely prove an effective means on reducing some of the noise associated with driveway movements. Had I been minded to allow the appeal, this could have been conditioned.
26. As No 10 is a detached house, neighbouring occupiers would benefit from some physical separation from the children's care home. This would assist in limiting noise transfer from within the children's care home to neighbouring property.
27. I accept that, because of their particular needs, or because of the environments they have previously resided within, there is the potential for there to be a propensity for behavioural problems being exhibited by the children being cared for. However, by no means is it inevitable, or that such problematic behaviour would be particularly severe, frequent or unmanageable. Behaviours from any residential occupancy can vary greatly and any future occupants of the existing dwellinghouse could themselves bring with them noisy or disturbing activities.
28. I am mindful that the proposal is not accompanied by a detailed management plan, but staff supervision is proposed. Therefore, oversight and management of the children should take place.
29. Overall, although I acknowledge that the property would function differently as a children's care home — not least because carers would visit rather than reside — I find that the levels of noise, disturbance, and activity would not significantly exceed what could reasonably occur within its current use. As such, the proposal would not be out of keeping with the character of the area, nor would it be unduly disruptive or harmful.
30. Consequently, the effects of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to the levels of noise, disturbance and activity which would arise from it would be acceptable. As such, the proposal complies with Policy GN3 of the LP which, amongst other matters, requires development proposals to retain reasonable levels of amenity for neighbouring occupiers and minimise pollution. I also find that the proposal complies with paragraph 135 of the Framework which sets out an expectation for developments to promote health and well-being and ensure a high standard of amenity for existing site users.

### *Parking and highway safety*

31. Briars Green is a winding cul-de-sac the subject of a 20mph speed limit. It is relatively short in length and, consequently, it serves a quite limited number of properties. Given these factors, I expect that movements along Briars Green by vehicles, pedestrians and cyclists will be quite low as will vehicle speeds. Therefore, I expect the prevailing highway conditions in Briars Green to be safe and not characterised by a high volume of traffic nor higher vehicle speeds that could lead to hazardous situations.
32. Properties within Briars Green are served by drives providing residents with off-street parking. I visited the appeal site twice, arriving for the first visit at approximately 10.15am and at approximately 7pm for the second. My visits are only snapshots in time, but I did not witness any significant on-street parking during either of them neither was the cul-de-sac the subject of congestion problems.
33. No 10's drive is large, and it is accessed via a short, shared hammerhead in Briars Green which is bordered by garden hedgerows. The appellant has submitted a plan depicting 4 parking spaces upon it, and given the drive's dimensions, I fully expect that it could cater for this level of parking. Consequently, the proposed children's care home would be provided with a generous amount of in-plot parking.
34. In my second main issue, I have already set out that no increase in comings and goings to the appeal site which would be especially marked, or which would be out of kilter with the area within which it is situated, would be brought about as a result of the proposal. During staff changeover periods, when a concentration of vehicular movements would occur and some manoeuvring on and off the drive would be required, I accept some on-street parking by staff would take place. However, for the most part, I expect this would generally be limited in extent and short in duration.
35. The drive's parking capacity means that there will be times when other visitors to the children's care home will be able to park within the plot, but this will not always be the case. However, it is quite typical in residential areas that visits to property result in some on-street parking. Therefore, should this arise as a consequence of the proposal, it would not be an uncharacteristic effect.
36. For these reasons, I find that the proposal would not result in levels or patterns of problematic parking which would unacceptably hinder visibility, the passage of vehicles and other highway users or prevent adequate access for emergency vehicles. Furthermore, due to the subsisting highway conditions which I have described, I am satisfied that access and egress movements on and off No 10's driveway via the hammerhead would take place safely.
37. Consequently, the proposed development's parking provision would be acceptable, as would the effects of the development upon highway safety. In coming to these views, I have had regard to the prospect that some visitors to or residents of Briars Green may be more vulnerable, such as children or the elderly. Furthermore, given the duty staff shift patterns proposed, I accept that public transport is unlikely to provide a practical alternative to visit the site for many of its necessary trips.



38. Overall, the proposal complies with LP Policies GN3 and IF2, relevant elements of which include that developments should provide suitable and safe access, integrate well within their surroundings and provide appropriate levels of parking.

### **Other Matters**

39. The proposal would provide employment, and it would provide some support to services such as shops and, thereby, the local economy. However, the benefit which would be derived from this would only be modest.
40. Although transport modes apart from a car would be an option for some staff and visitor trips associated with the development, I expect trips by car would be dominant. Therefore, I cannot agree with the appellant that the accessibility credentials of the site are such that it would contribute to reducing the development's carbon footprint to the extent that it would constitute a significant benefit.
41. Energy efficient appliances and water efficient toilets may be installed, but no mechanism has been suggested to me which would ensure that this would be the case. Regardless, the benefit that would be derived from this matter would be a limited one. Although the appellant refers to some biodiversity enhancements, I have limited evidence of them and that they would be delivered. Consequently, this is a matter of limited weight in my decision.
42. In respect of a range of other matters the proposed development would not result in harmful effects. This would include effects in respect of flood risk, upon the appearance of the area and designated heritage assets. Furthermore, the children's care home may also be adequately protected from fire risks. However, an absence of harm in respect of these matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified in my first main issue.
43. Representations by third parties raise an assortment of other matters. Chief amongst them are concerns in respect of effects upon living conditions not covered in my main issues, such as privacy, and that which relates to crime and the fear of it. However, these matters did not form the basis on which the Council refused the planning application nor, therefore, do they comprise the key areas of dispute between the Council and the appellant. In light of this, and since I am dismissing the appeal, it is not necessary for me to address these matters in detail.
44. I have addressed some appeal decisions in my main issues. A host of other appeal decisions and developments have been brought to my attention in evidence. I have read the appeal decisions, had regard to their content and the points raised. The full detail and evidence in respect of these cases is not before me, and there will be circumstances relevant to those cases which are bound to differ from one another, as they will also do from the case before me. Examples of this include that, in some instances, the care home proposed was providing particularly specialist care such as for mothers and their babies, whilst some other appeals related to certificates of lawful use where main issue analysis centres upon whether the development constitutes a material change of use rather than the acceptability of effects as such. For these reasons, these appeal decisions and development references are of limited weight in my decision.
45. Finally, the evidence before me shows that the Council can only demonstrate 1.86 years' worth of housing supply. Consequently, the housing supply position is an

unhealthy one. As a result of the proposal, a dwellinghouse for general residential occupation would no longer be available. This would be a negative consequence of the proposal, compounding the unhealthy housing land supply position which subsists in the area.

## **Conclusion**

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
47. I have identified no conflict with policies within the LP. Therefore, based upon the policies supplied to me, I conclude that the proposal accords with the development plan as a whole.
48. In my second and third main issues, I have also identified that the effects of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to noise, disturbance and activity, and its parking and highway safety effects would be acceptable.
49. However, in my first main issue my findings are that the proposal would make a further contribution to, and compound further, certain detrimental effects related to children's care home provision within Lancashire. In so doing, the proposal conflicts with content within the Framework which seeks to ensure that residential development comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that an appropriate mix of housing types is provided for the local community. My objections to the proposed development on these grounds are significant, and they are sufficient to outweigh the absence of harm concluded in my other main issues and that the development plan is accorded with.
50. Therefore, the material considerations in this case indicate that the decision should not follow the development plan and, I conclude that the appeal should be dismissed.
51. In coming to this conclusion, I have had due regard to Article 8 of the Human Rights Act 1998 (HRA) which affords the right to respect for private and family life and home and, where those rights apply to a child, their best interests are a primary consideration. I have also had due regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010 which sets out those with relevant protected characteristics which includes age.
52. Since I have concluded that the proposal would make a further contribution to, and compound further, certain detrimental effects related to children's care home provision within Lancashire, it follows that, in dismissing the appeal, my decision is consistent with ensuring the best interests of children. Within the context of the HRA and PSED, my decision that the appeal should be dismissed is appropriate.

*H Jones*

INSPECTOR