



Appeal Decision

Site visit made on 7 August 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/E2340/W/25/3366520

28 Avon Drive, Barnoldswick, Lancashire BB18 6ET

- 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 Murtaza Ahmed Hussain against the decision of Pendle Borough Council.
 - The application reference is 25/0136/FUL.
 - The development proposed is change of use from private dwelling (Class C3) to children's home for a maximum of one child with carer accommodation (Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from private dwelling (Class C3) to children's home for a maximum of one child with carer accommodation (Class C2) at 28 Avon Drive, Barnoldswick, Lancashire, BB18 6ET in accordance with the terms of the application, reference 25/0136/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Murtaza Ahmed Hussain against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effects of the proposal on highway safety and community safety and cohesion.

Reasons

Highway safety

4. Avon Drive is a no through road for vehicles, is two-way with a pavement on both sides. There are no parking restrictions, and the speed limit is commensurate with the residential nature of the area it serves. Many of the properties along Avon Drive in the vicinity of the appeal site have off-street parking provision although a number towards its eastern end do not and so would rely on on-street parking. While there are drives at regular intervals along the road, there is still capacity for on-street parking without blocking existing accesses.
5. The width of Avon Drive means that on-street parking limits the road to one vehicle width. However, I observed at my site visit, which I appreciate was a snapshot in time, that vehicles were not prevented from travelling along the road by parked vehicles nor were pavement widths restricted. Overall, there is little substantive evidence to demonstrate that existing on-street parking causes significant harm to the free flow of traffic or highway safety for vehicles or pedestrians.

6. The Highway Authority identifies that three off-street parking spaces of the required size could be accommodated on the area to the front of the site that would be widened as part of the proposal. The dropped kerb to facilitate this would be secured under the provisions of the Highways Act 1980. The Highway Authority has confirmed that three off-street parking spaces would be adequate for the proposed use.
7. While there may be some overlap of staff at shift changeover, this would be for a short duration. The Council identifies that up to six vehicles could be parked at the site if additional support staff are present during staff change over. However, given the nature of the support staff identified in the submitted evidence, such visits would not tend to be a frequent occurrence and would be unlikely to regularly take place during staff change over.
8. Even if there were to be some increase in on-street parking associated with the proposal, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on the free flow of traffic or highway or pedestrian safety.
9. A typical residential occupation of the appeal property could reasonably involve a household with two or three vehicles plus visitors and with journeys to work, school and social events. There is no clear evidence to suggest that the vehicle movements and parking that would be generated by the proposal would be materially different to the pattern expected from a typical family dwelling.
10. For the reasons given, I conclude that the proposal would not result in an unacceptable impact on highway safety. As such, there would be no conflict with the highway safety requirements of paragraphs 116 and 117 of the National Planning Policy Framework (the Framework).
11. The reason for refusal relating to this issue does not make a specific reference to a development plan policy. The Council's officer report refers to Policy 31 of the 2015 adopted Local Plan for Pendle Core Strategy 2011-2030 which requires development to meet parking standards. Given the Highway Authority position, which I have no clear technical evidence to justify a departure from, I am satisfied that there would be no conflict with the highway safety objectives of this policy.

Community Safety and Cohesion

12. The proposal would involve a change of use as the staff would not be classed as residents, but from the evidence submitted, the intention would be to provide accommodation for one child in a residential environment. The appellant identifies that solo homes are intended for children who thrive in a calm, one-on-one setting. Two staff would be at the property supported by occasional visiting staff.
13. Given the nature of the proposed use and the occupancy proposed, the proposal would be consistent with the level of use of the property as a family dwelling. No outward change is proposed other than extending the parking area. The property would therefore be similar to other houses in the area in terms of the nature and intensity of its use and appearance. Consequently, the proposal would not result in a significant increase in activity, disturbance or noise for neighbouring residents compared to the property's use as a typical single household dwelling.

14. The appellant identifies that any child that would be accommodated at the property would be supervised by trained staff and supported by a package of care tailored to their individual needs, including an individual risk assessment. The care home would be subject to OFSTED regulation, and a location risk assessment would be conducted in consultation with local police and authorities to ensure the area would be suitable and any local risks would be mitigated. The child's needs, behaviours and wellbeing would therefore be closely managed.
15. Fear of harm such as crime or anti-social behaviour can be a material consideration if there is some reasonable evidential basis for that fear. Nevertheless, no conclusive evidence has been presented to indicate that the proposal would result in increased crime or anti-social behaviour. Concerns have been raised that a child would be exposed to local safety issues. However, this would be no different to a child residing in a family home and given the level of supervision described by the appellant, such concerns may apply less to a child in the care home.
16. Accordingly, I conclude that the proposal would not undermine community safety and cohesion. As such, there would be no conflict with paragraph 96 of the Framework where it states that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other matters, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Other Matters

17. While it may be the case that Lancashire has sufficient provision of this type of care home, there would still be social benefits arising from the provision of this type of specialist accommodation. I have no clear evidence to indicate that the proposal would set a precedent for further similar proposals, which would in any event be considered on their own planning merits.

Conditions

18. I have considered the conditions suggested by the Council. I have amended the wording of certain conditions having regard to the six tests set out in the Framework without altering their fundamental aims.
19. For certainty, the relevant conditions concerning the commencement of development, and the approved plans are necessary. In the interests of highway safety and to ensure adequate parking provision, conditions are necessary to provide and retain the parking area and to provide a surface water drainage scheme for the proposed hardstanding. It is necessary to restrict the number of children who would occupy the care home and its use to safeguard the living conditions of neighbouring residents.

Conclusion

20. For the reasons given above the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF 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 the following approved plans: location plan – CL 02255929/4; proposed layout and elevations - CL 02255929/2; existing and proposed roof and site plan – CL 02255929/3; existing and proposed house section – CL 02255929/5.
- 3) Prior to the first occupation of the development hereby permitted, details of a surface water drainage scheme for the proposed drive/parking bays shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full and maintained as approved.
- 4) The vehicle parking bays shown on the approved plans shall be constructed in bound porous materials prior to first occupation of the development hereby permitted and shall be retained thereafter for vehicle parking purposes only.
- 5) The premises shall be used as a residential care home for a maximum of one child at any one time and for no other purpose (including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification). It shall not be used for a Class C2a use, nor any other use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).