



Appeal Decision

Site visit made on 11 November 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2025

Appeal Ref: APP/R2330/W/25/3372952

30 Epping Avenue, Accrington, BB5 5DR

- 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 Prosperity Children's Services Ltd against the decision of Hyndburn Borough Council.
 - The application Ref is 11/25/0120.
 - The development proposed is a change of use from dwelling (Use Class C3a) to residential care (Use Class C2) for one child.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling (Use Class C3a) to residential care (Use Class C2) for one child at 30 Epping Avenue, Accrington, BB5 5DR in accordance with the terms of the application, Ref 11/25/0120, subject to the following 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 drawing nos 22-072-300, 22-072-301 and location plan.
 - 3) The premises shall be used as a residential care home for one child and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Preliminary Matter

2. An application for a change of use of the appeal property from a dwelling to a children's care home was refused in 2023. The home would have provided accommodation for up to two children. The appeal proposal is for one child only.

Main issue

3. Whether the proposed parking provision would be adequate having regard to the effect on highway safety and the character of the surrounding residential area.

Reasons

4. The appeal property is a detached house in the midst of a residential estate. Two parking spaces are available on the front forecourt. Two carers would be in situ at any one time and there would be handovers at the beginning and end of their shifts.

Other occasional trips to the property would be made by managers or other professionals dealing with the welfare of the child.

5. The appellant's Travel and Parking Management Statement (TPMS) contains a strategy to limit vehicular movements to and from the appeal site. The intention is to mirror those of a typical family home. In more detail it is intended that no more than two vehicles would be present at any one time, all visits would be pre-arranged, records would be kept for monitoring purposes and staff training given. If followed this would ensure that the effect of the use on local highway conditions would be minimal. However, it is difficult to see how all of its provisions, such as those relating to car sharing, could be effectively enforced through a planning condition. Therefore, this assessment will not rely on the TPMS being adhered to.
6. In considering the impact of the proposed use, it should be borne in mind that the property could lawfully be used as a dwelling by up to six residents living together as a single household (Class C3) or by not more than six residents as a house in multiple occupation (Class C4). Nevertheless, the need for staff to follow set working patterns implies that vehicles would come and go several times each day.
7. Epping Avenue is a fairly narrow road. According to the Parish Council parking on the estate is at a premium with neighbouring properties having to park on the street. The individual houses have their own of-street spaces. At the time of my mid-morning visit there were vehicles parked on the footway at fairly frequent intervals throughout the estate. Policy DM32 of the Development Management DPD requires that the safety of highway users is properly taken into consideration and new development should not have an adverse impact on highway safety.
8. Providing two spaces within the site would meet the local parking standard for Class C2 uses in line with Policy DM32. According to the policy the standards may be applied flexibly where specific circumstances are justified. Therefore, the practical implications of the proposal should also be addressed.
9. When two care workers are based at the property there would be sufficient off-road parking for them. However, additional vehicles would be likely to attend regularly for staff changeovers and other visitors are also likely to arrive and leave by car. During this time there may well be a need to park along the road. However, there is scope to park in close proximity to the appeal site without blocking a driveway or impeding the movement of traffic. It is also likely that no more than two cars would be associated with the proposed use for the majority of the time.
10. The Council is concerned about the cumulative impact on the safety and convenience of pedestrians and road users, particularly in conjunction with the similar children's home use that is operating next door at No 28. The Parish Council claims that anything up to six vehicles are parked in the vicinity in connection with that use. However, there is no survey evidence about actual traffic movements to and from No 28 or the implications for roadside parking. Therefore, even taken together, the impact would not be harmful.
11. The situation 'on the ground' indicates that the houses nearby also generate a requirement to park along Epping Avenue and surrounding roads. Because of the layout of the estate, the impression gained is that parking on the road is part of everyday life for residents and this could, of course, occur if No 30 remained in use as a dwelling. As a consequence, and as there would be no external changes to

the appeal property, the effect of any overspill parking on the established residential character of the surrounding area would be insignificant.

12. It is possible that from time to time the parking associated with the proposed use could be a source of irritation to those living nearby but there is no detailed evidence about how highway safety might be jeopardised. The National Planning Policy Framework establishes that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety but that would not be the case. Neither would there be an adverse impact as referred to by Policy DM32. As such, there is no objection in this respect and the proposed parking provision would be adequate.

Other Considerations

13. The Council has recently adopted Supplementary Planning Guidance (SPG) on *Children's Residential & Supported Accommodation*. This is in response to a steady increase in the number of applications for the change of use of dwellings to small children's homes. However, whilst it is a material consideration, SPG is not part of the development plan and should not be treated as such. Its policies therefore do not have the same force as those in the Core Strategy or the Development Management DPD.
14. Indeed, there are no specific development plan policies that provide a basis for the determination of applications for children's care homes. Furthermore, the new Local Plan, which is currently being examined, does not contain any particular policies in this respect. Paragraph 63 of the Framework indicates that the need, size, type and tenure of housing for different groups in the community, including looked after children, should be assessed and reflected in planning policies. However, that has not happened to date in Hyndburn.
15. The Parish Council refers to "numerous" issues associated with the use at No 28 since it opened in 2022. However, children's homes are subject to a separate system of regulation to ensure that properties are suitable and to ensure that appropriate standards of care are maintained. There are legislative requirements for registering and operating a home as well as guidance to follow. It is reasonable to expect that other regimes will exercise effective control of the proposed use, as necessary. Whilst not downplaying the potential seriousness of the incidents referred to, matters of safeguarding are outside the ambit of the appeal.
16. Some existing residents may have a perception of fear and be anxious about potential crime and anti-social behaviour. These are material factors but the modest scale of the use and the other controls that would be in place mean that they are not decisive ones.
17. Lancashire County Council Children's Services objects to the proposal on various grounds. Its Market Position Statement sets out that there is not considered to be a local need for solo children's homes. However, there is no planning policy requirement for a need to be demonstrated and the lack of compliance with the County Council's commissioning strategy is not, in itself, a reasonable objection on planning grounds.
18. It is anticipated that the home would be used to care for a child from outside of Lancashire. The Written Ministerial Statement of 2023 observes that it is not acceptable for children to be living far from where they would call home. However,

- the identity of those who would live at No 30 is not a matter that can be controlled through the planning system. For example, a condition requiring that the home is only occupied by looked-after children from Lancashire would not be reasonable.
19. The proposed use could lead to more comings and goings than an average family house but the likelihood is that this would not be markedly greater. There is nothing to indicate the traffic patterns generated by the similar use at No 28. As a detached house there would be reasonable separation to nearby residencies to mitigate any noise and disturbance caused by activities inside the home. Therefore, the potential material impacts arising from the proposed use would not lead to unacceptable adverse impacts. As such, it would comply with Policy ENV7 of the Core Strategy on environmental amenity.
 20. The SPG advises that there should be a separation distance of 400m between care homes to avoid a cumulative adverse impact on a residential area. Although there would be a similar use next door there are around 200 houses on the Stanley Park estate. In this context two adjacent care home uses would not amount to an over-concentration. No policies have been cited that seek to prevent the loss of family homes to other uses. Furthermore, it is difficult to see how such a small proportion of uses outside Class C3 could undermine social cohesion and balance, especially as a supervised child would be living at No 30.
 21. Given its size and the other controls in place, the proposal would not fail to promote healthy and safe communities or undermine the principles in paragraph 135 f) of the Framework. There would be no conflict with national policy in this regard. As the proposal does not involve new building the principles in Policy DM26 of the Development Management DPD are not directly applicable. Representations also refer to Policies SP2, SP5 and H2. These may relate to the new Local Plan but, in any event, there is nothing to indicate that they raise fresh issues.
 22. It is claimed that there is a restrictive covenant in place which precludes business uses. However, this is a separate legal matter. Similarly, the effect on property values is not a valid planning consideration. There is concern about the setting of a precedent and the further cumulative impact. However, any other proposals for small children's homes in the locality should be considered on any individual basis and this decision does not mean that they must be found to be acceptable.
 23. Representations have also been made that the proposal would be contrary to the Human Rights Act as it would infringe the right of nearby residents to a private life and peaceful enjoyment of family homes. Article 1 of the First Protocol and Article 8 are relevant. The findings made above indicate that if planning permission were granted there would be no unacceptable interference with the rights of adjoining occupiers in these respects.
 24. The Council does not question the principle of providing high quality accommodation for cared-for-children in the midst of residential areas and comments that this is worthy and necessary. The Framework refers to addressing the needs of groups with specific housing requirements and these considerations favour the proposal.

Conditions

25. The Council has not suggested any conditions in the event that the appeal is allowed. In this respect I have nevertheless had regard to those imposed in an appeal at Pendle View, Altham¹.
26. The plans should be specified in the interests of certainty. Given that the proposal has been considered on the basis that it would be a children's home for one child, it is reasonable and necessary to limit the operation of a Class C2 use in this way. As the parking spaces already exist there is no need to require their provision.

Conclusion

27. The proposed use is in accordance with the development plan and there are no material considerations which outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

¹ Ref: APP/R2330/W/3361464