



Appeal Decision

Site visit made on 24 February 2026

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 May 2026

Appeal Ref: APP/R2330/W/25/3374027

94 Fountain Street, Accrington, Lancashire BB5 0QP

- 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 Mrs Victoria Wilden (Thrive Residential Care Ltd) against the decision of Hyndburn Borough Council.
- The application reference is 11/25/0105.
- The development proposed is change of use of existing dwellinghouse (Use Class C3) to children's care home (Use Class C2) for 1 child and 2 carers on a rota.

Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing dwellinghouse (Use Class C3) to a children's care home (Use Class C2) for 1 child and 2 carers on a rota, at 94 Fountain Street, Accrington, Lancashire BB5 0QP, in accordance with the terms of the application, Ref 11/25/0105 and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - i) whether the proposal would meet an identified need for children's residential care facilities in the area;
 - ii) the effect of the change of use on the housing mix and character of the area; and
 - iii) the effect of the proposal on traffic generation and parking demand locally.

Reasons

Need

3. The Council's first reason for refusal asserts a failure to demonstrate a local need for a children's care home of the size and nature proposed, arguing that it fails to align with the commissioning strategies of Lancashire County Council (LCC) Children's Services department.
4. The National Planning Policy Framework (the Framework) sets out that, in determining housing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes looked after children.
5. A Written Ministerial Statement, '*Planning for accommodation for looked after children*,' (May 2023) (the WMS) adds that the planning system should not become a barrier to providing homes for the most vulnerable children, and that

local planning authorities have the responsibility to support applications, where deemed suitable for all types of accommodation for looked after children.

6. The Children's Residential & Supported Accommodations Supplementary Planning Guidance (June 2025) (the SPG) sets out that Hyndburn (and Lancashire generally) has seen significant and disproportionate increases in the number of children's homes in recent years, mainly from private providers looking to cheaper and more deprived areas to expand operations. The SPG points to increasing numbers of children from outside Lancashire being placed into homes in the county and poorer outcomes for children placed at distance from their home communities. Also cited is an increasing strain on the housing market and public services, including need for school places and additional demand for local health services and action by the police.
7. The Council adds that despite an overprovision generally, there are shortfalls in the right kind of provision to meet identified needs. In particular, LCC points to a need for smaller homes of three or fewer children with higher staffing ratios, though its Market Position Statement (April 2025) (the MPS) states that there are enough solo homes to meet local need, as these are used only in very specific circumstances and usually on a short term basis for children assessed as high risk. However, the MPS acknowledges that it can still be a struggle to find suitable, good quality local homes for children who have a higher complexity of needs.
8. The appellant points to evidence from LCC in an appeal from 2022, where it stated there was 'high demand' for smaller homes to care for children with complex needs and that over 40% of placement requests were 'hard-to-find.' The appellant further cites evidence of rising demand nationally for solo placements, and to it being contacted by the local authority for three solo placements in 2025. The appellant stresses that LCC's position that it has too many homes overall does not mean it has sufficient numbers of the right type of provision.
9. The evidence before me offers insights into the existing landscape of children's home provision at the local, county and national level. I acknowledge that LCC does not identify a current demand for solo homes, and distinguishes this need from 'smaller' homes for two or three children. The Council's adoption of the SPG is also a response to rising numbers of applications for children's homes. However, much of the evidence relates to LCC's commissioning strategies, which are ultimately separate to the planning system. In addition, the evidence provides various statistics, but does not set out actual figures for current levels of demand or the number of homes available. Neither does the evidence clearly demonstrate that the proposal, for a single child, would result in a demonstrable increase in pressure on local services.
10. The objection from LCC, on its face, results in conflict with Policy 1 of the SPG. However, whilst this is a material consideration, the SPG is not a formal part of the development plan and so does not attract the same weight as adopted policy. In fact, there is no adopted development plan policy in either the Hyndburn Core Strategy (January 2012) (the ACS) or Development Management DPD (January 2018) (the DMDPD), which specifically resists the provision of children's homes or requires a need to be demonstrated, whether in general terms or in respect of specific types or sizes of accommodation. The SPG also states that a specific development plan policy addressing children's homes is not proposed under its emerging local plan. This is despite the aforementioned guidance of the

Framework that the housing needs for different groups in the community, including looked after children, should be assessed and reflected in planning policies.

11. Overall, whilst I have had regard to the local circumstances set out in the SPG and MPS, there is no requirement to demonstrate a specific need for the proposal, and no development plan policy is offended. As a material consideration, I find that the proposal would provide a solo children's home which the evidence acknowledges is appropriate for children at high risk or in a period of crisis, and for which there is clear support in national policy. The increased availability of such accommodation, even if currently well provided for locally, would still represent a benefit in terms of providing for looked after children that would accord with the aims of the Framework and the WMS.

Housing Mix and Residential Character

12. The Council points to Policy 2 of the SPG which sets four criteria to be met for proposed children's homes to be considered suitable; among which is that the development will not result in a concentration or cluster of children's care homes in the area, with the supporting text setting out that new care homes should be no closer than 400m from an existing care home. It is indicated that some seven children's homes are within a one mile radius of the site and that concentrations of such homes can have adverse cumulative impacts on the character of the local community, and potentially alter the nature of established residential areas. The local area is also identified as among the highest locally in terms of deprivation, crime rate and numbers of houses in multiple occupation.
13. I understand that these challenges exist in the area, but it does not follow that all care homes are occupied by disruptive tenants and that harm to neighbouring occupants or the character of the area is inevitable. Specific evidence of harm should be adduced to demonstrate any adverse effects alleged.
14. In this case, I have no evidence of the actual location of other children's care homes or whether any are within 400m of the appeal site. This aside, a one mile radius of the site encompasses a significant extent of the densely built-up area of Accrington. Seven children's homes is not a significant number in absolute terms and represents a very small proportion of the overall housing stock in this area. The addition of one further children's home would not lead to a harmful concentration or clustering of children's homes. Thus, I find no conflict with Policy 2(iv) of the SPG.
15. The Council stated in its delegated report that it is unable to demonstrate a five year supply of deliverable housing sites, though no figure is given. The appellant points to the Council's published Five Year Housing Land Supply as of 1st April 2024 which indicates a supply of 12.02 years, and to the 2024 Housing Delivery Test showing delivery at 409%. The Council has not refuted this, and given these are the only figures put to me, I have proceeded on the basis that the Council is not in a housing shortfall. Thus, the loss of a family-sized dwelling from the general housing stock would not exacerbate a housing shortage, and it would provide residential accommodation for a specific group, as advocated by the Framework. This would not harm the overall housing mix of the area.
16. The Council points to the consultee response from the Environmental Health department, which states that it has been dealing with a number of complaints from similar properties recently due to loud music, banging and other noise. I note

that these concerns were raised on the basis of the initial proposal to accommodate three children on the site, but the complaints also relate to different properties in unknown locations. No comments are made in respect of the reduced occupancy level now proposed. Given this, the arguments are not persuasive evidence that similar impacts would arise in this case.

17. I have noted the concerns of a neighbouring occupant regarding noise and disturbance already occurring at the property. The appellant acknowledges that the site was used as supported housing for a mother and baby for a time. However, the proposal would differ from this in having staff on site full-time to care for a single child. It is reasonable to consider that, at this level of occupancy, noise would be no greater than that generated by a single family home with children. Moreover, staff would be able to adequately manage activity within the property to prevent detrimental effects on neighbours due to noise.
18. I recognise that a care home setting with non-resident staff may involve more comings and goings at certain times than a typical residential use, but the proposed level of occupancy would still be low, visits by other parties would mainly take place during the day and staff changeovers would not be at unsociable hours. I have no reason to believe that the number or nature of the visits would lead to disruptive levels of noise or other forms of disturbance for neighbours.
19. The evidence before me does not indicate that the use of the property as a children's care home for a single child would give rise to unacceptable harm to neighbours' living conditions. In addition, there is no persuasive evidence that an additional children's home would result in a perceptible overconcentration of such uses, or that its presence would cause or exacerbate harm to the established residential character of the area. Therefore, I find no conflict with Policy Env7 of the CS which permits development which does not give rise to unacceptable adverse impacts or loss of local amenity.

Parking and Highway Safety

20. The appeal site is a mid-terrace property with no off-street parking, which would conflict with Policy 2(iii) of the SPG. Fountain Street, along with many streets in the immediate area, is formed of long rows of small dwellings in a dense layout, with the Council pointing to a high demand for parking as a result. I saw on site that parking takes place on both sides of the street. However, despite the demand for parking, Fountain Street did not appear to be subject to any parking restrictions. Though not conclusive, this indicates that parking levels have not reached a saturation point that requires intervention by the local authority to control matters.
21. The Council's concerns relate to comings and goings from visitors and staff, which it says have not been quantified. The appellant states that visitors would be limited to Council social workers and that staff and visitors would be asked to use public transport where possible. A draft Green Travel Plan has been submitted which sets out that parking demand would reach a maximum of four vehicles during the staff changeover periods at 8am and 10pm each day. At other times, demand would amount to two vehicles for staff on-site and occasionally a third vehicle when the Home Manager is in attendance. I have no reason to doubt this would be the regular parking demand expected to arise from the use.
22. At the time of my mid-afternoon visit there were ample parking spaces available. I appreciate this was a snapshot in time, and demand naturally increases in the

evenings as residents return home from work. However, it appears that demand arising during the daytime hours could be accommodated without causing undue congestion or limiting other residents' ability to park. The site is also close to the junctions with Willows Lane and Clifton Street which both offer additional on-street spaces that together would provide sufficient options for evening parking.

23. The Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. For the reasons set out, and in the absence of any quantifiable evidence of excessive parking demand from the Council, I find that the demand arising from the proposed use would not have a demonstrable adverse effect on traffic, parking congestion or otherwise lead to unacceptable impacts on highway safety or severe cumulative impacts on the road network.
24. Consequently, whilst the proposal would not meet with the requirements of the SPG to provide off-street parking, it would not adversely affect highway safety, and so would not conflict with Policy DM32 of the DMDPD, which requires, among other things, that developments do not give rise to an increase in traffic volumes that exceed the capacity of the local or strategic transport network.

Conditions

25. In addition to the standard time limit, a condition specifying the approved plans is necessary, to provide certainty. It is also necessary to restrict the use of the property to a children's home within the C2 use class, and to limit the number of children cared for, as it would otherwise be possible to change to a more intensive use within that class that may give rise to unanticipated adverse effects, including to the character of the area, neighbours' living conditions or highway safety.
26. The Council has sought a condition requiring details of the number of vehicles anticipated at the property and the staff shift patterns, and how the parking needs of the children's home will be managed. The appellant has sought compliance with its Draft Green Travel Plan (DGTP) as opposed to submitting a further document. I am content that this provides sufficient details as to the parking arrangements in the area and available forms of public transport. Therefore, I shall impose a condition requiring compliance with the submitted DGTP.

Conclusion

27. Overall, for the reasons set out above, the proposal accords with the development plan, taken as a whole. Material considerations to which I have had regard do not attract such weight as to indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K. Savage

INSPECTOR

Schedule of 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 drawings:
 - Location Plan (dated 07 March 2025)
 - PP - 94FSBB5 - P2 (Existing Floor Plans)
 - PP - 94FSBB5 - P3 (Existing Elevations)
 - PP - 94FSBB5 - P4 (Proposed Floor Plans)
 - PP - 94FSBB5 - P5 (Proposed Elevations)
 - 3) The building shall only be used as a children's care home (for the accommodation of one child as described in the application) and for no other purpose including any other purpose with Class C2 of the Schedule to the Town & 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) The development hereby permitted shall operate at all times in accordance with the provisions of the Draft Green Travel Plan (September 2025) by Holme Planning Partnership.
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