

# Agenda

MUNICIPAL YEAR 2025-2026



**HYNDBURN**

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## Planning Committee

**Wednesday, 11 February 2026 at 3.00 pm,**  
Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Dave Parkins

Vice-Chair: Councillor Bernard Dawson MBE

Councillors Mike Booth, Joyce Plummer, Loraine Cox, Clare Pritchard, Ethan Rawcliffe, Kath Pratt, Judith Addison, Scott Brerton, Stephen Button, Noordad Aziz, Stewart Eaves and Josh Allen

## AGENDA

**1. Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

**2. Minutes of the Last Meeting (Pages 3 - 4)**

The Minutes of the last Planning Committee held on the 17<sup>th</sup> of December 2025 were submitted for approval as a correct record.

**Recommended – That the minutes be received and approved as a correct record.**

**3. Town and Country Planning Act 1990- Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a series of reports setting out the recommended action on the planning applications below.



- a 11/25/0485 - The Plough Pub & Restaurant, Broadfield, Oswaldtwistle, BB5 3RY  
(Pages 5 - 16)  
Full: Change of use from existing restaurant and bar to an adults day centre for adults with learning and physical disabilities
- b 11/25/0504 - 58 Station Road, Rishton, BB1 4HF (Pages 17 - 22)  
Householder: Erection of first floor rear extension and single storey side and rear extension.
- c 11/25/0431 - 4 James Avenue, Great Harwood, Lancashire, BB6 7ND (Pages 23 - 32)  
Full: Change of use from a dwelling (Class C3(a)) to Class C2 use, for the care of one child supported by two carers
- d 11/25/0400 - 4 Sefton Close, Clayton-le-Moors, Lancashire BB5 5WS (Pages 33 - 44)  
Full: Change of use from a dwelling (Class C3) to a residential care home (Class C2) accommodating up to 3 children

**4. Update Sheet** (Pages 45 - 46)

## PLANNING COMMITTEE

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**Wednesday, 17th December, 2025**

**Present:** Councillor Noordad Aziz (in the Chair), Councillors Joyce Plummer, Clare Pritchard, Kath Pratt, Judith Addison, Scott Brerton, Stewart Eaves, Josh Allen, Munsif Dad BEM JP, Zak Khan, Kate Walsh and Kimberley Whitehead

**Apologies:** Councillors Dave Parkins, Bernard Dawson MBE, Mike Booth, Loraine Cox, Ethan Rawcliffe and Stephen Button

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### **258 Appointment of Chair**

Councillor Noordad Aziz was nominated and voted in by majority vote to Chair the 17<sup>th</sup> of December 2025 Planning Committee Meeting.

### **259 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

Apologies for Absence were given by Councillors Dave Parkins, Bernard Dawson, Stephen Button, Mike Booth, Ethan Rawcliffe and Lorraine Cox.

Substitutions were made for the following members of the committee.  
Councillor Dave Parkins was substituted by Councillor Kimberley Whitehead.  
Councillor Bernard Dawson was substituted by Councillor Kate Walsh.  
Councillor Stephe Button was substituted by Councillor Munsif Dad BEM JP.  
Councillor Lorraine Cox was substituted by Councillor Zak Khan.

No formal declarations of interest or dispensations were declared.  
However, Councillors Dad, Khan and Whitehead informed the committee that they had previously attended meetings regarding the unauthorised development, but this did not make them pre-disposed to any particular decision and were entering the meeting with an open mind.

Similarly, Councillors Aziz, Brerton and Walsh informed the committee that they had attended events at the unauthorised development in the past, but this did not make them pre-disposed to any decision and were entering the meeting with an open mind.

### **260 Minutes of the Last Meeting**

The Minutes of the last Planning Committee held on the 12<sup>th</sup> of November 2025 were submitted for approval as a correct record.

**Resolved – That the minutes be received as a correct record.**

### **261 Enforcement Update**

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the Enforcement Update to the committee.

Mr Parkinson noted that there were 455 live cases in the system from 2015 to 2025. Since the 1<sup>st</sup> of April 2025 there had been 154 new complaints, several complex in nature and involving a combination of technical breaches.

The Planning Enforcement Plan, beginning page 9 of the agenda, will come into effect on the 1<sup>st</sup> of January 2026 and will replace the 'Planning Enforcement Code of Practice'.

Mr Parkinson explained to the committee that the plan outlines the council's approach to investigating reports of alleged unauthorized development and in which circumstance enforcement action may be taken.

Details were given to the committee regarding the 3 Enforcement Notice appeals which were upheld by the Planning Inspectorate on page 6 of the agenda and the 2 outstanding appeals.

Mr Parkinson advised that the service would review how workloads and outcomes are monitored going forward and develop new Key Performance Indicators which would be reported in future updates.

The committee discussed the report and asked for clarification from officers on the cases highlighted in the report.

**Resolved – The information was noted by the Committee.**

**262 Exclusion of the Public**

**263 Enforcement action against unauthorised development**

Mr Adam Birkett, Chief Planning and Transportation Officer, sought a decision of the committee in respect of a planning enforcement issue. Details of the consideration of this matter are recorded in a confidential schedule to these minutes.

**Resolved – To approve the resolution as set out in the confidential schedule to these minutes.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

<b>REPORT TO:</b>	<b>Planning Committee</b>
<b>APPLICATION REF:</b>	<b>11/25/0485</b>
<b>APPLICATION ADDRESS:</b>	<b>The Plough Pub &amp; Restaurant , Broadfield, Oswaldtwistle, BB5 3RY</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Full: Change of use from existing restaurant and bar to an adults day centre for adults with learning and physical disabilities</b>
<b>DATE REPORT WRITTEN:</b>	29/01/2026

## **Description of the Site and the Proposed Development**

A planning application has been submitted for a change of use from restaurant and bar to an adults day centre at 2 Broadfield, Oswaldtwistle. The site measures 0.11ha and comprises a two-storey corner building with associated car parking to the side off Broadfield. The parking area sits at a higher level than the front entrance and includes an existing ramp providing direct access to the first floor. The building is currently operating as a pub and restaurant (The Plough pub & restaurant).

The existing building features stone external walls, grey slate roof tile and UPVC windows and doors. The southern elevation of the building is finished in white render.

The surrounding area primarily includes residential dwellings with the exception of Broadfield School (which is now closed) to the south.

The application proposes a change of use from restaurant and bar (sui generis) to an adults day centre for adults with learning and physical disabilities (Class E (f)). The restaurant and pub use will cease as a result of the proposed development. The centre is proposed to be operating 7 days a week from 8am to 6pm to provide support and supervised care for adults.

The proposal will retain the existing access points including the existing ramped access available via the car park and the pedestrian access point at the front elevation. The car park features 13 spaces with vehicular access off Broadfield available. An existing bin store to the rear is also retained.

The submitted floorplans indicate an activity area/ communal area, disabled WC and kitchen at ground floor. The first floor shows another activity area, store, disabled WC and a small office. An internal staircase with a stair lift is also proposed to allow access to both floors for wheelchair users.

No external changes are proposed.

## **Consultation Responses/Representations**

HBC Environmental Protection: No comments provided.

Lancashire County Council (LCC) Highways: No objection subject to a planning condition securing the parking provision on site.

Initially the application sought to provide a ramped access to the ground floor front elevation however LCC Highways raised concerns with this arrangement. The consultee noted that the ramped access at front elevation would likely result in vehicles stopping on Broadfield close to the mini-roundabout junction with High Street to drop off adults leading to highway safety concerns. Subsequently, the applicant has removed the proposed ramped access to the front from the proposal. This limits the ramped access only to the side of the building from the associated car park instead. As a result, LCC Highways raise no objection to the scheme finding this a more suitable arrangement.

### **Publicity**

The application was advertised via a site notice in close proximity to the site and letters to neighbouring properties. 1no. letter of support has been received and summarised below:

- There is a large demand for adult learning day centres;
- No alternative suitable locations available in the locality for the proposal;
- Alternative pubs available within half a mile;
- The pub is unsustainable financially and has been on sale for 5 years.

1no. letter of objection has been received and summarised below:

- The proposal conflicts with Policy DM8 of the DMDPD;
- Unsuitable location close to the roundabout and a busy highway;
- The former Broadfield School nearby is unoccupied and a more suitable alternative site.

The matters raised in the above representations are addressed in the following sections of this report.

### **Relevant Planning History**

11/12/0274 – Discharge of condition no 7 of 11/12/0079. – Discharged: 07.08.2012

11/12/0255 – Erection of covered walkway and ramp/steps to function room. – Approved with conditions: 09.08.2012

11/12/0199 – Non-material amendment 28 days: 1) amendments to porch (11/12/0079), 2) build up existing rear wall windows, and 3) installation of additional fire door. – Split Decision: 21/06/2012.

11/12/0079 – Change of use of first floor area (former accommodation to public house) to function room, and erection of single storey side extension and ramp. – Approved with conditions: 24/04/2012

01/0035 – Erection of single storey rear extension – Approved with conditions: 27.02.2001

11/74/0345 – Double sided projection sign illuminated by fluorescent tubes. static – Approved with conditions: 19.12.74

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

Policy BD1 Balanced Development Strategy  
Policy A3 Development of Local Centres in Accrington  
Policy Env6 High Quality Design  
Policy Env7 Environmental Amenity

#### Hyndburn Development Management Development Plan Document (DMDPD)

Policy GC1 Presumption in favour of Sustainable Development  
Policy DM8 Public Houses  
Policy DM20 Flood Risk Management and Water Resources  
Policy DM26 Design Quality and Materials  
Policy DM29 Environmental Amenity  
Policy DM31 Waste Management in all new development  
Policy DM32 Sustainable Transport, Traffic and Highway Safety  
Policy DM33 Sustainable Transport Infrastructure

#### Material Considerations

National Planning Policy Framework  
National Planning Policy Guidance  
DMDPD GN3 Materials and colour  
DMDPD GN7 Waste Management  
DMDPD GN8 Car Parking, access standards and transport assessment/travel plan thresholds

### **Observations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Hyndburn comprises of Core Strategy (2012), Development Management DPD (2018), the Accrington Area Action Plan.

The main issues raised by this application relate to the principle of development; design and appearance; impact on residential amenity; highway safety, access and parking; and flood risk and drainage. Each of these issues will be considered in turn.

1. Principle of Development

1.1. The application site has no site-specific designation within the Development Plan which would restrict the proposed use, and it does fall within the urban boundary.

1.2. Policy BD1 of the CS sets out the development strategy in the Borough stating at section a) that:

*'the existing settlement pattern and hierarchy of centres will be maintained and supported by concentrating development within the urban areas and in centres of a scale and type appropriate to their role. Accrington and its townships will accommodate the majority of new development. Modest growth is proposed in Great Harwood, and Rishton would develop in a manner consistent with its size and function. Development that is appropriate to the scale and role of the townships will be supported to help sustain these areas and the services they provide to their communities.'*

1.3. The site falls within Accrington and its townships (Oswaldtwistle) which should accommodate the majority of new development as per Policy BD1. Policy A3 of the CS also states that Oswaldtwistle *'will be developed for a range of facilities to support their local communities.'*

1.4. The application seeks a change of use from a public house to an adults day centre. The proposal will lead to the loss of the public house at the site and therefore Policy DM8 (Public Houses) of the DMDPD applies.

1.5. Policy DM8 states;

*'1. Proposals for the loss of a public house through demolition, or change of use to any other use class, will only be supported if an applicant can demonstrate that:*

- a. the public house has been marketed as a public house, at market rate, for a consistent period of 12 months; and*
- b. the loss of the pub will not result in a shortfall of local pub provision in the area; or*
- c. the public house is no longer economically viable;*

*2. In all circumstances the proposed development should not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscape (and is in line with Policy DM22: Heritage Assets).'*

- 1.6. The applicant has stated that the public house has been marketed since at least 2019. Evidence of the marketing undertaken has been provided which includes detailed marketing information about the property during the periods of 04/09/2019 – 05/10/2020 and 16/04/2021 – 02/03/2022. The property was marketed by an established estate agent who specialises in the licensed & leisure property sector. The property was originally marketed at £585,000, before being reduced steadily to £460,000 by 02/03/2022. Despite this, the marketing information outlines no formal offers were made on the property.
- 1.7. Subsequently, the premises was then marketed from 27/07/2023 – 11/03/2025 by a RICS registered commercial agent. The marketing information provided shows that the property was originally listed for 'offers around £425,000' before being reduced to 'offers around £395,000'.
- 1.8. From 11/03/2025 onwards, before ultimately being sold, the property had been marketed by an estate agency specialising in the sale of businesses including hotels, pubs and restaurants. The marketing information details that the listed price for the property was based on comparable public house sales in the area which have sold for values between £353,000 - £600,000.
- 1.9. Within the last 12 months, the estate agent has confirmed that details of the property were shared with 10,765 parties with only 309 parties viewing the details. Subsequently only two offers were made for the property (one of which relates to this application and was accepted) – the other offer sought to use the property for retail (ground floor) with residential (first floor). This offer was ultimately refused as the offered amount was less than the accepted offer according to the estate agent.
- 1.10. Reviewing the particulars linked to the above marketing, it is clear that the property has been marketed primarily for use as a pub/ restaurant. The evidence outlines that the property has been marketed free of tie; but no firm interest has been received by the owner for retention of the pub, this is also evident by the history of the site being marketed since 2020 in some capacity. The price has been set at a value which is considered reasonable and has taken into account the history of public house sales within the vicinity. Further to this, the property has also been reduced numerous times with no firm interest shown by any potential buyers showing a pro-active approach to generating offers/ interest.
- 1.11. Based on the evidence provided, officers are satisfied that Policy DM8 (1(a)) has been sufficiently addressed. The information provided outlines that the public house has been marketed consistently for 12 months (and more) at what could be considered a fair market value.

1.12. In regards to local pub provision, Policy DM8 explains;

*‘the Council considers a ‘shortfall’ of provision to be where no other facility is available within a reasonable walking distance (10 minutes or approximately 800m, however this will depend upon local circumstances)’*

1.13. Within a 10-minute walking distance of the application site the following public houses have been identified:

- The Heys Inn (52 Stone Bridge Lane, Oswaldtwistle, BB5 3BW) circa 10 minutes away (0.6km);
- The Stop & Rest Inn (25 Fielding Ln, Oswaldtwistle, Accrington BB5 3BE) circa 5 minutes walk away (0.26km)

1.14. Based on the above, it is clear the local pub provision would not be significantly affected as alternative provision is available within walking distance. It is considered the proposal would comply with Policy DM8 (1(b)) in this respect.

1.15. With regard to the detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscape – no external changes are proposed and therefore the proposal will comply with this element of Policy DM8 (2).

1.16. Overall, the application site is located in a sustainable location, has no policy restrictions which limit the type of development proposed and broadly accords with the development strategy set out within the CS Policy BD1 and A3. The loss of the pub is considered to be in compliance with the criteria set out within Policy DM8. Therefore, the principle of development is considered acceptable in this instance.

## 2. Design and Visual Appearance

2.1. Policy Env6 of the Core Strategy seeks to conserve and enhance the quality of Hyndburn’s urban and rural environment through the application of high-quality design. Policy DM26 is concerned with design quality and materials and sets out a variety of criteria that should be taken into consideration when assessing planning applications.

2.2. There are no external changes proposed under this application. The loss of the existing use would not significantly harm the character of the area. Therefore, the proposal accords with Policies ENV6 of the CS and Policy DM26 of the DMDPD.

## 3. Impact upon Residential Amenity

3.1. Policy DM29 (Environmental Amenity) of the DMDPD states that development will be required to protect, and where possible to improve, the amenity of surrounding areas

for existing and future residents. The Council will require that new development: a. does not result in the loss of privacy or unacceptable increase in the sense of enclosure; b. does not result in the unacceptable loss of outlook; c. benefits from adequate level of daylight and sunlight; and d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development.

- 3.2. Policy Env7 of the CS requires that proposals for new development will be permitted only if it is demonstrated that the material impact arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisance will not give risk to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards.
- 3.3. No external changes are proposed to the fabric of the building and therefore there is little scope for increased impact on the privacy of neighbouring uses above and beyond the existing situation. No windows are present to the rear elevation at first floor ensuring privacy for the properties to the rear on High Street (and their gardens) is protected.
- 3.4. The lack of physical changes also ensures the exposure to light for neighbouring uses is not impacted unduly when compared to the existing arrangement.
- 3.5. It is also considered that the change of use would not significantly increase the noise output of the premises over and above the existing public house use. The proposed day centre will also operate from 8am to 6pm which is a reduction on the consented (under application 11/12/0079) operating hours of the public house which can operate until 01:00am on most days. This should result in a less intensive use and should in practice lead to less noise at the premises overall.
- 3.6. Overall, it is not considered that the proposed development would result in any detrimental harm to the residential amenity of neighbouring occupants and the proposal would accord with the requirements of CS Policy Env7 and DMDPD Policy DM29.

#### 4. Highway Safety, Traffic and Parking

- 4.1. Policy DM32 sets out that all development proposals will be required to actively encourage sustainable travel in line with Policy DM33: Sustainable Transport Infrastructure, and by prioritising the needs of sustainable transport modes in accordance with the following street user hierarchy: a. pedestrians; b. cyclists; c. public transport users; d. special vehicle service (including taxi's, deliveries and servicing needs); and e. other motorised transport.

- 4.2. The application site will retain the existing access points and parking provision. LCC Highways have identified a parking requirement of 6 spaces plus drop off spaces for staff and adults using the site. The existing car park has 13 marked out bays which is considered sufficient by the highway authority.
- 4.3. LCC Highways initially raised concern with the development due to the proposed ramp to the front elevation on Broadfield. The consultee noted that this will result in vehicles stopping on Broadfield close to the mini-roundabout junction with High Street to drop off adults which would result in potential highway safety issues.
- 4.4. The proposal has been revised following the initial comments with the proposed ramp now removed and wheelchair access limited to the first-floor entrance at the associated car park. An internal lift has been provided to allow ground floor access for wheelchair users too.
- 4.5. Subsequently, LCC Highways have raised no objection to the proposed development noting that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- 4.6. The proposals are in general accordance with Policies DM32 and DM33 of the Development Management DPD.

## 5. Flood Risk and Drainage

- 5.1. The proposal will utilise existing drainage system at the public house and therefore will not see any changes in this regard.
- 5.2. The site falls within the Flood Zone 1 and is not considered to be at a high risk of flooding nor is it expected to increase flooding nearby. Likewise, the site is not expected to be at an increased risk of flooding in the future (2070 to 2125). Therefore, the proposals comply with Policy ENV4 of the CS and Policy DM20 of the DMDPD insofar as they seek to meet the challenge of climate change and flooding.

## 6. Planning Balance and Conclusions

- 7.1. The application seeks a change of use from public house to an adults day centre for adults with learning and physical disabilities.
- 7.2. The proposed development would lead to the loss of the existing public house. However, in line with Policy DM8, it has been demonstrated that the public house has been marketed for over 12 months consistently unsuccessfully prior to its sale, and

alternative local pub provision is available. Therefore, alternative uses are considered acceptable in this instance.

- 7.3. The site is located within the urban boundary and no site-specific designation within the Development Plan which would restrict the proposed use has been identified. The site is located within a sustainable location and is within an area outlined for development and growth within the development strategy set out in the CS Policy BD1.
- 7.4. No detrimental impact has been identified to highway safety, residential amenity and the visual appearance of the surrounding area. This is reflected in the lack of consultee objections.
- 7.5. On this basis, the application is recommended to be approved subject to the conditions below.

**Recommendation:**

That planning permission is granted subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans:

Location Plan (Unreferenced) received 26<sup>th</sup> November 2025; and  
Proposed (Layout) (Dwg no. PLOUGH-03-20 Amendment 1A) received 13<sup>th</sup> January 2026;  
Proposed (Elevations) (Dwg no. PLOUGH-04-20 Amendment 1A) received 13<sup>th</sup> January 2026;  
Proposed (Parking) (Dwg no. PLOUGH-05-20 Amendment 1A) received 13<sup>th</sup> January 2026.

Reason: In the interests of proper planning.

3. Site preparation and construction phase times of operation: Construction deliveries to and from the site, and construction works, are restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and will not take place on Sundays and bank holidays, unless otherwise prior agreed in writing with the local planning authority.

All works will be undertaken in accordance with BS5228:2009

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

4. Prior to first use hereby permitted the car park shall be marked out in accordance with the approved plan.

Reason: In the interest of highway safety and to ensure adequate parking is available within the site and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

5. The use hereby permitted shall not be open to clients except between the hours of 0800 and 1800 on Mondays to Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

6. The premises shall only be used for adult day centre and for no other purpose including any other purposes in Class E 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).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

### Informative Notes:

1. Positive and Proactive Planning Statement

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

2. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

3. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

4. Coal Authority – Low Risk

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk) Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

5. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

**List of Background Papers**

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0485&guid=355cfbc6-0f43-412d-b32b-a2adc5ded551>

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<b>HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT</b>	
<b>APPLICATION REF:</b>	<b>11/25/0504</b>
<b>APPLICATION ADDRESS:</b>	<b>58 Station Road, Rishton, BB1 4HF</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Householder: Erection of first floor rear extension and single storey side and rear extension.</b>
<b>DATE REPORT WRITTEN:</b>	<b>30<sup>th</sup> January 2026</b>

### **Description of the Site and the Proposed Development**

The application site relates to end of terrace dwelling 58 Station Road, Rishton. The proposal would involve the erection of a 2.3-meter extension to the first floor, which would extend to be coterminous with the length of the ground-floor (excluding the attached garage).

The existing garage and conservatory would be converted into a united garage, slightly increasing the height from 2.4 metres to 3 metres and maintaining a flat roof design. The proposed materials of render and mixed stone would be in keeping of the existing elevations of the original dwelling, which incorporate a mixed stone design. Similarly, the Welsh tiles of the existing dwelling would be used in the proposed matching pitched roof of the first-floor extension.

### **Consultation Responses/Representations**

Hyndburn Borough Council (HBC) Environmental Health- No responses.

Sports England- No responses.

### **Neighbour Consultations**

There have been 10 objections to this application. The objections consist of concerns over the impact on parking arrangements on Station Road as well as how this will affect busy times impacted by the local school and nearby Rishton cricket club. Furthermore, issues over the materials and scale of the design and the impact this may have on the terraced row that the application property resides. The impact on the amenity of nearby residents has also been noted, with the risk of loss of light and privacy to those nearby. Other matter such as loss of property value and possible change of usage have also been pointed out, however these will not be considered as material considerations due to property values being a private matter and the potential use as a HMO considered as another application.

### **Relevant Planning History**

There is no relevant planning history.

### **Relevant Policies**

Hyndburn Core Strategy (CS)

Policy Env6 High Quality Design

Policy Env7 Environmental Amenity

Hyndburn Development Management Development Plan Document (DMDPD)

Policy DM10 New Residential Development

Policy DM26 Design Quality and Materials

Policy DM29 Environmental Amenity

Policy DM31 Waste Management in all new development

Policy DM32 Sustainable Transport, Traffic and Highway Safety

### **Material Considerations**

Hyndburn Householder Design Guide Supplementary Planning Document (SPD)

National Planning Policy Framework

National Planning Policy Guidance

DMDPD GN3 Materials and colour

DMDPD GN7 Waste Management

DMDPD GN8 Car Parking, access standards and transport assessment/travel plan thresholds

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (the Emerging LP) has been subject to public hearings, and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract moderate weight. However, as the relevant policies would not significantly alter the policy background, they have not been referred to in this report.

### **Observations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Hyndburn include the Core Strategy (2012) and Development Management DPD (2018).

1. Impact on the Character and Appearance of the Area

- 1.1. The proposed development would utilise much of the already existing space of the original dwelling. The current garage and conservatory, with a small bathroom, would be converted into a united garage and utility room. This conversion would include an increase of 0.6 meters and maintain a flat roof design, which is incorporated in all of the rear elements of the properties on Station Road. Flat roof elements are confined to less prominent elevations, as such, they do not detract from the visual quality of the street scene.
- 1.2. The enlargement of the dwelling would take place on the first floor of the property, with the rear bedroom extending by 2.3 meters. This is considered to be in keeping with the original dwelling as the proposed extensions would be sited to the side and rear of the existing dwelling and would not result in an over dominant or visually intrusive form of development when viewed from the local street scene. The scale, massing and proportions of the proposed extensions are subordinate to the host property ensuring that the host dwelling remains visually legible.
- 1.3. The first-floor extension extends to match the length of the ground-floor extension, creating a coherent and balanced form that avoids awkward roof junctions or incongruous elevations. The use of matching stone, together with complementary render, ensures the development integrates well with the existing building and reflects the established character of the area. Additionally, the pitched roof to the first-floor extension, matching the existing dwelling, ensures visual continuity and reinforces the extension as a subordinate and sympathetic addition. It is also noted that other end of terrace properties in the vicinity incorporate designs where the first-floor element extends to the same depth as the ground floor, establishing a local precedent for this form of development.
- 1.4. While it is acknowledged that none of the immediately neighbouring properties have extended to the same extent, the rear of the terrace is characterised by an eclectic mix of single and double storey rear projections, resulting in an informal and varied rear building line. As such, there is no consistent pattern that would be undermined by the proposal.

1.5. In conclusion, due to the materials and the design of the proposed extension, this application does not provide any negative impacts on the character and appearance of the area. It complies with Policy ENV6 of the CS and Policy DM26 of the DMDPD insofar as they seek to achieve well-designed places.

## 2. Impact on the Living Conditions of Nearby Occupants

2.1. The proposed development would result in significant and unacceptable harm to neighbouring residential amenity, specifically in respect of loss of light and an overbearing impact to the neighbouring property at 56 Station Road.

2.2. While the drawings demonstrate that the existing outlook from the neighbouring property already intersects the host dwelling when assessed against the 45-degree guideline, this does not justify a further encroachment. In this instance, the proposed extension would materially worsen the existing situation by increasing the length of the built form within the neighbours established outlook. This would exacerbate the current degree of enclosure, leading to a demonstrable increase in the overbearing effect on a further reduction in perceived openness and daylight to neighbouring habitable rooms/rear yard space.

2.3. Policy DM29 of the DMDPD states that development will not be permitted where it results in an unacceptable loss of amenity to nearby occupiers, including through loss of light or an overbearing impact. The proposal, by virtue of its siting and scale, fails to safeguard these amenity considerations and would therefore conflict with this policy.

2.4. In conclusion, the proposal would lead to a deterioration in the living conditions of neighbouring occupiers, through both reduced natural light and an increased sense of enclosure. As such, the development conflicts with Policy DM29 of the DMDPD and Policy ENV7 of the CS insofar that it seeks to achieve environmental amenity for all.

## 3. Impact on Highways and Parking Provision

3.1. The proposed development is not considered to result in any adverse impact on highway safety or parking provision. The development would not increase the number of bedrooms within the dwelling and, as such, would not lead to an increase in vehicular movements or parking demand beyond the existing situation.

3.2. Existing off-street parking would be retained as part of the proposal, with the garage maintained and remaining fully functional. Adequate space for parking and manoeuvring will continue to be available within the site.

- 3.3. Given that there are no intensification of use and no loss of parking facilities, the proposal is considered to be acceptable in highway terms. The development would not prejudice highway safety, impede pedestrian or vehicular movement, or result in on-street parking stress, and therefore complies with Policy DM32 of the DMDPD.

### **Conclusion**

In conclusion, the proposal would have an acceptable impact on the character and appearance of the area and parking provision. However, the scale and form of the extension would result in harm to the residential amenity of neighbouring occupants.

For these reasons, the proposal is considered to conflict with the policies of the Core Strategy, the Development Management DPD, the emerging Local Plan and the National Planning Policy Framework. Accordingly, the application should be refused.

### **Recommendation:**

Refuse for the following reasons:

1. The proposed development, by virtue of its scale, mass and proximity, would result in a loss of light and have an enclosing and overbearing impact on the adjoining property. This would be detrimental to the residential amenity of the neighbouring occupants and would be contrary to Policy ENV7 of the Hyndburn Core Strategy, Policy DM29 of the Hyndburn Development Management Development Plan Document, Policy SP20 of the emerging Hyndburn 2040 Local Plan (Strategic Policies and Site Allocations) and the National Planning Policy Framework.

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<b>HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT</b>	
<b>APPLICATION REF:</b>	<b>11/25/0431</b>
<b>APPLICATION ADDRESS:</b>	<b>4 James Avenue, Great Harwood, Lancashire BB6 7ND</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Full: Change of use from a dwelling (Class C3(a)) to Class C2 use, for the care of one child supported by two carers</b>
<b>DATE REPORT WRITTEN:</b>	<b>02 February 2026</b>

### **Description of the Site and the Proposed Development**

This application relates to No.4 James Avenue, a semi-detached dwelling situated on the east side of James Avenue, immediately adjacent to the junction of Wordsworth Drive and James Avenue. It is attached to No.2 James Avenue, but is situated at a lower ground level, with the ridge/eaves being notably lower than that of No.2. Internally, No.4 James Avenue contains a living room and kitchen/diner at the ground floor, three bedrooms and a bathroom at the first-floor level. Externally, there are gardens to the front and rear of the property, and space to the side of the property, which can accommodate 2 vehicles.

No.4 James Avenue forms part of a modern housing estate on the south side of Wordsworth Drive developed in the late 1990s, with other similarly designed semi-detached dwellings at James Avenue in its close proximity.

With regard to the immediate context, No.4 James Avenue is situated within walking distance from Great Harwood Town Centre (approximately 480m). The nearest bus stops are located adjacent to the junction of Wordworth Drive/James Avenue, serviced by No. 7 and No. 868 buses providing connecting between Accrington and Blackburn via Great Harwood.

This proposal is for the change of use of the existing dwelling to a residence providing care for one child. According to the information submitted with this application, care will be provided by two carers who will be present in the home on a rolling basis.

### **Consultation Responses/Representations**

**Public Consultation:** Neighbour notification letters have been sent and a site notice posted adjacent to the application site. The Local Planning Authority have received one objection to the application. The comments are summarised as follows:

- The proposed change from a family dwelling to a care facility represents material intensification of use. The presence of rotating professional carers (working in shifts)

and the administrative aspects associated with C2 use will introduce a quasi-institutional character not in keeping with the surrounding residential environment.

- The nature of shift work, including carers arriving/leaving at various hours, is likely to result in comings and goings, vehicle movements, and associated noise – particularly outside normal residential hours. This would adversely affect the neighbouring residents' peace and enjoyment of their homes. Although the planning statement stated that there is parking on the drive to the side of the property, however the access is limited and in real time the drive is not used.
- There is likely to be a greater demand for parking spaces arising from multiple staff members, visiting professionals and possibly social workers. The existing residential street is often fully parked, and any additional vehicles would exacerbate congestion and highway safety issues, particularly if parking restrictions or limited off-street space already exist.
- C2 uses are typically better suited to locations with purpose-built facilities and easy access to support services. The proposed site does not appear to have necessary space, layout or facilities to operate safely and effectively as a small care home.
- Granting permission for this change of use may set an undesirable precedent, encouraging similar conversion of family homes in the area, which could cumulatively alter the residential character and community balance.
- The proposal appears to conflict with local planning policies that seek to protect character of established residential neighbourhoods and ensure that new development is compatible with their surroundings.

Lancashire County Council (LCC) Children's Services: Objection to the application for the reasons as follows:

- As is clearly set out in our Market Position Statement (attached), Lancashire County Council has the highest number of Ofsted registered children's homes in its area than any other local authority in England. There are now five times as many children's home beds in Lancashire than is needed locally. Currently only 14% of children's home beds in Lancashire are being used by Lancashire's children.
- Whilst the written ministerial statement relating to children's home planning (May 2023) states that the planning system should not be a barrier to providing homes for children in care, it clearly states that stable, loving homes should be provided close to children's communities and it is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love. It is of great concern to Lancashire Children's Services that 70% of children's homes in Lancashire do not have a Lancashire child living there, as

children from other local authorities are living there, sometimes at a great distance from their homes. Lancashire County Council's Children's Services feels strongly that careful consideration should be given to the opening of further children's homes in Lancashire. They need to be the right kind of homes, which will care for the right kind of children, opened by the right kind of providers who will care for Lancashire children, at a fair cost.

- Not only is it not acceptable from a child's perspective to live a long way from home, having so many additional children in our area is having a significant impact on local resources such as health, schools and police. In addition, having such a large number of children's homes in our area does make it very challenging for new and existing providers to recruit good quality, suitably trained staff, especially children's home managers. If new homes continue to open at the rate they are doing, there are concerns that this will have a negative impact on the quality of homes in Lancashire and the cost to the taxpayer, as providers look to pay higher wages to attract, recruit and retain staff in an area where competition for staff is so high.
- As supported by the Ministerial Statement (May 2023), new homes should meet a local gap in provision and providers should discuss their plans with local planners and commissioners to ascertain whether their proposed home is needed in the locality and the likelihood that it would be used to care for local children. I can confirm that this provider has not discussed their plans for this home with Lancashire Children's Services. The proposed home is a solo home and as is clearly set out in the attached Market Position Statement this is not a home that is an identified local gap in provision. In addition, the provider of this proposed home already operates several other homes in Lancashire and has never once cared for a Lancashire child. Allowing more agency children's homes in Lancashire to open is not the solution to addressing identified gaps in local provision, as their use for Lancashire children or the right kind of children is not guaranteed. There are already too many agency children's homes in Lancashire that are not caring for Lancashire children, and we do not need any more homes that do this. This home if permitted will become yet another home in our area that is not caring for Lancashire children.
- Having too many children's homes close together can have an impact on the effective running of both new and existing homes. Whether there are other children's homes in close proximity is something that Lancashire County Council and other children's home providers take into account when looking to develop a new children's home. Having too many children's homes in a particular area is also something that should be considered from a local community perspective. I wish to advise that there are currently 2 Ofsted registered children's homes within a mile of this proposed home, one 0.27 miles away and one 0.38 miles away.

LCC Highways: With ref. Supporting Statement (4.3 Highways) and Travel and Parking Management Statement submitted, the highway authority is of the opinion that the proposed development will not have significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Therefore, no highway concerns and no highway objection.

### **Relevant Planning History**

N/A

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

Policy H1 Housing Provision  
Policy DM10 New Residential Development  
Policy Env6 High Quality Design  
Policy Env7 Environmental Amenity  
Policy T1 Improving Connectivity

#### Hyndburn Development Management Development Plan Document (DMDPD)

Policy DM26 Design Quality and Materials  
Policy DM29 Environmental Amenity  
Policy DM32 Sustainable Transport, Traffic Management and Highway Safety (including GN8: Car Parking Standards)

#### Hyndburn Children's Residential & Supported Accommodations Supplementary Planning Guidance (SPG) (Children's Home SPG)

The Council's Children's Residential & Supported Accommodation SPG was published by the Council in June 2025, following a six week public consultation (between Friday 21 March and Friday 2 May 2025) and the subsequent approval of the Council's Cabinet meeting.

This SPG document was produced in response to the sharp increase in numbers of children's homes in the Borough since 2022, and the associated increase in the number of applications for planning permission and lawful development certificate (as proposed).

It is acknowledged that the SPG document is a non-statutory guidance. The SPG may still be taken into account as a material consideration in determining planning applications particularly if it relates to matters set out in the NPPF. The weight of the SPG in the decision-making process increases if it has been prepared in consultation with the public and has been the subject of a Council Resolution. In this instance, officers are of the opinion that the children's home SPG relates to paragraph 63 of the NPPF. It has been approved by Cabinet and with a six-week public consultation within the Borough.

## Hyndburn Local Plan 2040 (Emerging Local Plan)

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (the Emerging LP) has been subject to public hearings, and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract moderate weight.

### Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Hyndburn Borough Council Parking and Access Standards (2010)

### Observations

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2). NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and creative way (paragraph 39).

NPPF (paragraph 61) says it is important that [...] the needs of groups with specific housing requirements are addressed; and that (paragraph 63) the size, type and tenure of housing needed for different groups in the community, including housing for looked-after children, should be assessed and reflected in planning policies.

The development plan sets out general policies regarding character, appearance and residential amenity. Additionally, the Council has prepared and published a Supplementary Planning Guidance for Children's Home SPD in June 2025 to provide guidance on applications for children's homes. The SPG is a material consideration. It makes the following guidance for new proposals:

- i. Development Principle – meeting the needs of local communities
- ii. Site specific considerations
- iii. The application property is suitable for the number of children and carers proposed
- iv. There is sufficient off-street car parking for carers and visitors and that the development will not impact on highway safety
- v. The development will not result in a concentration or cluster of children's care home in that area

### Considerations

1. Principle of development

- 1.1. The application proposes the change of use of a semi-detached dwelling to a care home for one child (with 2 carers). The property is set in a large established residential estate composed of similar detached /semi-detached dwelling houses.
- 1.2. Paragraph 63 of the NPPF requires that the size, type and tenure of housing needed for different groups in the community (including looked after children) should be assessed and reflected in planning policies. Footnote 26 of the NPPF suggests that evidence of need for looked after children can be found in the relevant Local Authority's Children's Social Care Sufficiency Strategy.
- 1.3. In recent years, Hyndburn has experienced significant growth of children's homes operated by agency providers, which has resulted in many children being moved to the Borough from their home communities. The Council has witnessed a steady increase since 2020 in the number of planning applications and applications for certificates of lawful development for the change of use of dwellings to children's care homes.
- 1.4. According to the consultation response provided by LCC Children's Services, there is limited demand for such type of provision, and for the small number of Lancashire children who do require a solo home, there is already sufficient provision in our local area to meet this demand.
- 1.5. The NPPF seeks to ensure that the needs of groups with specific housing requirements should be addressed, but that the overall aims should be to meet an area's identified housing needs. In this context, the applicant has not convincingly demonstrated there is an identified local need for the type of accommodation proposed.
- 1.6. Furthermore, at the time when this planning application is considered, the Council is unable to demonstrate a five-year housing land supply and the proposed development would result in the loss of a market dwelling. Whilst this proposal relates only to a single dwelling, there is an increasing cumulative impact of the loss of market dwellings through the change of use that must be taken into account, particularly considering the Council's housing land supply position. This weighs against the proposed development.
- 1.7. There is also no evidence to suggest that the proposed development would help meet the care needs of local communities. The proposed development therefore fails to comply with Policy 1 of the Children's Home SPG.

## 2. Site-Specific Assessment

2.1. To ensure the proposed children's homes are being appropriately located and are not resulting in undue harm at the local level, Policy 2 (Site Specific Requirements for Care Homes) of the Children's Home SPG sets out four criteria and states that such proposals would not be supported unless all criteria are satisfied.

### i. General location

The application site is located within an established residential area within the defined settlement boundary of Hyndburn Borough. There are no identified environmental and planning policy constraints associated with this site to prohibit the provision of a children's home in such location.

### ii. Suitability of the application property for the number of children (with carers) proposed.

No.4 James Avenue is a semi-detached dwelling located adjacent to the junction of Wordsworth Drive/James Avenue. The neighbouring properties at James Avenue are predominately semi-detached residential dwellings with off-street parking provision. That said, during the officer's site visit, on-street parking is clearly evidenced at James Avenue before PM rush hour. In this instance, no changes are proposed to the external scale and appearance of the building. There may, however, be minor additions in the nature of alarms, door keypads and the like, which would have little, if any, impact on the visual character of the building.

This application proposes the change of use of this semi-detached three-bed dwelling to a care home for one child (with two carers present at any one time). Given the scale of the existing dwelling, officers are of the opinion that the proposed development complies with the criterion ii of Policy 2 of the Children's Home SPG.

### iii. Parking provision and highway safety

There is currently two off-street parking spaces provided on the driveway to the side of No.4 James Avenue. The proposed development does not involve any alterations to the external arrangement/parking layout of the site.

In the consultation response, the County Highway Officer note that with reference to the Transport and Parking Statement submitted with this application, the proposed development will not have significant impact on highway safety, capacity or amenity in the vicinity of the site. Therefore, no objection is raised in respect of parking provision and highway impact.

iv. Whether the proposal would result in concentration or cluster of children's care home in the area

According to the consultation response provided by LCC Children's Services, there are currently 2 Ofsted registered children's homes within a mile of this proposed home, one 0.27 mile (approx. 430m) away and one 0.38 miles (approx. 610m) away from the proposed home.

The supporting text of Policy 2 (Paragraph 6.18 and 6.19) of the Children's Home SPG particularly notes that it is important that groups of two or more children's care homes do not have a cumulative adverse impact on a residential area, and new care home should not be closer than 400m from an existing children's care home. As such, the proposal would comply with Policy 2 iv of the Children's Home SPG.

2.2. In conclusion, it is considered that the proposed development would comply with Policy 2 of the Children's Home SPG.

3. Residential Amenity Impact

3.1. Hyndburn Core Strategy Policy Env7 and DMDPD Policy DM29, taken together, require that development protects the amenity of neighbouring residents.

3.2. In this instance, the proposed children's home would provide accommodation for one child, to be cared for by staff (two per shift) on rota. The Planning Statement accompanying this application suggests that *'the property will function as a home, not a facility. It will not generate noise, activity, or comings and goings beyond what would be expected in a typical family dwelling.'* This is an understandable and achievable aspiration. Officers do not dispute that the building itself, would likely continue to have a character consistent with that of a dwellinghouse, and is unlikely to result in undue amenity impact by virtue of overlooking, overshadowing, or loss of privacy of the dwellinghouses within its immediate vicinity.

3.3. Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staff workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home. Being the only children's home within this residential context, with no other similarly facilities within 400 radius from the application site, a proposed children's home for the care of only one child is not expected result in an unacceptable impact on the amenity or the residential character of the neighbouring area.

4. Other Considerations

- 4.1. It should be highlighted that the LPA received two recent appeal decisions in November 2025 for proposals of a similar nature made by the same applicant:
- APP/R2330/W/25/3372957 - 30 Bluebell Way, Huncoat
  - APP/R2330/W/25/3372952 - 30 Epping Avenue, Accrington
- 4.2. Both appeals were allowed with little weight afforded by the Inspector to the Children's Residential & Supported Accommodation SPG. Those appeal decisions, according to Section 70(2) of Town and Country Planning Act 1990, should be taken as a material consideration to be weighed in the overall planning balance.
- 4.3. Officers consider that some weight should be afforded to the SPG document in the decision-making process, but any conflict with the SPG must be weighed in the planning balance.

### **Planning Balance and Conclusion**

In conclusion, providing accommodation and care for looked-after children is worthy and necessary. Taking into account the characteristics of the application site and the scale and intensity of the proposed use, the proposed development is considered to be acceptable and in accordance with Policy 2 of the Children's Home SPG.

According to the comments of LCC Children's Services, there is no evidence to demonstrate that the proposed care home for one child would meet the need for Lancashire children, and the proposed development would place additional demands on public services. However, in allowing the appeal in relation to 30 Bluebell Way the Inspector noted, *"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"*.

The proposed development would also result in the loss of a market dwelling at a time when the Council is unable to demonstrate a five-year housing land supply.

However, in this particular case it is not considered that the identified harm would be sufficient to warrant refusal of the planning application, particularly when taking into account recent appeal decisions for similar development elsewhere in the borough. Accordingly, it is recommended that planning permission be granted.

### **Recommendation**

That the application be Granted subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permission and to comply with Section 91 (as amended) of the Town and County Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

(a) Planning application forms and location plan received by Hyndburn Borough Council on 17<sup>th</sup> October 2025

(b) Submitted plans, namely:

001 – Location Plan

100- Existing Plans and Elevations

300 – Proposed Plans and Elevations

25-058 – Transport and Parking Statement

25-058-460 – Supporting Statement

Reason: For the avoidance of double and to enable Hyndburn Borough Council to control the development and to minimise its amenity impact.

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).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for more intensive use or uses within those Use Classes in accordance with the development plan, including Policy Env6, Env7 and T1 of the Hyndburn Core Strategy, and Policy DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

<b>HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT</b>	
<b>APPLICATION REF:</b>	<b>11/25/0400</b>
<b>APPLICATION ADDRESS:</b>	<b>4 Sefton Close, Clayton-le-Moors, Lancashire BB5 5WS</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Full: Change of use from a dwelling (Class C3) to a residential care home (Class C2) consisting of 3 children and 1 sleep in staff number</b>
<b>DATE REPORT WRITTEN:</b>	<b>02 February 2026</b>

### **Description of the Site and the Proposed Development**

This application relates to No.4 Sefton Close, a detached dwelling situated on the west side Burnley Road, within a cul-de-sac setting of Sefton Close. The property is bounded by residential curtilage of the neighbouring properties to the north and west, a pedestrian footpath providing connection between Sefton Close and Burnley Road to the south, and a row of mature hedge along the footway along Burnley Road to the east. Sefton Close is a small residential estate, accessed via Clayton Way and Higher Firs Drive. Properties at Sefton Close enjoy off-street parking. The designated on-site parking to No. 4 Sefton Close is gained via a gated access adjoining that of No. 2 Sefton Close.

As shown on the floor plans accompanying this application, the existing property comprises an entrance hall; two reception rooms; a dining room; a kitchen, utility room; a downstairs WC, four bedrooms of varying size; one of these bedrooms consists of an en-suite and a separate shared bathroom. The rear of the property has a south facing garden with the front of the property providing a driveway which the applicant states can accommodate up to 6 cars. Although the submitted planning statement suggests that the property has an integral garage, but it has already been converted into a reception room/bedroom 5 (as shown in the floor plans).

No.4 Sefton forms part of a modern housing estate situated on land between Burnley Road and the Leeds-Liverpool canal developed in the late 1990s, with other similarly designed detached and semi-detached dwellings at Higher Firs Drive in its close proximity.

This proposal is for the change of use No.4 Sefton Close to a care home for three vulnerable children aged between 8 and 17 years of age and who present social, emotional, and behavioural difficulties. The property is expected to provide support for young people who have a range of complex individual needs, providing emergency medium- and long-term placements. According to the information submitted with this application, care will be provided by two carers at night & three full time staff throughout the day on a rolling basis.

## **Consultation Responses/Representations**

**Public Consultation:** Site notice posted on 13th and 20th October near the application site. Please note that the 20th October site notices were erected following the receipt of complaints from local residents on the removal of initial site notices. Neighbour notification letters have also been sent and a site notice posted adjacent to the application site. The Local Planning Authority have received 111 objections to the application. The comments are summaries as follows:

- Adverse impact to the neighbouring amenity due to: frequent staff movements across multiple shift (day and night); increased vehicle activity including staff, social workers, deliveries, and emergency services; heightened noise and disturbance beyond normal household levels; loss of privacy and tranquillity for neighbouring properties.
- The application states the property has a double garage, but this has already been converted into a downstairs room. This misrepresentation materially affects: calculation of parking provision, assessment of intensification, consideration of amenity space, compliance with SPG requirements.
- The applicant has not demonstrated an identified local need for the children homes.
- Place three children plus rotating staff in a four-bed properties constitutes over-intensification use of the property. The loss of garage further reduces internal amenity spaces.
- Without double garage, parking provision is significantly reduced. This would result in on-street parking, congestion and safety risks.
- Potential risk of increasing level of crime and anti-social behaviour.
- The appeal case APP/K2420/X/11/2155849 referred by the applicant in the planning statement was specifically stated to care for children with learning difficulties, not behavioural and emotional difficulties as it laid out in the application 11/25/0400.
- Sefton Close is a small and enclosed section of the Sefton Farm estate, accessible only via Higher Firs Drive. This limited egress makes any additional traffic a significant concern for residents.
- No. 4 Sefton Close is located in a corner of the Close and can only be accessed by driving directly past the driveway of No. 2 Sefton Close. As the property is enclosed by fencing and an electric gate, non-resident vehicles must stop and wait for access approval. This results in vehicles either blocking the driveway of No. 2 or obstructing the highway.

- The driveway at No. 4 cannot realistically accommodate six cars with adequate space for turning or manoeuvring. Vehicles would likely block each other in, forcing multiple reversals and causing obstruction to neighbouring driveways and the highway. Visitors would likely park on the road instead, further reducing accessibility for residents and emergency vehicles.
- Children from Sefton Close and the wider Sefton Farm estate regularly play on the grassed areas and roads near the egress of No. 4. Residents already take care when driving here, but increased and unfamiliar vehicle movements linked to this proposal would pose a heightened safety risk to these children.
- Normal family homes are managed by parents, not employees. Parents care about their offspring and choose to love, nurture, teach them.
- Residential care homes for vulnerable children cannot be compared to a normal family home. Residential Care home staff are just that, staff. They may cook, clean etc. but when trouble takes place, they do not have the paternal care to manage the situations, they are just staff. The behaviour of the children who are already 'troubled' and living away from anybody they know, is not managed as a family unit is.
- As a result, the ensuing issues caused to the residents of Sefton Close and the Sefton Farm estate, noise, anti-social behaviour, increased crime (national research/documented OFSTED figures) are all in contravention to Planning Policy SP23 as it would result in undue impact, not only on highway safety issues but also on the local amenity and living environment.
- Planning App 11/24/0502 was recently granted approval by appeal (APP/R2330/W/25/3361464) for a property on Burnley Road. In this appeal it is mentioned by the inspector that there are two operational children's homes under one mile away from this site so the addition of another, no more than 63 metres away from this one on Burnley Road. Granting this application by appeal or otherwise is beyond disproportionate and would be in direct contravention of: Supplementary Planning Guidance 2025 Policy 2 iv. 'That the development will not result in a concentration or cluster of children's care homes in that area'.
- Over 50% of Hyndburn Borough's housing stock consists of small, old terraced properties built before 1919 and removing a larger residential family property from the area also contributes to the increasing age demographic in Hyndburn as younger families who need this type of housing cannot access it anymore.

Lancashire County Council (LCC) Children's Services: At the time when this report is written, LCC Children's Services hasn't provided consultation response to the application.

LCC Highways: LCC Highways provided initial comments and requested further information on 25 November 2025. The applicant submitted the following plans and documents on 02<sup>nd</sup> Feb 2026:

- Local Plan with red line boundary extended to the public highway
- Parking layout Plan
- Rolling three week staff rota
- Nurture Nest's comments dated 28<sup>th</sup> Jan 2026 in response to LCC's initial comments

Having reviewed the documents submitted, LCC acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF.

Based on the staff rotas submitted, particularly with the staggered start and end times to shifts, the highway authority considers that sufficient on-site car parking can be provided to prevent staff vehicles from having to park on the surrounding highway network. Vehicles should also be able to enter and leave the site in forward gear.

Subject to two recommended conditions, LCC Highways raise no objection to the proposal.

### **Relevant Planning History**

N/A

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

Policy H1 Housing Provision  
Policy DM10 New Residential Development  
Policy Env6 High Quality Design  
Policy Env7 Environmental Amenity  
Policy T1 Improving Connectivity

#### Hyndburn Development Management Development Plan Document (DMDPD)

Policy DM26 Design Quality and Materials  
Policy DM29 Environmental Amenity  
Policy DM32 Sustainable Transport, Traffic Management and Highway Safety (including GN8: Car Parking Standards)

## Hyndburn Children's Residential & Supported Accommodations Supplementary Planning Guidance (SPG) (Children's Home SPG)

The Council's Children's Residential & Supported Accommodation SPG was published by the Council in June 2025, following a six week public consultation (between Friday 21 March and Friday 2 May 2025) and the subsequent approval of the Council's Cabinet meeting.

This SPG document was produced in response to the sharp increase in numbers of children's homes in the Borough since 2022, and the associated increase in the number of applications for planning permission and lawful development certificate (as proposed).

It is acknowledged that the SPG document is a non-statutory guidance. The SPG may still be taken into account as a material consideration in determining planning applications particularly if it relates to matters set out in the NPPF. The weight of the SPG in the decision-making process increases if it has been prepared in consultation with the public and has been the subject of a Council Resolution. In this instance, officers are of the opinion that the children's home SPG relates to paragraph 63 of the NPPF. It has been approved by Cabinet and with a six-week public consultation within the Borough.

## Hyndburn Local Plan 2040 (Emerging Local Plan)

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (the Emerging LP) has been subject to public hearings and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract moderate weight.

## Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Hyndburn Borough Council Parking and Access Standards (2010)

## Observations

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2). NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and creative way (paragraph 39).

NPPF (paragraph 61) says it is important that [...] the needs of groups with specific housing requirements are addressed; and that (paragraph 63) the size, type and tenure of housing

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

The development plan sets out general policies regarding character, appearance and residential amenity. Additionally, the Council has prepared and published a Supplementary Planning Guidance for Children's Home SPD in June 2025 to provide guidance on applications for children's homes. The SPG is a material consideration. It makes the following guidance for new proposals:

- i. Development Principle – meeting the needs of local communities
- ii. Site specific considerations
- iii. The application property is suitable for the number of children and carers proposed
- iv. There is sufficient off-street car parking for carers and visitors and that the development will not impact on highway safety
- v. The development will not result in a concentration or cluster of children's care home in that area

## **Considerations**

### 1. Principle of development

- 1.1. The application proposes the change of use of a semi-detached dwelling to a care home for three children, with care will be provided by two carers at night and three full time staff throughout the day on a rolling basis. The property is set in a large established residential estate composed of similar detached /semi-detached dwelling houses.
- 1.2. Paragraph 63 of the NPPF particularly requires that the size, type and tenure of housing needed for different groups in the community (including looked after children) should be assessed and reflected in planning policies. Footnote 26 of the NPPF suggests that evidence of need for looked after children can be found in the relevant Local Authority's Children's Social Care Sufficiency Strategy.
- 1.3. In recent years, Hyndburn has experienced significant growth of children's homes operated by agency providers, which has resulted in many children being moved to the Borough from their home communities. The Council has witnessed a steady increase since 2020 in the number of planning applications and applications for certificates of lawful development for the change of use of dwellings to children's care homes.
- 1.4. The NPPF seeks to ensure that the needs of groups with specific housing requirements should be addressed, but that the overall aims should be to meet an area's identified housing needs. In this context, the applicant has not convincingly

demonstrated there is an identified local need for the type of accommodation proposed.

- 1.5. Furthermore, at the time when this planning application is considered, the Council is unable to demonstrate a five-year housing land supply and the proposed development would result in the loss of a market dwelling. Whilst this proposal relates only to a single dwelling, there is an increasing cumulative impact of the loss of market dwellings through the change of use that must be taken into account, particularly considering the Council's housing land supply position. This weighs against the proposed development.

## 2. Site-Specific Assessment

- 2.1. To ensure the proposed children's homes are being appropriately located and not giving rise to any harms at the local level, Policy 2 (Site Specific Requirements for Care Homes) of the Children's Home SPG sets out four criteria and states that such proposals would not be supported unless all four criteria are satisfied. In this section, the proposed development is to be assessed against the criteria contained within Policy 2 of the Hyndburn Residential & Supported Accommodation SPG.

### i. General location

The application site is located within an established residential area within the defined settlement boundary of Hyndburn Borough. There is no identified environmental and planning policy constraints associated with this site to prohibit the provision of a children's home in such location.

### ii. Suitability of the application property for the number of children (with carers) proposed

No.4 Sefton Close is a 4-bed detached dwelling located within an established housing estate between Burnley Road and Leeds and Liverpool Canal. The neighbouring properties at Sefton Close and Higher Firs Drive are predominately detached and semi-detached residential dwellings with off-street parking provision. That said, during the officer's site visit, on-street parking is clearly evidenced at Sefton Close before PM rush hour. In this instance, no changes are proposed to the external scale and appearance of the building.

This proposal is for the change of use of the existing dwelling to a children's care home to accommodate three vulnerable children aged between 8 and 17 years, who have a range of complex individual needs. According to the information submitted with this application, care will be provided by two carers at night and three full time staff throughout the day on a rolling basis.

Although the applicant has provided a 3-week rolling rota with this application to demonstrate that the staff and manager of the care home would have staggered start and end times to shifts, there is little doubt that there would be three staff at the property during the core daytime hours (between 7am and 5pm).

Paragraph 6.13 of the Hyndburn Children's Residential & Supporting Accommodations SPG provides a guideline for the capacity of different types of dwellings to be used as children's care home. For a detached property, it is noted that it can be used to 'accommodate one or two children but depending on their size and location, may be suitable for three children or more, subject to relevant material planning considerations'. It is noted that the above should be used as a guide only, with each application determined on its merits.

Consideration must be afforded to the size of the application dwelling and its associated private garden spaces and parking facilities, as well as the relationship between the application site and its neighbouring dwellings.

It is accepted that the application property could physically meet the operational needs for accommodating 3 children with three staff during the day and 2 staff at night.

The activities associated with the proposed care home would result in an intensified use of the property, which would be different from the activities associated with a large household with three children. This may result in additional comings and goings, but this would not result in sufficient harm to the amenity of neighbours to warrant refusal of the planning application.

#### ii) Parking provision and highway safety

The National Planning Policy Framework (NPPF) states 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, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the documents submitted, LCC acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF. Whilst the applicant has provided further details, it is questionable whether the driveway could accommodate 6 vehicles whilst providing the ability for vehicles to enter and leave the site in forward gear.

However, based on the staff rotas submitted, particularly with the staggered start and end times to shifts, the highway authority considers that sufficient on-site car

parking can be provided to prevent staff vehicles from have to park on the surrounding highway network. As such, subject to the recommended conditions, LCC highways raised no objection to the proposal.

iii. Whether the proposal would result in concentration or cluster of children's care home in the area

Officers are of the opinion that having a cluster of children's home in a particular residential area is likely to present a challenge to sustain mixed, balanced and sustainable communities, and to affect the residential character and amenity of the neighbourhood. Supporting text of Policy 2 (Paragraph 6.18 and 6.19) of the Children's Home SPG particularly notes that it is important that groups of two or more children's care homes do not have a cumulative adverse impact on a residential area. The guidance states that new care homes should not be closer than 400m from an existing children's care home.

In this instance, the Council's planning records notes that planning application 11/24/0502 (No. 19 Pendle View, Burnley Road) was recently granted approval by appeal APP/R2330/W/25/3361464. No. 4 Sefton Close is located approximately 63 meters from No. 19 Pendle View. As such, the proposed development fails to comply with Policy 2 of the Children's Home SPG.

3. Residential Amenity Impact

- 3.1. Hyndburn Core Strategy Policy Env7 and DMDPD Policy DM29, taken together, require that development protects the amenity of neighbouring residents.
- 3.2. In this instance, the proposed children's home would provide accommodation for three children, to be cared for by three care staff (during the day) and 2 staff at night on rota. The Planning Statement accompanying this application suggests that *'the character and use of the building would not be materially different to that of a typical family home by virtue of the minimal change to the floor plan of the house'*. This is an understandable and achievable aspiration. Officers do not dispute that the building itself, would likely continue to have a character consistent with that of a dwellinghouse, and is unlikely to result in undue amenity impact by virtue of overlooking, overshadowing, or loss of privacy of the dwellinghouses within its immediate vicinity.
- 3.3. Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staff workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home.
- 3.4. Whilst it is acknowledged that activity at the site would be intensified, the impacts of the proposed use on residential amenity are not considered sufficient to warrant the

withholding of planning permission in this case. Although concerns have been raised regarding noise and disturbance arising from the behaviour of resident children, the planning system is unable to control the behaviour of individuals. The key consideration is whether the proposed use, in land use terms, is inherently noisy or likely to result in unacceptable levels of disturbance. There is insufficient evidence to support the view that care homes of this nature are intrinsically noisy or give rise to increased levels of anti-social behaviour, a position that has been consistently upheld by appeal Inspectors.

#### 4. Other Considerations

4.1. It should be highlighted that the LPA received two recent appeal decisions in November 2025 for proposals of a similar nature made by the same applicant:

- APP/R2330/W/25/3372957 - 30 Bluebell Way, Huncoat
- APP/R2330/W/25/3372952 - 30 Epping Avenue, Accrington

4.2. Both appeals were allowed with little weight afforded by the Inspector to the Children's Residential & Supported Accommodation SPG. Those appeal decisions, according to Section 70(2) of Town and Country Planning Act 1990, should be taken as a material consideration to be weighed in the overall planning balance.

4.3. Officers consider that some weight should be afforded to the SPG document in the decision-making process, but any conflict with the SPG must be weighed in the planning balance.

#### **Planning Balance and Conclusion**

In conclusion, providing accommodation and care for looked-after children is worthy and necessary. Taking into account the characteristics of the application site and the scale and intensity of the proposed use, some conflict has been identified with Policies 1 and 2 of the Children's Home SPG. Whilst it is noted that a second children's home is located in close proximity to the application site, there is no evidence to suggest that the provision of two children's in this location would result in any undue harm to the residential character of the area.

The proposed development would also result in the loss of a market dwelling at a time when the Council is unable to demonstrate a five-year housing land supply.

However, it is not considered that the harm identified above would be sufficient to warrant refusal of the planning application, particularly when taking into account recent appeal decisions for similar development elsewhere in the borough. Accordingly, it is recommended that planning permission be granted.

## **Recommendation**

That the application be Granted for the following reasons:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permission and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

(a) Planning application forms and location plan

(b) Submitted plans, namely:

Floor Plan

Reason: For the avoidance of double and to enable Hyndburn Borough Council to control the development and to minimise its amenity impact.

3. The building shall only be used as a children's care home (for the accommodation of no more than three 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).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for more intensive use or uses within those Use Classes in accordance with the development plan, including Policy Env6, Env7 and T1 of the Hyndburn Core Strategy, and Policy DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

## **List of Background Papers**

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0400&guid=56a07be8-9f44-41d4-8def-898a5f6e483b>

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Update Sheet Planning Committee – 11 February 2026

## **Agenda Item 3.d**

- Paragraph 1.1. of the report states the property is a semi-detached dwelling. This is incorrect – the application dwelling is detached.
- Condition 3 - The building shall only be used as a children's care home (for the accommodation of no more than three childrenren 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).
- Amendment to description of development: -  
  
"Full: Change of use from a dwelling (Class C3) to a residential care home (Class C2) accommodating up to 3 children".

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