

Agenda

MUNICIPAL YEAR 2025-2026



HYNDBURN

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Planning Committee

Wednesday, 15 April 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 - 8)

The Minutes of the last Planning Committee held on the 11th of March 2026 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.



4. 11/26/0076 - 6 to 8 Thomas Street, Oswaldtwistle, BB5 3LA *(Pages 9 - 22)*

FULL: Conversion to 6no, 1 bedroom apartments, rear single storey infill extension, external alterations and creation of 2no parking spaces.

5. 11/26/0097 - 19 Fielding Lane, Oswaldtwistle, BB5 3BH *(Pages 23 - 36)*

Full: Change of use from dwelling (use Class C3a) to residential care for (Use Class C2) for two children.

6. Enforcement Update *(Pages 37 - 38)*

To update the Planning Committee on the work of the Planning Enforcement Service.

PLANNING COMMITTEE

Wednesday, 11th March, 2026

Present: Councillors Bernard Dawson (In the Chair), Mike Booth, Joyce Plummer, Clare Pritchard, Judith Addison, Scott Brerton, Noordad Aziz, Stewart Eaves, Josh Allen, Munsif Dad BEM JP and David Heap

Apologies: Councillors Dave Parkins, Loraine Cox, Kath Pratt and Stephen Button

338 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for Absence were given by Councillors Dave Parkins, Lorraine Cox, Kath Pratt, Stephen Button.

Councillor Munsif Dad BEM JP substituted for Councillor Parkins
Councillor David Heap substituted for Councillor Cox

339 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 11th of February 2026 were submitted for approval as a correct record.

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

340 Town and Country Planning Act 1990- Planning Applications for Determination

341 11/24/0506 - Land off Blackburn Road, Oswaldtwistle, BB5 4NA

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the application to the committee. Informing that the application related to the erection of 85 two-storey dwellings, comprising of a mixture of house types, accessed via the existing access which would be altered with a new estate road running northwards before splitting east and west.

There would be two attenuation basins to the northeast, along with notable landscaping buffers to the north and west.

The amended Planning Layout also notes areas of green space positioned to the west of the site.

The application site does not have a continuous, clearly defined boundary along its northern and eastern edges where it forms part of a wider network of fields that falls towards the Leeds and Liverpool Canal around 75m northeast.

It is bordered by other urban fringe land and Springfield Garage to the south with the latter occupied by Moving PEOPLE bus company. It is bounded to the west by Church and Oswaldtwistle Cricket Club with trees between. Further afield, Accrington Golf Club lies around 115m north.

A total of 164 objections were received and are noted in the agenda on pages 11 to 14.

Consultations were undertaken with the following organisations and the responses noted on pages 8 to 11 of the agenda: Cadent Gas, Electricity North West, Growth Lancashire (Heritage), Hyndburn Borough Council (HBC) Ecology, HBC Environmental Protection, HBC Housing, HBC Leisure Services (Parks), HBC Policy, HBC Waste Services, Lancashire Constabulary, LCC Highways, LCC Historic Environment, LCC Lead Local Flood Authority (LLFA), LCC School Planning Team, Lancashire Fire and Rescue Service, Sport England and United Utilities.

Mr Parkinson informed the committee that the proposal conflicts with the existing development strategy set out in Policy BD1 of the Hyndburn Core Strategy. However, the application would likely accord with the main modifications to the latest version of the Emerging Local Plan, including the emerging development strategy set out in Policy SP1 of the Emerging Local Plan.

Moreover, the application site predominantly related to safeguarded land, which was always intended for residential development.

Whilst it was previously intended for longer-term development needs, the Local Planning Authority cannot currently demonstrate a five-year housing land supply. Taking all this together, Mr Parkinson advised that the location is suitable for the proposal.

Mr Parkinson advised that the proposal does not constitute inappropriate development in the Green Belt and that it does not conflict with paragraph 153 of the Framework.

Mr Parkinson concluded that while the proposal conflicts with the existing development strategy and therefore the development plan taken as a whole. For the reasons given in the agenda, this attracts limited weight against the proposal. The tilted balance is engaged and weighs significantly in favour of granting planning permission. Therefore, the Framework as an important material consideration indicated a decision otherwise than in accordance with the plan and it is recommended that planning permission be approved.

The officer recommendation was to grant the Head of Planning and Transportation delegated powers to grant planning permission subject to conditions listed in the update sheet.

Members discussed the complexity of the application in relation to the busy road which the application gains access from and the need for good quality housing. While members were generally in favour of more housing the location of the site brought forth concerns regarding the wildlife and the loss of greenspace.

Members agreed that Blackburn Road suffers from regular accidents and frequent speeding, even with some speed control measures in place such as the recently installed speed camera.

Resolved – Members voted to go against the officer decision and refuse the application on the following grounds:

- **The proposed development would result in unacceptable harm to highway safety and would therefore conflict with Policy DM32 of the Hyndburn Development Management DPD and paragraph 116 of the NPPF.**

N.B – 1. Vinette Davitt – Spoke against the application.

- Conflicts with Policy BD1 of the Hyndburn Core Strategy.
- Only Limited Weight can be given to the emerging local plan as it is still under consultation with the Inspectorate.
- Fails to meet the NPPF test 104 and local policies DM11 and SP8.
- The development will result in a loss of Biodiversity on site.

- Parking will significantly worsen with the addition of 85 new homes, most of which will likely have more than 1 car per household.
 - History of collisions, speeding and highway safety concerns on Blackburn Road.
 - Part of the proposed development lies within designated Green Belt Land which must be given substantial weight when considering the harm which will result from the proposal.
 - Pressures on an aging sewer system which has caused flooding previously.
 - Available Brownfield sites should be prioritised rather than valuable green space.
 - Previous Supreme Court Rulings have demonstrated a tilted balance does not outweigh the primacy of the development plan.
2. Councillor Zak Khan – Spoke against the application.
- Site not suitable for the increase in cars on the road as a result of the development.
 - Biodiversity on the site reduced because of the proposal.
 - Greenspaces should be protected.
 - Report does not identify several Red and Amber listed species on the proposed site.
 - Ecological structure cannot simply be re-created elsewhere once the original habitat is destroyed, there is no guarantee the wildlife will stay on site.
 - Multiple collisions on Blackburn Road over the years and significant speeding. Over 34,000 cars per year are reported to travel above the speed limit.
 - 2 other brownfield sites in Oswaldtwistle already have planning permission but remain undeveloped.
3. Megan Scarisbrick - Spoke in Support of the application.
- Representative of Gleeson Homes
 - Specialise in providing entry level homes aimed at low to middle earners. All developments incorporate homes which are affordable to couples in full time employment earning minimum wage.
 - Land is part of a former area of special restraint, intended for long term development needs.
 - In the emerging local plan, the land will be part of the urban boundary with all the proposed dwellings inside of this.
 - The council cannot currently demonstrate a 5-year supply of housing; this development will contribute to this.
 - Mixture of 1–4-bedroom dwellings; semi-detached, detached and maisonettes.
 - Areas of green space, pocket parks and 5m landscape buffer incorporated into the plans.
 - No objections from statutory consultees.
 - Upgrades to the zebra crossing likely to cost in the region on £120,000.00

342 11/25/0124 - Land between Burnley Road and Altham Lane, Huncoat

Mr Joshua Parkinson, Planning Manager (Development Manager), informed the committee of the application. Noting that the proposed development comprises the construction of a residential relief road known as Huncoat Lane / Relief Road with associated works. The proposed development is intended to serve Huncoat Garden Village, which is an emerging strategic location for housing that would deliver around 1,500 to 1,600 homes.

The application site is a linear area measuring 10.6 hectares (ha) located east of the village of Huncoat and wholly within the Hyndburn Borough Council (HBC) and Lancashire County

Council (LCC) administrative areas. It extends from Altham Lane in the north to a roundabout on Burnley Road (A679) to the south and is located west of the Accrington Bypass (A56). The roundabout has four arms, two for Burnley Road and two slip roads for Accrington Bypass. The middle of the site crosses Burnley Lane.

Mr Parkinson advised that the proposal would contribute to the overall aim of Policy A9 of the Hyndburn Core Strategy as the first phase of a link road between Altham Lane and Burnley Road. Adding that there is overwhelming support for the proposal in the Emerging Local Plan, Huncoat Garden Village Masterplan and Huncoat Design Code, which weighs significantly in favour of granting planning permission.

Mr Parkinson explained that the proposal would involve a degree of conflict with policies BD1 and A9 of the Hyndburn Core Strategy, it would contribute to the overall aim of the latter as the first phase of a link road between Altham Lane and Burnley Road. The proposal would have a harmful effect on the character and appearance of the area, including landscape and visual effects, and adverse effects relating to the splitting and severance of agricultural holdings.

There would also be some less than substantial harm to the setting of some nearby listed buildings and limited harm to some non-designated heritage assets. However, such adverse effects are to be expected with a scheme of this nature and scale.

The committee were informed that the Local Planning Authority had commissioned independent landscape and visual impact advice from a Chartered Landscape Architect. While they raised some points for clarification, they state that the proposal generally shows a well-considered scheme that works with the undulating topography to achieve a sensitive alignment with the minimum of cut and fill.

Mr Parkinson advised that the Planning officers consider that the proposal accords with the development plan taken as a whole. The proposal draws support from the Emerging Local Plan, Huncoat Garden Village Masterplan and Huncoat Design Code, which would be a material consideration of sufficient weight to outweigh any conflict and would also result in further benefits including a substantial biodiversity net gain above and beyond the mandatory BNG requirement.

The recommendation was to give the Head of Planning and Transportation delegated powers to grant planning permission subject to conditions to their satisfaction.

Members highlighted the importance of the application in reference to the larger Huncoat Garden Village Project. Noting that the road should remove some traffic from Huncoat.

Resolved – Members voted to approve the officer recommendation and delegated powers to the Head of Planning and Transportation to grant planning permission subject to conditions to their satisfaction.

N.B. 1. – Nick Whittaker – Spoke against the application

- 30 million pounds of public funding committed to the Huncoat Garden Village with 6.7 million to the relief road.
- Question posed on if improvements to the Griffins Head Junction will rely on public funds or future developers?
- Question posed on if an independent traffic assessment will be undertaken?

2. Miles Parkinson – Spoke in support of the application

- Noted that the application was a key part of Huncoat Garden Village.

- Asked the committee to keep Huncoat residents involved in future consultations and to keep an open line of communication surrounding the project.
 - Hyndburn Council will likely cease to exist in its current form in the next few years due to Local Government Reorganisation. Noted that Huncoat Garden Village will be Hyndburn Councils legacy.
3. Madaline Davis – Spoke in support of the application
- The application aims to improve travel links and relieve pressure on the local network.
 - Improvements made to cycleways, walkways and bus stops proposed.
 - The road is essential to support Hyndburn's Largest Housing Project.
 - Over 10% biodiversity net gain included in the proposal.
 - High quality design which will set the tone for Huncoat Garden Village.
 - Future enhancements to key locations such as Burnley Lane can be implemented as needed through safeguarded land.

343 11/26/0055 - Land off Crown Street, Accrington, Lancashire

Mr Adam Birkett Chief Planning and Transportation Officer advised the committee that permission had been sought for the construction of a car park at land bound by Crown Street, Ranger Street and Brown Street in Accrington.

Mr Birkett informed that the site spans 0.17 hectares and is situated within the urban boundary of Accrington, located just outside the town centre. The surrounding area includes a mix of uses including large employment/ industrial units, garages, offices and dwellings. The application site consists of a rectangular piece of land primarily comprising hardstanding/ tarmacked surfacing, perimeter fencing, a small brick shed and a large concrete storage bay (located centrally).

It is understood the application site has historically been used as a scrap yard/ storage yard for vehicles and a road gritting salt compound; however, it has remained vacant since 2020.

The proposed plan detailed 69 parking spaces (including 3no. disabled parking bays). The existing perimeter fencing is to be replaced on a like for like basis (2.1m high galvanised steel fence) as will the lighting columns. Access to the site would be taken via the existing access point off Crown Street – a 6m wide automated vehicle barrier will also be installed.

No objections were received by Lancashire County Council Highways or United Utilities.

Mr Birkett advised that while in technical conflict with CS Policy E2 and DMDPD Policy DM1 regarding the retention of "good quality" employment land, is considered to accord with the development plan as a whole and is acceptable in this instance. The proposal aligns with NPPF objectives for utilizing under-utilised brownfield land, and as it only affects a portion of the site and supports local council office infrastructure, it does not prejudice the overall industrial estate.

Members discussed how the site had been used previously as a scrap yard and that the proposed car park would be a visual improvement. Members also commented that they were happy to see brownfield sites being utilised rather than remaining vacant.

Resolved – Members voted to approve the officer recommendation and grant planning permission subject to the conditions noted in the report.

344 Update Sheet

The update sheet was noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

| | |
|---------------------------------|---|
| REPORT TO: | Planning Committee |
| APPLICATION REF: | 11/26/0076 |
| APPLICATION ADDRESS: | 6 - 8 Thomas Street, Oswaldtwistle, Lancashire, BB5 3LA |
| DEVELOPMENT DESCRIPTION: | FULL: Conversion to 6no, 1 bedroom apartments, rear single storey infill extension, external alterations and creation of 2no parking spaces. |
| DATE REPORT WRITTEN: | 01/04/2026 |

This planning application has been referred to Planning Committee by Councillor Smithson.

Description of the Site and the Proposed Development

A planning application has been submitted at the former Lord Longworth Public House on 6 – 8 Thomas Street in Oswaldtwistle, BB5 3LA. The site measures approximately 0.06 ha and includes the two-storey former public house building which sits on the junction of Thomas Street and Peel Street. The building has a single storey rear outrigger and adjoins land previously used as part of the public house for outdoor seating.

The site is generally surrounded by residential dwellings on all sides with some commercial uses (take-away, chemist and bar for example) to the south off Union Road. To the rear (north east) of the building off Peel Street/ Cooper Close is a retirement housing complex. Immediately opposite the site, on Thomas Street, are residential dwellings. To the north is the outdoor seating area associated with previous public house use (excluded from this application), beyond this are more residential dwellings off Mason Street.

The application seeks consent to convert the building into 6no. 1-bedroom apartments and various external alterations including a single storey infill extension to the rear.

The submitted floor plans show 4no. apartments to the ground floor and 2no. apartments to the first floor. Each apartment is shown to have a single bedroom, bathroom, kitchen and living room, of varying floorspace; ranging from 38m² to 43.5m². Each apartment is shown to have a separate external access with the ground floor units accessed from either Thomas Street or Peel Street. The first-floor units have separate access points including an existing external staircase to the rear/ northwest and an internal staircase via the northwestern elevation, both accessed via Thomas Street.

The infill extension to the northeast is single storey in height and approximately 1.7m in width, closing a gap between the two outriggers to the rear and aligning with the rear of the building

in projection. The extension is to be used as a bathroom associated with one of the ground floor apartments, while adding to the existing flat roof terrace at first floor level. Other external changes include 4no. new windows (one to each elevation) and 2no. new doors all at ground floor. A single window is proposed to the southern elevation at first floor level.

1no parking space has been proposed off Thomas Street to the north of the building. Bins and cycle storage is shown to the rear of the building close to the external staircase.

Consultation Responses/Representations

HBC Environmental Health: No objection

Lancashire County Council (LCC) Highways: No objection subject to planning conditions

Cadent Gas: No response.

Neighbour Consultation: The application was advertised via neighbour letter to surrounding properties. A single objection was received at the time of writing this report and can be summarised as below:

- Concerned about the potential tenants of the flats, stating that potential tenants should be vetted prior to moving in due to nearby school and kids in the area.

Relevant Planning History

11/24/0313 – Permission in Principle: Town and Country Planning (Amendment) Order 2017, Demolition of Existing Public House and Erection of up to 9 Apartments – Approved: 24/09/2024

11/15/0408 – Erection of single storey rear extension. – Approved: 19/01/2016.

06/0396 – Erection of garage, gazebo, timber shelter, fencing and balustrade, relocation of stairs, extension of curtilage to form beer garden and childrens play area (retrospective). – Approved: 22/09/2006.

94/0128 – Erection of extension to from beerstore 1st floor kitchen extension and formation of car park. Approved: 26/04/1994.

93/0679 – Erection of single storey games room, beer store extension and first floor kitchen extension. – Refused: 02/02/1994

93/0384 – Erection of single storey games room and garage extension of first floor kitchen extension and provision of car parking. – Refused: 06/10/1993

93/0041 – Erection of extension to from function room and provision of car parking – Refused: 12/05/1993

89/0409 – Erection of extension to form games room and formation of car park. – Approved: 25/09/1989

84/0502 – Erection of toilet extension and internal alterations. Approved: 08/10/1984

Relevant Policies

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP)

Policy SP1 The Spatial Development Strategy
Policy SP10 Housing Provision (including affordable housing)
Policy SP11 Suitable Range of Housing
Policy SP18 High Quality Design
Policy SP20 Environmental Amenity and Air Quality
Policy SP23 Sustainable and Safe Transport

Hyndburn Core Strategy (CS)

Policy BD1 Balanced Development Strategy
Policy A1 Amount and Distribution of Housing in Accrington
Policy H1 – Housing Provision
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 DM10 New Residential Development
Policy DM16 Housing Standards
Policy DM18 Protection and Enhancement of the Natural Environment
Policy DM20 Flood Risk Management and Water Resources
Policy EM26 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

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 Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (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 and is expected to be adopted in the summer. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract moderate to substantial weight.

In assessing this proposal, the main considerations include the principle of development; design and impact on street scene; impact on residential amenity; housing standards; highway safety, access and parking; and flood risk and drainage. Each of these issues will be considered in turn.

1. Principle of Development

Development Strategy

1.1. The application site comprises a former public house located within the urban boundary of Oswaldtwistle off Thomas Street/ Peel Street.

1.2. Policy BD1 of the Hyndburn Core Strategy (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. Policy SP1 of the Emerging LP also sets out the spatial development strategy for the borough. The policy states:

‘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 and accessibility, as set out below:’

Principal Town - Accrington (includes the townships of Baxenden, Church, Clayton-le-Moors, Huncoat and Oswaldtwistle)

'Growth Strategy - The Principal Town will accommodate the majority of new development. Accrington will be the principal centre and will provide for the Borough's key services, retail and town centre needs. Huncoat will grow at a significantly faster rate than the other Accrington townships to support Huncoat Garden Village (see Policy SP2: Huncoat Garden Village).'

- 1.4. Policy SP1 also states *'Sufficient land will be made available in the Borough to meet the identified requirement for housing over the Plan period of at least 3,686 dwellings (equivalent to an average of 194 dwellings per year)' and 'Housing development will be focussed on previously developed sites'.*
- 1.5. The application site falls within the urban boundary of Accrington and its townships (Oswaldtwistle specifically) which is where development is expected to be concentrated. In particular, the CS outlines 75% of new housing is to be located in Accrington and Townships and Knuzden.
- 1.6. In land use terms, there are no site-specific policies which would restrict residential use in principle. Conversely, the Emerging LP and CS encourage the reuse of previously developed land for housing within the urban boundary. Therefore, the proposal is broadly in line with the development strategy of the Local Plan from a land use perspective.

Loss of Public House

- 1.7. The application seeks a change of use from a public house to 6no apartments. The proposal will lead to the loss of the public house at the site and therefore Policy DM8 (Public Houses) of the DMDPD applies.
- 1.8. 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).'
- 1.9. The applicant has stated marketing commenced on 9th October 2024 and the applicant purchased the building in the summer of 2025. No further details have been provided in terms of the marketing undertaken more recently.
- 1.10. The application site benefits from an extant planning permission (ref. 11/24/0313) which consented the demolition of the former public house and erection of a new apartment block on 24th September 2024. At the time of that application, information was provided to confirm the public house had been marketed since 29th August 2023 until

determination (24th September 2024) and officers were satisfied that the loss of the pub would comply with Policy DM8 of the DMDPD.

1.11. In light of the fall back position and clear intent from the owner to develop the site, in this instance it is considered that the loss of the pub can be justified in line with Policy DM8 (a). The application site has been recently marketed for a period of 12-months, and still could be lost without this application and therefore on balance, the retention and reuse of the building is considered acceptable and broadly in compliance with Policy DM8 (a) above.

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 or 800m radius of the application site the following public houses have been identified (the 5 nearest):

- Tap Select (320 Union Rd, Oswaldtwistle, Accrington BB5 3JD) circa 2-minute walk away (100m distance);
- The vault (343 Union Rd, Oswaldtwistle, Accrington BB5 3HS) circa 2-minute walk away (110m distance);
- Black Dog (384 Union Rd, Oswaldtwistle, Accrington BB5 3NW) circa 3-minute walk away (160m distance);
- The Heys Inn (52 Stone Bridge Lane, Oswaldtwistle, BB5 3BW) circa 8-minute walk away (645m distance); and
- The Rhoden Inn (109 Roe Greave Rd, Oswaldtwistle, Accrington BB5 3QF) circa 6-minute walk away (485m distance).

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, particularly on the nearby Union Road. 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 major external changes are proposed and therefore the proposal will comply with this element of Policy DM8 (2). This is considered further in the following sections.

1.16. Overall, the application site is located in a sustainable location, has no policy restrictions which limit the type of development proposed and accords with the development strategy set out within the Emerging LP Policy SP1 and CS Policy BD1 and A3. The loss of the pub is considered to be broadly in compliance with the criteria set out within Policy DM8.

Housing Provision

- 1.17. Policy SP11 of the Emerging LP states new apartment developments will only be supported where they would maintain the prevailing character and setting of the local area and are either (relevant extracts only):

'a) within town centres or within walking distance (250m or closer) of town centres;' or
'd) in locations that are well served by public transport and the development would secure the efficient use of land;'

- 1.18. In addition, the DMDPD states *'The majority of new housing will be developed on previously developed land and will also be within the existing urban area.'* The above is reiterated in the NPPF which states decisions should; *'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)'*

- 1.19. Policy A1 of the CS also states 75% of all new housing in the borough is expected to be developed in the main urban area of Accrington and its townships. In line with the above, residential development within the urban boundary of Oswaldtwistle is supported in the Development Plan, particularly on brownfield sites. The application site meets this policy aim as it seeks to redevelop previously developed land within the urban area.

- 1.20. It is also noted that the application site is within close proximity (less than 200m walking distance) to the Oswaldtwistle Town Centre. In addition, the site is considered to be well served by public transport and secures the efficient use of land (a vacant building). This is in line with Policy SP11 of the Emerging LP for apartment developments.

- 1.21. In consideration of the above, the principle of residential development at the site is considered acceptable. The site is surrounded by residential uses and being adjacent to the defined Oswaldtwistle Town Centre, the site is in a highly sustainable location, with a wide range of existing retail, commercial and community facilities available in the immediate vicinity.

2. Housing Standards

- 2.1. Policy SP18 of the Emerging LP states *'development should ensure that the occupiers of the new development will enjoy an appropriate standard of amenity and will not be adversely affected by neighbouring uses'*. Policy DM16 of the DMDPD states proposals for housing are required to meet the internal space standards as set in NDSS (Nationally Described Space Standards).

- 2.2. The proposed apartments are all 1-bed and range in floorspace from 38m² to 43.5m². The NDSS requirement for 1-bed 1 person apartment is 37m² if a shower room is

provided. Each apartment is shown to have a shower room and is in excess of the NDSS requirements.

- 2.3. It is also noted that each apartment is served by adequate windows to allow natural light in for future occupiers. A cycle storage and bin storage area is proposed close to the external staircase with easy access to Thomas Street.
- 2.4. The proposals comply with Policy SP18 of the Emerging LP and Policy DM16 of the DMDPD.

3. Design and Visual Appearance

- 2.5. Policy Env6 of the CS seeks to conserve and enhance the quality of Hyndburn's urban and rural environment through the application of high-quality design. Policy DM26 of the DMDPD is concerned with design quality and materials and sets out a variety of criteria that should be taken into consideration when assessing planning applications. Policy SP18 of the Emerging LP reflects the previously mentioned policies above and reiterates the importance of high-quality design, creating a strong sense of place and ensuring new development assimilates well with the street scene/ local area.
- 2.6. The external changes to the existing building fabric proposed under this application are limited to 4no. new windows and 2no. new doors all to the ground floor. A single window is proposed to the first floor. These are considered to be of a suitable proportion and scale to that expected in the surrounding street scene and will not detrimentally impact upon the visual amenity of the area.
- 2.7. Likewise, the proposed rear extension is single storey in height and infill in nature which is likely to have little impact upon the visual amenity of the area. Due to its location, scale and surrounding properties screening; the extension is unlikely to be visible in the street scene.
- 2.8. Therefore, the proposal accords with Policies ENV6 of the CS, Policy DM26 of the DMDPD and Policy SP18 of the Emerging LP.

4. Impact upon Residential Amenity

- 3.1. Policy DM29 (Environmental Amenity) of the Hyndburn Development Management DPD 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 Hyndburn Core Strategy requires that proposal 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. Policy SP20 of the Emerging LP reiterates the above, highlighting 'Proposals for new development will be permitted only if it is demonstrated that the material impacts arising by virtue of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards'
- 3.4. Note that the Council's preferred minimum distances in relation to overlooking and loss of light are noted in the Householder Design Guide and also in the Design Policy in the DMDPD. The preferred distances are 21m at first floor level between habitable room windows and 12m from any facing gable and habitable room windows (this is increased for 2nd floor windows). In addition, overlooking gardens should be avoided too (ideally with a 10m+ gap provided from habitable first-floor window and private garden space).
- 3.5. In terms of loss of light; generally the proposal is unexpected to impact upon any of the neighbouring properties above and beyond the current situation as it will not project beyond existing elevations in any direction nor will it increase scale close to sensitive locations.
- 3.6. In terms of overlooking; the ground floor apartment windows are unlikely to cause a detrimental impact or concerns due to their limited height. A first-floor window to the rear elevation is serving a habitable room (bedroom) and directly interfaces with the rear garden of 1 – 2 Cooper Close. However, this is at a suitable 10m distance and is largely screened by the existing single storey flat roof to the rear. The other first floor apartment features a habitable room (bedroom) window interfacing with the rear garden of properties off Union Road. This is at a suitable distance of 10m+ to rear gardens and 21m+ to habitable window.
- 3.7. Overall, it is not considered that the proposed development would result in any undue harm to the residential amenity of neighbouring occupants and the proposal would accord with the requirements of Emerging LP Policy SP20, CS Policy Env7 and DMDPD Policy DM29.

5. Highway Safety, Traffic and Parking

- 3.8. 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.
- 3.9. LCC Highways have been consulted as part of the application process and initially raised concerns about the usability of the parking spaces and visibility splays proposed. Following amendments from the applicant which includes a wider access point and 1 no. parking space; LCC Highways have removed their objection. The consultee notes, in relation to parking, that *'site that it is within acceptable walking distance of local amenities and facilities including public transport. Therefore future occupants would not necessarily be reliant on using private vehicles. The highway authority also noted that there was some spare capacity for parking on the surrounding highway network, which may be able to accommodate any additional parking demand generated by the development.'*
- 3.10. Various conditions have been proposed by LCC Highway including those which will secure the proposed changes to the access and off-site highway works.
- 3.11. The proposals are in general accordance with Policies DM32 and DM33 of the Development Management DPD.

6. Flood Risk and Drainage

- 5.1. 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.

7. Other Considerations

- 6.1. A single objection has been received citing concerns in regard to the potential tenants of the apartments. This is not considered to be a material planning consideration in the determination of the planning application and does not change the overall assessment.

8. Planning Balance and Conclusions

- 7.1. The application seeks a change of use from a vacant public house to 6no. apartments with some external changes including an infill extension to the rear.
- 7.2. The proposed development will lead to the loss of a public house. However, in line with Policy DM8, it has been demonstrated that the public house has been marketed for unsuccessfully previously and also benefits from fallback position which would allow the demolition of the public house. Suitable alternative local pub provision is available in the vicinity. Therefore, alternative uses at the site 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 and Emerging LP Policy SP1.
- 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 (ref. PP-14663105v1) received 26/02/2026;
Proposed Site Plan (dwg no. 24041 - 10 rev Rev C) received 31/03/2026;
Proposed Plans (dwg no. 24041 - 14 rev D) received 31/03/2026;
Proposed Elevations (dwg no. 24041 – 15 rev B) received 31/03/2026.

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. No development shall take place, including any works of demolition or clearance, until a Construction Method Statement with site plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. The loading and unloading of plant and materials
 - iii. The storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding
 - v. Measures to control the emission of dust and dirt during construction
 - vi. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. Details of working hours
 - viii. Routing of delivery vehicles to/from site
 - ix. Timing of deliveries
 - x. Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

5. No building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety and accessibility and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

6. Prior to first occupation of the approved development one car parking space as shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the development and shall be kept free from obstructions in perpetuity.

Reason: To ensure that the development has appropriate off-road car parking provision and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

7. Prior to first occupation of the approved development secure, covered cycle storage for six cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development supports sustainable forms of transport and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

8. All refuse bins shall be kept within the confines of the site, except on the appropriate collection day.

Reason: In the interest of highway safety to prevent bins from being stored on the highway where they could cause an obstruction or hazard to other highway users and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

9. The boundary treatment along Thomas Street shall be kept below 0.6m at all times.

Reason: For highway safety and to allow acceptable visibility splays and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

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 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.

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%2F26%2F0076&guid=5caa5a5b-0993-4da7-b9d3-58c6f72d9adc>

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| HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT | |
| APPLICATION REF: | 11/26/0097 |
| APPLICATION ADDRESS: | 19 Fielding Lane, Oswaldtwistle, Lancashire BB5 3BH |
| DEVELOPMENT DESCRIPTION: | Full: Change of use from dwelling (use Class C3a) to residential care for (Use Class C2) for two children. |
| DATE REPORT WRITTEN: | 02 April 2026 |

Description of site and Proposed Development

The application relates to a three-bed semi-detached dwelling (No.19 Fielding Lane) situated within a corner plot adjacent to the junction of Fielding Lane and Hornby Street. This 2-storey semi-detached property was constructed in the early 20th century. It contains a kitchen, two lounges and a pantry at the ground floor; 3 bedrooms, a bathroom and a separate toilet at first floor level. Externally, there are gardens to the front, side and rear of the property. To the rear of the curtilage, lies a single garage with an existing access drive providing two off-street parking spaces. There is on-street parking along Fielding Lane and Hornby Street. To the north of the rear curtilage, lies an alleyway/footpath connecting between Hornby Street and Park Lane.

With regard to the immediate context, No.19 Fielding Lane is situated within an established residential area adjacent to Rhyddings Park, with a mixture of terraced and semi-detached dwellings in its close proximity. Fielding Lane is one of the key bus routes within Oswaldtwistle, with the nearest bus stop situated approximately 40m to the west of the application site, served by the A4 bus between Accrington and Oswaldtwistle.

This proposal is for the change of use of the existing dwelling to a residence providing care for two children, aged between 8 and 18. According to the information submitted with this application, care will be provided by two carers who will be present in the home providing 24-hour care 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 18 objections, 1 petition and 1 support letter to this application. The objection comments are summarised as follows:

- The proposal would lead to significant increase in vehicle traffic at the property, arising from comings and goings of staff and professional support workers, which would result in further traffic congestion in the local area;

- The limited on-plot parking would not be sufficient to cater for parking needs from the staffing levels, home manager, other professional visitors;
- The forecasted increase in vehicular activity and care dependencies of the looked after children would lead to a significant change in character of the application property and the wider residential area;
- Noise level would likely increase, particularly internal noise for residents of an adjoining home, thereby impacting on the living conditions to an unacceptable extent, failing the requirements of Local Plan Policy Env7 and the NPPF.
- The location and nature of the proposal is inconsistent with the requirement of Policy 2 of the Council's Children's Residential & Supported Accommodations SPG;
- The application offers no supporting evidence of any pre-application dialogue with LCC Children Services team, around the need for additional childcare provision within Hyndburn, as encouraged by the SPG;
- The proposed development would result in the loss of a family dwelling;
- There is currently an issue of on-street parking at Fielding Lane and Hornby Street. With the property being changed to a managed care facility with various staff alternating on a shift pattern, the local parking issue would be further intensified;
- The proposal would increase the traffic on the road, create more parking difficulties, and potential noise increase to adversely affect the amenity of the local residents;
- Introducing a commercial-style care facility would change the established feel of the street and could set a precedent for future similar developments;
- There is a vape shop at the bottom of Fielding Lane that already affects unwelcomed anti-social behaviour, including concerns around the sale of vapes to underage individual. This raises safeguarding concerns for vulnerable children who would be placed at the property;
- The property subject to this application is not suitable for being a children's home due to the steps up to the front door and no garden space for children to play;
- The planning statement states that the proposed home will be operated by Oakmont Children's Services Ltd and describes this company as 'an experienced provider of care for children'. However, publicly available records indicate that it was only incorporated in April 2025 and there is no evidence of any prior trading history or operational experience in the children's care sector. The applicant does not appear to have any previous directorships or professional background in children's services or related care provision;
- It is essential that any operator demonstrates clear, relevant experience and appropriate qualifications in child care. The lacking of transparency and supporting information in this case raise significant concerns about the suitability and credibility of the proposed operator, and whether the primary focus of the development is aligned with the provision of high-quality care;

- The increased number of people entering and leaving the property would result in a greater degree of overlooking into the neighbours home and gardens;
- The local residential area cannot accommodate commercial ventures of this kind;
- Hyndburn is being targeted by commercial companies due to the lower cost of properties, regardless of type of use;
- Disproportionate supply of Children's Home in an area can have significant adverse outcomes, particularly in deprived local authority area such as Hyndburn. This includes placing a significant burden on public service budgets;
- This area is strictly residential and the area of Hyndburn does not have the infrastructure to accommodate applications of this type;
- The area have already experienced changes due to recent social housing development nearby, which have led to the increased traffic, disturbance, and perceived decline in the overall appearance and feel of neighbourhood. Introducing another facility risks compounding these issues and further changing the character of the area;
- establishment of a care home is not ideal for this type of property in this area and if this was to be approved this could be lead to inappropriate building design and landscaping to meet the criteria required for this type of care accommodation;
- The proposed will significantly increase vehicle movement including staff shifts. This is already a dangerous junction on a very busy road. Parking is already at a premium due to schools and park.

Supporting Comments:

- The home appears well place in a residential area, close to local amenities which the children and young people proposed to be living in the home will find appealing. It is important for the children to not feel ostracised any further than they already are as looked after children and feel at home in a lovely residential house.

Heritage Advisor (Growth Lancashire): No objection

LCC Highways: The applicant should confirm whether staff will use their own vehicles to take children to school, appointments etc, or whether there will be a staff pool car and where this be kept and how it would be used. Following the satisfactory receipt of the information requested regarding a staff pool car, there is no objection to the proposal, subject to the following conditions:

- Provision of an electric vehicle charging point
- The parking areas shown on the proposed plans shall always remain available for parking of two vehicles associated with the development

Cadent Gas: No Objection, informative note required

LCC Children's Services: Lancashire County Council's Children's Services objects to this planning application as there is not a local need for any further children's homes in Lancashire County Council's boundaries. The attached updated Children's Home Market Position Statement clearly sets out the very challenging situation here in Lancashire.

There is already 5 times more children's home provision within Lancashire County Council's boundaries than is needed locally. The extremely high number of children's homes in our area (almost 10% of all homes nationally) is putting a significant strain on local services and adding to the already very challenging issue of recruiting and retaining staff.

I also wish to advise that whilst the planning application states that Oakmont Children's Services is an established care provider of children's homes, I could find no reference to an Ofsted registered children's home currently being operated by a provider called Oakmont Children's Services on the latest Ofsted register of children's homes. I also wish to advise that there are already 8 Ofsted registered children's homes within a mile of this proposed home, with 4 of these within 400m (0.28 miles, 0.32 miles, 0.32 miles and 0.32 miles) and two others less than half a mile away (0.4 miles and 0.43 miles away).

Relevant Planning History

11/25/0451 – Lawful Development Certificate Proposed: Change of use from a dwelling (Class C3) to C2 (Residential Institution) children's home for 2 children. Refused 06/02/2026.

Relevant Policies

Hyndburn Core Strategy (CS)

Policy H1 Housing Provision
Policy Env6 High Quality Design
Policy Env7 Environmental Amenity
Policy T1 Improving Connectivity

Hyndburn Development Management Development Plan Document (DMDPD)

Policy DM25 Pollution Control
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.

Hyndburn Local Plan 2040 (Emerging Local Plan)

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (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 and is expected to be adopted in the summer. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract moderate to substantial weight. Following policies from the Emerging Local Plan are relevant to this proposal:

Policy SP1 Spatial Development Strategy
Policy SP10 Housing Provision (including affordable housing)

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). The 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 SPG 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 homes in that area

Considerations

Principle of development

The application proposes the change of use of a semi-detached dwelling to a care home for two children, with care to be provided by two carers who will be present in the home providing 24-hour care on a rolling basis. The property is set in a large established residential estate in Oswaldtwistle, composed of similar detached /semi-detached dwelling houses.

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.

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.

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.

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.

At the time of determining this application, the Council is unable to demonstrate a five-year housing land supply. The proposed development would result in the loss of a market dwelling. Although the proposal relates to a single unit, the cumulative impact of similar losses through changes of use must be considered, particularly in light of the Council's current housing land supply position. This factor weighs against the proposed development.

The Local Planning Authority (LPA) acknowledges that, in accordance with Planning Practice Guidance (PPG) (Paragraph 026, Reference ID: 68-035-20190722), housing provided for older people, including residential institutions within Use Class C2, should be counted towards the Council's housing land supply. The rationale for this approach is that the provision of C2 care facilities—particularly those for elderly or adult care—can help to release existing family housing back onto the market, thereby contributing positively to overall housing supply.

However, children's homes within Use Class C2 are materially different in nature from elderly or adult care facilities. Children are not able to form independent households, and as such, the establishment of a children's home would not facilitate the release of additional housing stock. Instead, it would result in the net loss of a Use Class C3 market dwelling.

Furthermore, there is no identified need for this type of care facility within either the Borough or the wider County. In this context, the cumulative impact arising from the loss of market dwellings through changes of use to children's homes—particularly where they accommodate children from outside the Borough or County. This is especially pertinent given that the Council is currently unable to demonstrate a five-year housing land supply.

The proposal therefore fails to comply with Policy 1 of the Children's Homes Supplementary Planning Guidance (SPG).

Site-Specific Assessment

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.19 Fielding Lane is a semi-detached dwelling located adjacent to the junction of Fielding Lane/Hornby street. The neighbouring properties at Fielding Lane and Hornby Street are predominately semi-detached and terraced residential dwellings with on-street parking. There are two existing off-street car parking spaces within the curtilage of No.19 Fielding Lane.

In this instance, no changes are proposed to the external scale and appearance of the building. This application proposes the change of use of this semi-detached three-bed dwelling to a care home for two children (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 are currently two off-street parking spaces provided within the curtilage of No.19 Fielding Lane. The proposed development does not involve any alterations to the external arrangement/parking layout of the site. During the officer's site visit, there was some spare capacity for parking on Fielding Lane and Hornby Street before PM rush hour.

In the consultation response, the County Highway Officer note that no detailed internal layout of the garage has been provided. However, based on measurements taken from the existing block plan together with the site observation, the highway authority considers that the existing garage can provide one car parking space, with a second space on the driveway in front, and notes that the driveway must be kept clear of all obstructions (e.g. refuse bins), so that these do not prevent a vehicle from parking here or prevent occupants from getting in and out. The County Highway Officer also requires that the applicant should confirm whether staff will use their own vehicles to take children to school, appointment etc, or whether there will be a staff pool car and where this be kept and how it will be used.

In light of the above, the County Highway Officer is of the opinion that following the satisfactory receipt of the information requested regarding a staff pool car, there is no objection to the proposal subject to conditions requiring the provision of EV charging

point, and parking area to be kept available for the parking of two vehicles associated with the development.

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

According to the consultation response provided by LCC Children's Services, there are already 8 Ofsted registered children's homes within a mile of this proposed home, with 4 of these within 400m, and two others less than half a mile away from the application site.

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 proposed development fails to comply with Policy 2 iv of the Children's Home SPG.

Residential Amenity Impact

Core Strategy Policy Env7 relates to residential amenity and states 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, overlooking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The DMDPD policy DM25 (3) and DM29 reflect this stance.

In this instance, the proposed children's home would provide accommodation for two children, to be cared for by staff (two per shift) on rota. The proposed change of use is unlikely to result in undue amenity impact by virtue of overlooking, overshadowing, or loss of privacy of the dwellinghouses within its immediate vicinity.

A small children's care home differs from a typical dwellinghouse in terms of its planning impacts. In particular, it would operate not only as a residence but also as a workplace, with routine comings and goings of staff, alongside visits from external professionals.

It is acknowledged that a concentration of children's homes within an area has the potential to affect social cohesion and erode the established residential character. However, while there are a number of existing children's homes within a one-mile radius of the application site, it is considered that the current level of provision would not give rise to any tangible harm. A more significant degree of clustering would be required before such impacts could reasonably justify the refusal of planning permission.

Although concerns have been raised regarding noise, disturbance and anti-social behaviour, 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 or anti-social behaviour. Paragraph 96 of the National Planning Policy Framework states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The fear of crime arising from proposed development is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern.

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. Children's homes are subject to a separate system of regulation to ensure that properties are suitable and that appropriate standards of care are maintained. There are legislative requirements for registering and operating a home as well as guidance to follow. It is reasonable to expect that other regimes will exercise effective control of the proposed use.

Other Considerations

The Local Planning Authority (LPA) has had regard to two recent appeal decisions (November 2025) relating to similar proposals by the same applicant at 30 Bluebell Way, Huncoat (APP/R2330/W/25/3372957) and 30 Epping Avenue, Accrington (APP/R2330/W/25/3372952). Both appeals were allowed, with the Inspector attributing limited weight to Lancashire County Council's Market Position Statement on children's care homes and the Council's Children's Residential and Supported Accommodation Supplementary Planning Guidance (SPG).

In the Bluebell Way decision, the Inspector confirmed that, whilst SPG is a material consideration, it does not form part of the development plan and therefore does not carry the same weight as policies within the Core Strategy or the Development Management DPD.

In respect of the Lancashire County Council Market Position Statement, the Inspector noted that there is no requirement within planning policy for an applicant to demonstrate need, and that a lack of compliance with the County Council's commissioning strategy does not, in itself, constitute a reasonable planning objection. The Inspector further acknowledged concerns regarding children being placed away from their home areas, as referenced in the 2023 Written Ministerial Statement, but emphasised that the identity or origin of future occupants is not a matter that can be controlled through the planning system. As such, any condition seeking to restrict occupancy to children from a particular area would be unreasonable.

These appeal decisions are material considerations in accordance with Section 70(2) of the Town and Country Planning Act 1990 and must be weighed in the overall planning balance. Officers therefore consider that only limited weight can be afforded to the SPG, and any identified conflict with it must be balanced against other material considerations.

However, it is also recognised that appeal decisions do not establish binding precedent, as planning decisions involve the exercise of professional judgement having regard to site-specific circumstances. This is illustrated by a recent appeal decision (APP/2365/W/25/3361672) in the Borough of West Lancashire, where a similar proposal was dismissed.

In that case, the Inspector acknowledged that neither national policy nor the development plan required a demonstration of need for a children's care home. However, reference was made to national policy which emphasises the importance of delivering a suitable mix of housing in appropriate locations to meet identified local needs. The Inspector concluded that planning policy seeks to ensure that the right development comes forward in the right places.

The evidence presented by the Council in that appeal demonstrated clear patterns in the distribution of children's care homes and identified associated adverse impacts. These included the over-concentration of such uses within certain areas, the placement of children far from their home communities, pressures on local infrastructure, and difficulties in recruiting sufficient qualified staff. It was also noted that, although Lancashire has a high number of registered children's homes, many do not serve children from the local area.

It should be noted that appeal decision APP/2365/W/25/3361672 represents a clear outlier. Of the ten planning appeals lodged against Hyndburn Borough Council's decisions to refuse permission for children's homes since, only one has been dismissed, with Inspectors allowing the remaining nine appeals.

This clear and consistent pattern demonstrates that Inspectors have, in the vast majority of comparable cases, found no substantive planning harm sufficient to justify refusal. As such, the West Lancashire decision carries very limited weight in the determination of this application, as it does not reflect the prevailing direction of decision-making at appeal level.

Significant weight should instead be afforded to the consistent body of appeal decisions which support such proposals. Taken together, these decisions indicate that concerns typically raised in relation to children's homes—such as lack of identified need or potential clustering—have not been found to outweigh the benefits of the development or justify refusal in planning terms. Accordingly, reliance on the West

Lancashire decision to resist the current proposal would not be well-founded and would be unlikely to be sustained at appeal.

Planning Balance and Conclusion

In conclusion, the provision of accommodation and care for looked-after children is both necessary and of significant social value. Having regard to the characteristics of the application site, together with the scale and intensity of the proposed use, the development is considered to accord with Policy 2 (i), (ii) and (iii) of the Council's Children's Residential and Supported Accommodation Supplementary Planning Guidance (SPG).

While the proposal would conflict with Policy 2 (iv) of the SPG due to the presence of an existing children's home within a 400m radius, this conflict must be considered in context. The SPG does not form part of the statutory development plan and, as confirmed by recent appeal decisions, can only be afforded limited weight in decision-making.

Furthermore, although Lancashire County Council Children's Services has raised concerns regarding the lack of evidence of local need and the potential for additional pressure on public services, it is clear from recent appeal decisions—including that relating to 30 Bluebell Way—that there is no requirement within planning policy to demonstrate need, and that non-compliance with the County Council's commissioning strategy does not, in itself, constitute a sustainable reason for refusal.

In this case, the identified harm arising from the proposal, including the limited conflict with the SPG, is not considered to significantly or demonstrably outweigh the benefits of the development. This conclusion is reinforced by the consistent pattern of recent appeal decisions within the Borough, where Inspectors have supported similar proposals and found that such concerns do not justify refusal.

Accordingly, when assessed in the round and having regard to all material considerations, it is concluded that the proposal is acceptable in planning terms. It is therefore 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 received by Hyndburn Borough Council on 07th March 2026

- (b) Submitted plans, namely:

- Block Plan
 - Exiting Floor Plans
 - Proposed Floor Plans

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 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.

4. The parking areas shown on the approved plans shall always remain available for the parking of two vehicles associated with the development.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site.

Informative

1. 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.

2. 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.

3. 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.

4. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/our-services/gas-diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

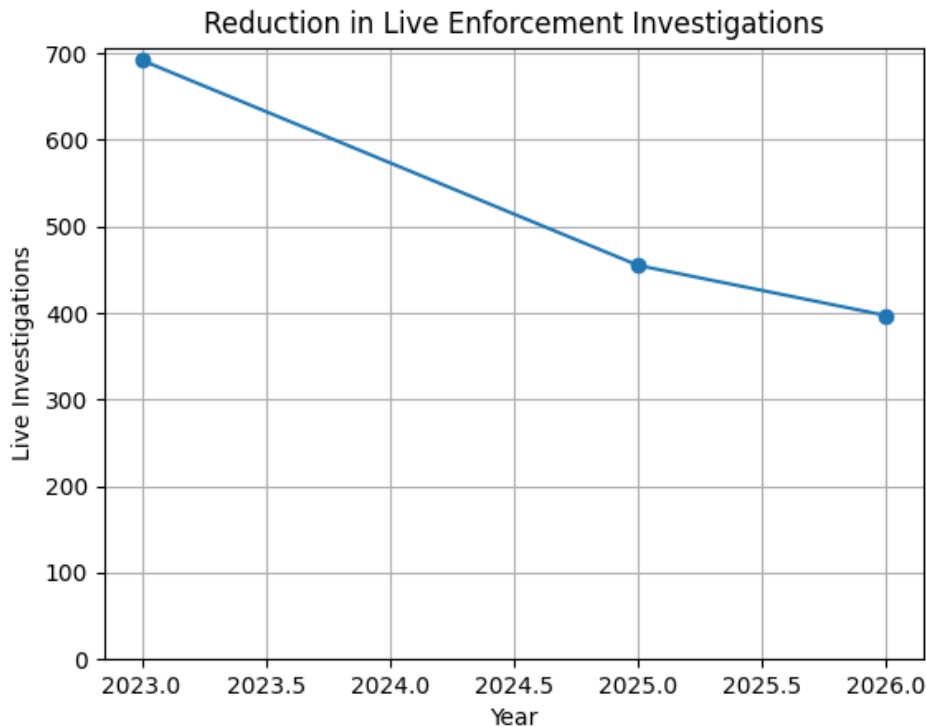
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| HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT | |
| REPORT TITLE: | Enforcement Update |
| DATE REPORT WRITTEN: | 1st April 2026 |

Purpose of the Report

To update the Planning Committee on the work of the Planning Enforcement Service.

Enforcement Cases

As of 31 March 2026, there were 397 live enforcement investigations. This represents a reduction from 455 live investigations in November 2025, continuing the progress made in reducing the caseload from 692 live investigations in September 2023.



Between 1 April 2025 and 31 March 2026, the service received 203 enforcement complaints, resulting in new investigations. A number of these cases are complex, involving both technical breaches and more significant planning issues. During the same period, a total of 271 investigations were closed.

In the most recent quarter (1 January 2026 to 31 March 2026), the service received 50 new enforcement complaints, while 110 investigations were closed.

These figures demonstrate continued progress in reducing the overall number of open investigations to a more manageable level. This will enable officers to focus more effectively on new cases, resolve complaints more promptly, and take formal enforcement action where it is expedient to do so.

Enforcement Notices and Formal Cases

During the past quarter, the service served an Enforcement Notice requiring the demolition of an unauthorised residential dwelling and associated works erected within the Green Belt at Hillside, Shawcliffe Lane, Great Harwood. This action followed the granting of a Planning Enforcement Order by the courts.

In January 2026, the Planning Inspectorate dismissed an appeal relating to land at Jaucourt Street, Accrington, where mesh fencing had been erected around an area of unadopted highway without planning permission. As a result, the Enforcement Notice requiring removal of the fencing and restoration of the land to its previous condition has now taken effect.

Although these Enforcement Notices are now in force, the compliance periods have not yet expired. These cases will be closely monitored, and prosecution action will be pursued if compliance is not achieved.

One appeal remains outstanding in relation to an Enforcement Notice concerning the unauthorised laying of concrete at Wood Street, Church, which is currently under consideration by the Planning Inspectorate.

Upcoming Priorities and Next Steps

Work is ongoing to improve the monitoring and reporting of enforcement investigations. Future reports will aim to include a more detailed breakdown of case closure reasons, along with the priority ranking of complaints received (ranging from Priority 1 (high) to Priority 4 (low)). This will provide elected Members and officers with a clearer understanding of the volume, nature, and complexity of cases handled by the service.

To further support service delivery, it is proposed to recruit an additional part-time Planning Enforcement Officer in the next quarter. This will increase overall capacity, enabling continued reduction in the number of live enforcement investigations and supporting a more proactive approach to planning enforcement.

Local Government (Access to Information) Act 1985: List of Background Papers

N/A