



Children's Residential & Supported Accommodations
Supplementary Planning Guidance
Consultation Draft



Contents

1. Introduction	3
2. Aims and Objectives	4
3. Background	5
4. Current Issues and Challenges Associated with Children’s Homes in Hyndburn ...	7
5. Relevant Planning Policy and Guidance.....	11
6. Specific Advice for Children’s Homes.....	15
Appendix 1 Customer First Analysis.....	20

1. Introduction

- 1.1 In recent years the Council has witnessed a steady increase in the number of planning applications, and applications for certificates of lawful development, for the change of use of dwellings to small children's care homes.
- 1.2 In the light of legal advice on certificates of lawful development for children's care homes, the Council has consistently taken the view that the use represents a material change and is not therefore a lawful change of use. This view has been supported at subsequent appeals and fewer applications for certificates of lawful development are now being submitted.
- 1.3 Planning applications for Children's Care Homes have resulted in a high level of public concern from neighbours and local residents and in turn this has resulted in a large proportion of planning applications being called in for determination by Planning Committee. The majority of these applications have been refused, but then allowed on appeal, impacting on the Council's performance.
- 1.4 The existing development plan does not contain a specific planning policy framework that can be used for the determination of planning applications for Children's Care Homes.
- 1.5 The purpose of the Supplementary Planning Guidance is to provide a policy framework for the determination of planning applications for Children's Care Homes.
- 1.6 In May 2023, the Parliament issued a titled statement '*Planning for accommodation for looked after children*', which sets out the Government's view that planning system should not become a barrier to providing homes for the most vulnerable children. It also notes that local planning authorities have the responsibility to 'down weight' and support applications, where deemed suitable for all types of accommodation for looked after children. These applications should reflect local needs, and all parties involved in the development process are expected to cooperate closely, to ensure the delivery of appropriate accommodations reflecting the care needs for local children.
- 1.7 This Supplementary Planning Guidance (SPG) is intended to offer clarification and information on the key issues associated with development proposals for children's homes in Hyndburn. This SPG does not replace the Development Plan for decision-making purposes but has been produced to provide assistance to both the applicants, members of public and decision makers on the understanding of relevant legislations, regulations guidance and policies that will be taken into consideration in the determination of planning applications for Children's Care Homes. The SPG will form a material consideration in the determination of planning applications.
- 1.8 Notwithstanding the guidance set out within this statement, compliance with the principle of this guidance does not guarantee a planning application will be approved and all applications will be assessed on their individual merits.

2. Aims and Objectives

- 2.1 The council's aim is to ensure that good quality children's care facilities are made available in appropriate premises and locations to meet the needs of looked-after children, without causing undue harm to the character and amenity of local neighbourhoods, or resulting in the relocation of looked-after children from outside Lancashire.
- 2.2 In light of the specific issues associated with the provision of children's home in Hyndburn as set out above, the Council has identified the following objectives:
- Avoid the undue concentration of children's homes in a particular area having regard to existing character and amenity of an area;
 - Such accommodation is located in appropriate and suitable locations that best meet the needs of looked-after children and also integrated into existing settings with consideration of the current infrastructure available;
 - Support and safeguard children in care and local communities through the use of structured and robust management plans, and;
 - Actively support and enhance local communities for all residents within an area.
- 2.3 The planning system is not the only regulatory regime relevant to children's home. Section 11 of the Care Standards Act 2000 and the Children's Homes (England) Regulations 2015 requiring children's care homes to be registered with Ofsted. There is also guidance that care provider should follow when registering and operating a children's home.

3. Background

- 3.1 Over the recent years, Hyndburn Borough Council has noted an increasing number of applications for planning permissions and lawful development certificate being submitted for the provision of children's homes through the conversion/change of use of dwelling houses. The fundamental difference between applications for planning permission and Lawful Development Certificate is whether the conversion of dwelling houses to children's homes would result in a material change of use from C3 to C2 use classification.
- 3.2 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 distinguishes a range of uses of buildings/lands and specially permits changes of use from one to another within individual classes. With regard to the provision of children's homes through conversion of dwellinghouses, the key consideration is whether such type of proposals would constitute a change of use from C3 to C2 Class, which is largely centred on whether or not the children are in themselves capable of living together as a single household.
- 3.3 According to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, use class C3 (dwellinghouse) reads as follows:
Use as a dwellinghouse (whether or not as a sole of main residence) by –
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).
- 3.4 In light of the above, if a children's home is occupied by no more than 6 people (combined number of children and carer(s)), with children being looked after by a permanent occupant of the dwelling, it would fall within the definition of Class C3(b). That said, the matter becomes less clear when the care is provided by a team of staff working on shifts. In the case of *North Devon District Council v First Secretary of State* [2003], Justice Collins commented that '*children need to be looked after. They cannot run a house, they cannot be expected to deal with all the matters that go to running a home children are regarded as needing full time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should* .
- 3.5 Justice Collins concluded that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves. The North Devon judgement also clarified that carers who provided 24 hour care but were not residents could not be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist, children and carers must reside in the premises.

- 3.6 In light of the legal advice the Council have received on this matter, the recent appeal decisions, and other material planning considerations, the Council has taken the view that a material change of use would occur for converting a dwelling house (Class C3 use) to a children's care home (Class C2), for the reasons as follows:
- The nature of operation of a children's home (staffed workplace with routine coming and goings of staff, with additional professional visitors, in addition to being a home) is different from a household providing care for foster children;
 - Change in character of use as result of increased day-to-day activities;
 - Impact of the children's home on an area (particularly in less sustainable locations);
 - Change of character of the property as a result of typical physical alterations to the property; Impact of the children's homes in terms of loss of family dwellings;
 - Impact of the children's homes on local public service delivery.
- 3.7 The Council has therefore consistently held the view that children's home operated with care staff on shifts does not comply with the definition of Class C3(b) or C3(c) use, and use of premises as a children's home will generally fall within Class C2 use (residential institution). This approach has been supported by subsequent appeal decisions and fewer applications for Certificates of Lawful Use are being submitted.
- 3.8 By requiring planning permission for the formation of children's homes through the change of use of existing dwellinghouses, the Council is able to ensure that such provision is established in the appropriate properties in suitable locations. In the process of determining planning applications, relevant statutory consultees and advisory groups (e.g. Highway authority, LCC Children's Commissioning and Lancashire Constabulary) will be consulted to enable the local planning authority to undertake thorough assessment of the applications. It is also worth noting that development proposals always have been attracting high level of concerns from local residents on the amenity, parking and transport impacts, particularly when there is more than one children's care homes in the neighbouring area.

4. Current Issues and Challenges Associated with Children's Homes in Hyndburn

4.1 This section will consider the key issues and challenges associated with development of Children's Care Homes in Hyndburn and the means by which they can be addressed. The following issues will be considered:

- i. Supply, Distribution, and Occupation of Children's Homes
- ii. Impact of House Prices on the Supply and Distribution of Children's Homes
- iii. Impact of Disproportionate Supply of Children's Home in Areas with Lower Property Prices

i. Supply, Distribution, and Occupation of Children's Homes

4.2 Evidence across England has already shown that new children's care homes are being disproportionately placed in cheaper and more deprived parts of England (The Observer, 09 July 2023)¹. This article notes that 'over the past five years the number of children's care homes located in areas with cheapest house sales prices has risen almost three times faster than the most expensive places. Among the regions with large increases in homes was the northwest, including in parts of Blackpool and Burnley and other northern cities such as Bradford. Children's services directors warned that the trends were driven by the 'blatant profiteering' of private care providers, targeting cheap housing and local labour.

4.3 An article published by All Parties Parliamentary Group (APPG) in September 2019 (No Place at Home – Risking facing children and young people who go missing from out of area placement) highlighted that children are often placed out of their home area in children's homes and semi-independent accommodation not because it is in their best interest but because there are no local placements available. Out of area placement are driven by market. There are not sufficient numbers of local placements as children's home are clustered in three main areas of the country, often in cheap housing. Research has also shown that most local authorities reported that children with complex needs are frequently placed out of area, experience unplanned placement moves, have referrals rejected by homes and/or served notice by their setting. All these things can disrupt children's stability.

4.4 The background information provided by Lancashire County Council, it is obvious that Lancashire County (including Hyndburn) has attracted a disproportionate level of market interests from agency children's care providers since 2020. As of April 2024, over a quarter of all children's homes in England were in the northwest of England (27.1%, an increase from 25.3% in March 2023). Lancashire County have the largest number of children's homes within our area than other county in England. 28% of all children's homes in the northwest and 8% of all children's home in England are in the boundary of Lancashire County, with most (267 out of 282 homes as of April 2024) operated by agency providers.

¹ Source: 'Revealed: Children's care homes flooded into cheapest areas of England, not where most needed'; The Observer 09th July 2023

Lancashire Districts - Ratio of care homes to population compared to North West England and England

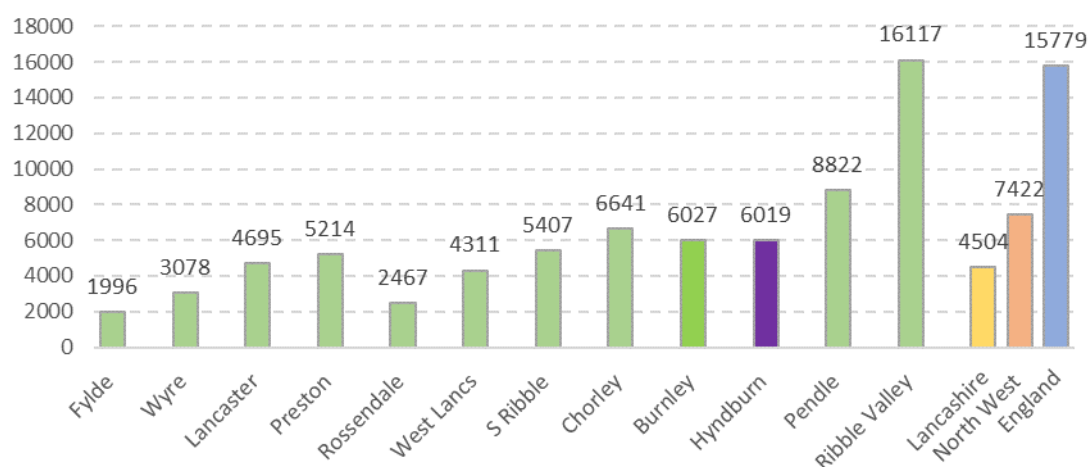


Fig 1. Graph illustrating comparative density of childrens care homes in Lancashire Districts compared to Lancashire, North West England and England.

- 4.5 Furthermore, according to the Ofsted Register of Children’s Homes published in April 2024, there were up to 830 registered places in agency children’s homes in Lancashire. However, as of 31st March 2024, only 129 Lancashire children were living in an agency children’s home in Lancashire, which equates to only 16% of agency children’s homes beds in Lancashire being used to care for Lancashire children. Only 29% of agency Ofsted registered children’s homes in Lancashire (78 out of 267 homes as of march 2024), had Lancashire children living there, which equates a reduction from 43% in March 2020 to 38% of March 2023. As of 31st March, 2024, 79 agency providers operating children’s homes in Lancashire, but only 35 of these providers (44%) were caring for Lancashire children. In Hyndburn, private agency providers also dominate the children’s home market, and all 34 applications for new children’s homes received by Hyndburn Borough Council between 2020 and 2024 were submitted by private care providers.
- 4.6 The increased number of planning applications for children’s homes have also given rise to concerns by Lancashire County Council. In the correspondences between Lancashire County Council, Hyndburn and various interested parties in August 2024 regarding the supply of children’s home, the following comments have been raised: *‘In Lancashire, there are 1,164 children from outside the county who are placed here by other local authorities. For context, this is the single highest amount for any county in the country. More than Manchester, Liverpool, and all London Boroughs. In addition, the North West is home to 26% of England’s children’s homes, on a per capita basis, our area is significantly punching above its weight in this type of provision.’*
- 4.7 According to the records provided by the Lancashire Policy, Commissioning and Children’s Health Department, it is noted that theoretically, there are more than

enough Ofsted registered agency children's homes within Lancashire to meet the demand for care accommodations in the county, but it is still challenging to find good quality and suitable home for some Lancashire children.

ii. Impact of House Prices on the Supply and Distribution of Children's Homes

- 4.8 The APPG (2019) report also notes that data published by the DfE shows that number of looked after children placed by local authorities in their own provision within their own boundaries has remained almost static, despite the growing number of children in care. Ofsted data shows that between 2014 and 2019, the number of privately owned children's homes has increased, with 75% of all children's homes now being private, whilst those run by local authorities decreasing. Children's homes continue to be concentrated in areas with lower cost housing.
- 4.9 UK Housing Price Index England – July 2024 (published 18th September 2024 by HM Land Registry) has indicated that Burnley, Pendle and Hyndburn are the three local authority areas with the lowest house prices out of a total of 317 local authority areas in England in 2023 and 2024. According to the housing data from the Office of National Statistics, the median house price of Lancashire – 14 and Hyndburn Borough are well below the national and northwest averages.
- 4.10 There is little doubt that the current over supply of children's home within Lancashire is largely driven by the low property acquisition costs and the associated large profit margin, rather than reflecting the true level of care needs for Lancashire children.

iii. Impact of Disproportionate Supply of Children's Home in Areas with Lower Property Prices

- 4.11 The over-supply of children's care homes from agency care providers within Lancashire and Hyndburn has result in some children in need of care being moved away from their home communities and supports, which could increase risk of poorer wellbeing. Furthermore, it will also place additional strain on already pressurised local public services. According to the findings of the recently published article by BECOME (a charity for children in care and young care leavers)², both the number and percentage of children in care in England placed more than 20 miles from home increased every year from 2012 to 2021, while numbers also increased from 2021-2022.
- 4.12 Children experiencing multiple moves were at greater risk of a distant placement, with 29.9% of those in their third or subsequent placement living more than 20 miles from home, compared with 20.6% of those in their first. Children placed far from home also appeared to have lower wellbeing than their counterparts, 'Strengths and

² Still Too Far – Children in care being moved miles from the people and places that matters to them, BECOME, August 2024 (source: <https://becomecharity.org.uk/content/uploads/2024/08/Still-Too-Far-report-FINAL-v1.pdf>)

Difficulties Questionnaires' which all children in care aged 4-16 should complete every year, showed that 32.4% of those placed 20 miles from home were found to have cause for concern, compared with 27.7% of other looked-after children. The increasing number and proportion of children being placed more than 20 miles from home comes despite councils being under duties to place children within area (section 22C of the Children's Act 1989) and take steps to secure sufficient accommodation for them within their boundaries (section 22G).

- 4.13 Unfortunately, housing markets have been having far too big an influence on the children's care system. Due to the low level of supply of children's homes operated by agency providers in the areas with high property prices, too often local authorities are left with little choice but to send children miles away from everything they know, their school, friends, and often brothers and sisters. For many children, this will often lead to change in school, disrupting their education, including during critical periods such as in the lead up to exams. For others, it can disrupt important support they may be receiving for physical or mental health needs, and they then need to build relationships with new professionals. It also means having to navigate new relationships at home and build new relationships in other aspects of their lives, as it becomes difficult to stay connected to their friends, relatives or other supportive adults who are now many miles away. With an increasing proportion of care facilities being delivered by agency providers and less being delivered by local authorities, the changing trend on the provision and distribution of children's homes has contributed to the challenges that local authorities face in being able to provide sufficient appropriate local homes to meet the needs of children in their area.

Summary

- 4.14 Due to the low property prices, Hyndburn has experienced significant growth of children's homes operated by agency providers, which has resulted in a large number of children being moved to the Borough with associated social and amenity issues. In order to protect the wellbeing of looked-after children and to reduce the number of looked-after children to be moved from their home community, it would be essential for Hyndburn to develop policy guidance for the provision and distribution of new children's homes to mitigate the impact of market attractions of low property prices to private care providers.
- 4.15 Although it is not possible for the planning system to condition or require that children's homes are only occupied only by looked-after children from the County, the introduction of policy guidance would enable the provision of high quality children's homes, to direct agency children's care homes to appropriate types of properties within more suitable locations within the Borough, to reduce the number of refusals of planning applications and appeals. It is therefore important to put in place an appropriate guidance/framework that can be used by the applicant Planning Committee and Officers on the preparation, assessment, and determination of planning applications for children's care homes.

5. Relevant Planning Policy and Guidance

- 5.1 This sections considers relevant planning policy and guidance and the extent to which it can be taken into consideration when determining planning applications for children’s care homes.

National Planning Policy Framework

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner³. NPPF goes on to advise that achieving sustainable development means that the planning system has three overarching objectives – an economic objective, a social objective and an environmental objective.
- 5.3 The social objective is to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being⁴.
- 5.4 Paragraph 60 of National Planning Policy Framework (December 2023) (the NPPF) states that LPA should support the Government’s objective of significantly boosting the supply of home and *‘the needs of groups with specific housing requirements are addressed’*.
- 5.5 Paragraph 61 requires consideration of how housing needs in an area should be assessed. Paragraph 63 also states that the type of housing should be reflective of an assessed for all different types and groups of people (specially including care homes).

Written Ministerial Statement (23rd May 2023)

- 5.6 A written ministerial statement (which is a material planning consideration) was issued by the then Housing Minister specially relating to the planning system and children’s care homes. this stated (inter alia) that:

*‘the planning system should not be a barrier to providing homes for most vulnerable children in society’.... ‘local planning authorities should assess the size, type and tenure of housing needed for different groups the community and reflect this in planning policies and decisions’.... ‘In two tier authorities, we expect local planning authorities to support these vital development where appropriate, **to ensure that children in need of accommodation are provided for in their communities.**’*
[emphasis added].

³ NPPF, paragraph 7.

⁴ NPPF, paragraph 8.

Proposed Reforms to the National Planning Policy Framework (31st July 2024)

- 5.7 Ministry of Housing, Communities & Local Government announced proposed changes to the National Planning Policy Framework on 31st July 2024, which are out for consultation for eight weeks till Tuesday 24th September 2024. Those proposed changes either accept or reverse changes made to the December 2023 version of the Framework. To support the provision of children's homes, it is proposed to include explicit reference to looked-after children in paragraph 63 of the current NPPF, which sets out the housing needs for difference groups in the community should be addressed and reflected in the planning policies. The proposed changes of paragraph 63 read as:

*'Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; **looked after children** ;older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.'* [emphasis added].

- 5.8 Footnote 29 of the consultation draft 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 Sufficient Strategy.

Hyndburn Core Strategy and Development Management DPD

- 5.9 It is noted that there are no policies within the Council's current development plan documents particularly relates to the development of HMOs within the Borough. That said, Policy DM10 of Hyndburn Development Management DPD requires that the new housing development should not have an unacceptable adverse impact on neighbouring development (including existing business) by virtue of it being over-bearing, or oppressive, overlooking, or resulting in an unacceptable loss of light or amenity). Policy DM29 also requires new development to protect, and where possible improve, the amenity of surrounding existing and future residents.

Emerging Hyndburn Local Plan 2040

- 5.10 At the time when this document is prepared, the Hyndburn Local Plan 2040 has now reached 'pre-submission draft' consultation stage. It is acknowledged that Hyndburn Local Plan 2040 does not have any particular policies with regard to provision of children's homes, however planning applications for children's homes would still have to comply with other relevant policies such as Policy SP20 (Environmental Amenity and Air Quality) to ensure that the proposed development would not result in any undue impact on the highway safety, local amenity and living environment.

**Guide to the Children's Homes Regulations including the quality standards
April 2015. Department for Education.**

- 5.11 One of the key principle cited in this Government document is that "*Residential child care should provide a safe and stimulating environment in high-quality buildings, with spaces that support nurture and allow privacy as well as common spaces and spaces to be active.*"
- 5.12 The document also considers the location of Children's Care Homes, advising as follows:

Location and design

- 3.23 The home should be located in an area that supports children's safety, well-being and personal development. The location of the home should support its aims, objectives and ethos, as described in the Statement of Purpose. (See paragraph 15.1 for information on assessing the location of the home.)
- 5.13 Paragraph 15.1 advises:
- 15.1 When establishing the home, the registered person must ensure that it is suitably located so that children are effectively safeguarded and can access services to meet needs identified in their relevant plans (see regulations 12(2)(c)). Under regulation 46, the registered person should review the appropriateness and suitability of the location and premises of the home at least once a year. The review should include the identification of any risks and opportunities presented by the home's location and strategies for managing these. Providers should refer to the non-statutory advice about the location assessment process: *Children's homes regulation amendments 2014: Advice for children's homes providers on new duties under regulations that came in to effect in January and April 2014.*
- 5.14 The 2014 Guidance includes the requirement for Care Home Providers to undertake a location assessment which should give consideration to a number of factors, as set out below:
- 1.13 The considerations a home manager or potential provider of a new home will need to take into account, as they carry out a location assessment, may include:
- whether the location of the home influences the potential for an already vulnerable child to be a victim of crime, such as being targeted for sexual exploitation;
 - whether there is a likelihood of children placed in the home becoming drawn into gang crime or anti-social behaviour in the local area;

- the suitability of the local neighbourhood as a location to care for children who may have already been victims of abuse and neglect ; and
- whether there are environmental factors that would represent a hazard to children, such as locations near level crossings or busy roads.

1.14 Location assessments should also take into account any positive features in a local community that would offer benefits to children living in a children's home. For example, assessments could include evidence about opportunities for children to participate in leisure, sporting or cultural activities, or links with services that could support the child's ethnic or religious identity

5.15 The approach taken to the location of care homes clearly priorities the needs of vulnerable children and seeks to ensure that they are not housed in unsuitable locations where they would be at further risk through crime or anti-social behavior.

5.16 Work undertaken in relation to houses in multiple occupation⁵, identified those areas of the Borough that had high concentrations of HMO's and as well as being amongst the most deprived areas in England also suffered from high levels of crime and anti-social behaviour. Nine wards were identified where it was considered that the further development of houses in multiple occupation would further harm already deprived communities. Although many of these areas do not contain the types of properties sought by Children's Care Home providers, the development of children's care homes in these wards could place an already vulnerable child in a location where they may at a higher risk of crime or exploitation.

⁵ Evidence to Justify the Purpose and Extent of an Article 4 Direction in Hyndburn.

6. Policy for the Development of Children's Homes

- 6.2 As discussed in Section 3, Hyndburn Borough Council has determined that the formation of children's care homes through the conversion of dwellinghouses would amount to material change of use from C3 to C2 use classification. By virtue of their differences in operational nature, level of activities, number of staff/visitors, and associated parking requirement and vehicle movements, material change of use between children's homes and residential dwellings would occur, therefore planning permission will be required for such type of development to enable the Local Planning Authority to assess the merits and impacts of the proposal.
- 6.3 When assessing planning applications for children's homes, the principle consideration is that children's home should only be provided where there is a local need, and the prospective children's homes are to be suitable properties in suitable locations. Consideration must be afforded to the number of children and their age, number of staff and shift pattern (including staff handover time), estimated number professional visitors, parking requirement and on-street/off-street parking provisions, any external alterations or extension to the building.

Development Principle – Meeting the needs of local communities

- 6.3 National Planning Policy Framework makes it clear that a priority of the planning system is to meet local housing needs, including those of groups with specific housing requirement. The Ministerial Statement made in May 2023 recognises the importance of the planning system supporting the development of Children's Care Homes, but stresses that we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities. The Ministerial Statement states:
- "It is not acceptable that some children are living far away from what they would call home (without a clear child protection reason for this) separated from the people they know and love."*
- 6.4 The Government's position is clearly articulated in the ministerial statement and concerns about Lancashire authorities supporting children from outside the County and region have been raised by Lancashire County Council. Evidence provided by Lancashire County Council indicates that many Lancashire authorities, including Hyndburn, already have a significantly higher proportion of care homes in their areas than the national average.
- 6.5 Many Lancashire authorities including Hyndburn have experienced a significant increase in the number of planning applications for children's care homes. This increase is being driven by low property prices across many areas of Lancashire, not by a significant increase in local need for children's care homes. Many of these care homes are therefore being used to accommodate children from outside the area, contrary to how the Government want to see care homes operating.

- 6.6 Research by government departments and charitable organisations have demonstrated that placing children in need care away from their home communities and supports, which could increase risk of poorer wellbeing. Furthermore, it will also place additional strain on already pressured local public services, as evidenced by Lancashire County Council.

Policy 1 Meeting the care needs of local communities

The development of a Children’s Care Home will be supported if it can be demonstrated that the Care Home will support local communities.

Planning permission will not be granted for the development of a Children’s Care Home if Lancashire County Council object to the development on the grounds that it will not contribute to meeting the needs of local communities.

- 6.6 In order to establish the current position on local needs, applicants for children’s homes are encouraged to engage in pre-application discussions with the Children Services of Lancashire County Council and seek their support. Should the need for accommodation to meet local need be identified, the principle of such proposals could be supported.
- 6.7 Lancashire County Council are consulted on planning applications for Children’s Care Homes. The consultation response made by Lancashire County Council will be an important consideration in establishing the extent to which the proposed care home will support local needs and whether the planning application should be supported.
- 6.8 It is worth noting that the local needs for children’s care home accommodation is dynamic and will change over time. The Council must be guided by the Children’s Services of Lancashire County Council, who monitor the provision of registered children’s homes locally against the local level of need that is emerging.

Site Specific Considerations

- 6.9 If it is demonstrated that the care home will contribute towards meeting local needs, it will be necessary to ensure it is in an appropriate location and will not give rise to any harm at a local level.

Policy 2 Site Specific Requirements for Care Homes

The development of a children’s care home will be supported provided the following criteria are satisfied:

- i. **That the general location of the care home is considered to be suitable and appropriate;**
- ii. **That the application property is suitable for the number of children and carers proposed;**

- iii. That there is sufficient off-street car-parking for carers and visitors and that the development will not impact on highway safety, and;
- iv. That the development will not result in a concentration or cluster of children's care homes in that area.

The general location is considered to be suitable and appropriate

- 6.10 Guidance issued by the Department for Education requires care home providers to carefully consider the location of care homes and ensure that they are not in locations where (already vulnerable) children may be more likely to become involved in crime and anti-social behaviour.
- 6.11 Work undertaken in relation to houses in multiple occupation⁶, identified those areas of the Borough that had high concentrations of HMO's and as well as being amongst the most deprived areas in England also suffered from high levels of crime and anti-social behaviour.
- 6.12 Nine wards were identified⁷ where it was considered that the further development of houses in multiple occupation would further harm already deprived communities. Although many of these areas do not contain the types of properties sought by Children's Care Home providers, the development of children's care homes in these wards could place an already vulnerable child in a location where they may at a higher risk of crime or exploitation.
- 6.13 Although many of these areas have high numbers of terraced properties, which are not normally sought after by Children's Care Home providers, the development of children's care homes in these areas may place the child at increased risk of becoming involved with crime or anti-social behaviour.
- 6.14 Similarly, if the proposed location is in proximity to a known environmental hazard such as a level crossings, reservoirs or busy roads, the location may not be considered acceptable consistent with the advice provided by the Department for Education.

That the application property is suitable for the number of children and carers proposed

- 6.15 It is essential to ensure that our most vulnerable children are accommodated in stable and secure environment, which means that the Council will expect the prospective children's homes should provide sufficient internal floor space to create homely and domestic environment, with reasonably sized curtilage for the enjoyment of children. It is important that the proposed property can comfortably accommodate the number of children and carers proposed. Floorplans must be submitted with

⁶ Evidence to Justify the Purpose and Extent of an Article 4 Direction in Hyndburn.

⁷ The wards of Barnfield, Central, Church, Clayton-Le-Moors, Netherton, Peel, Rishton, Spring Hill and St Andrews.

planning applications and the application should also provide details of communal areas and the amount of garden space available for the children to use.

6.16 The size of the property will often dictate how many children can be cared for within it. The following guidelines will be used to determine the acceptability of the property size:

- Terraced properties – generally only suitable for accommodating one child;
- Semi-detached properties – generally only suitable for accommodating up to two children;
- Detached properties – 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.

There is sufficient off-street car-parking for carers and visitors and that the development will not impact on highway safety

6.17 Compared with equivalent sized dwellinghouse, children's home will result in intensification of activities, vehicular movements and parking needs arising from the care home operation particularly in unsociable hours, which can be disruptive in a residential setting. To enable the local planning authority to assess impact of the intensification of activities, vehicular movements and parking needs on the neighbouring area.

6.18 All Planning applications for children's home must be accompanied by the details, including maximum number of children to be accommodated within the property, staff/children ratio, transport arrangements for children, expected number of professional visitors in daily basis, on-site vehicular access and parking capacity (with swept path analysis), parking surveys of the nearby street if on-street parking is expected. . The application should also include details of the numbers of health care professionals, teachers and other professionals associated with the care of the children that are likely to take place each week.

6.19 Potential problems associated with increased parking and movement of vehicles is a matter than is commonly raised on planning applications for Children's Care Homes and that these concerns are adequately addressed.

6.20 The Highway Authority is a statutory consultee on planning applications for Children's Care Homes and their comments on a planning application will be taken into consideration. The Highway Authority will normally consider the extent to which the parking proposed is acceptable and potential highway safety issues.

That the development will not result in a concentration or cluster of children's care homes in that area

- 6.21 It is important that groups of two or more children's care homes do not have a cumulative adverse impact on a residential area. It is therefore proposed that new care homes should not be closer than 400m from an existing children's care home.
- 6.22 Information on the location of existing care homes is not publicly available, it will therefore be necessary to seek advice from Lancashire County Council Children's Services in respect of this matter.

Pre-application Advice

- 6.23 Hyndburn Borough Council welcomes and encourages discussions with applicants or their agents prior to a planning application is submitted. Early discussions can help to achieve time savings, and a better standard of application, which improves the chance of a timely and successful outcome. The Council does, however make a charge for advice that it provides to applicants and developers prior to submitting a planning application. Further information on the pre-application services can be found on the Council's website [Non-Householder Pre-Application Advice and Details of Charges \(Pre-app, pre-application form\) – Hyndburn Borough Council](#).
- 6.24 As stated earlier in this Guidance, it is also recommended that care home providers engage with Lancashire County Council Children's Services in respect of any proposals for new Children's Care Homes in Hyndburn.

Appendix 1 Customer First Analysis

1. Background

- 1.1 Since 1 April 2011, we have a legal duty under the Equality Act 2010, which applies to all public authorities. It covers these protected characteristics: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; gender; sexual orientation; and, for some aspects, marriage and civil partnerships.
- 1.2 The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.
- 1.3 The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis.
- 1.4 The Analysis should be **proportionate** to the policy decision being taken and included when a decision is being taken on the Policy. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

2. Purpose

- 2.1 What are you trying to achieve with the policy / service / function?

To direct and management the provision and distribution of children's home in Hyndburn
- 2.2 Who defines and manages it?

HBC – Planning and Transportation; Children Services
LCC – Children Services
- 2.3 Who do you intend to benefit from it and how?

The Children's Home SPG will benefit the local communities, and to reduce the risk of children in needs of care from other regions of England to be moved away from their home towns and placed in Hyndburn
- 2.4 What could prevent people from getting the most out of the policy / service / function?

Insufficient officer capacity, and insufficient liaison with children's services of HBC and LCC during the course of the planning applications.
- 2.5 How will you get your customers involved in the analysis and how will you tell people about it?

Through the six weeks of public consultation on the Children's Home supplementary planning guidance (SPG), and the mechanism of pre-application enquiry.

3. Evidence

- 3.1 How will you know if the policy delivers its intended outcome / benefits?

Through Annual Monitoring Report of the Local Plan, and the database of the Children Services of Hyndburn Borough Council and Lancashire County Council.

- 3.2 How satisfied are your customers and how do you know?

It is too early to tell.

- 3.3 What existing data do you have on the people that use the service and the wider population?

Hyndburn Borough Council planning department holds the records of the planning permissions and lawful development certificates for children's homes in the Borough.

- 3.4 What other information would it be useful to have? How could you get this?

LCC Children Services Department manages the records of Ofsted registered children's homes in Hyndburn, and will act as a consultee for children's homes applications.

- 3.5 Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?

Children's Homes SPG would potentially have impact on the children in need of care, and agency providers of children's homes.

- 3.6 Are you using partners, stakeholders, and councillors to get information and feedback?

Yes.

4. Impact

- 4.1 Are some people benefiting more – or less - than others? If so, why might this be?

The Children's Home SPG would protect the well-being of children in need of care, and the amenity of existing communities. The implementation of this SPG could disadvantage the agency providers of children's homes.

5. Actions

- 5.1 If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?

It could potentially disadvantage the agency providers of children's homes who have been taking advantage of low property prices of Hyndburn over the years. That said, both children in needs of care and the existing communities would benefit from the implementation of this SPG.

- 5.2 Is it discriminatory in any way?

There is no evidence to suggest it will be.

- 5.3 Is there a possible impact in relationships or perceptions between different parts of the community?

It isn't envisaged but if the evidences suggests otherwise then it will be reviewed.

- 5.4 What measures can you put in place to reduce disadvantages?

Provision of clear information to communities of Hyndburn, and pre-application enquiry services to the applicants.

- 5.5 Do you need to consult further?

Six weeks consultation following the approval by the Cabinet

- 5.6 Have you identified any potential improvements to customer service?

No.

- 5.7 Who should you tell about the outcomes of this analysis?

Members, members of public and the stakeholders

- 5.8 Have you built the actions into your Business Plan with a clear timescale?

No.

- 5.9 When will this assessment need to be repeated?

When this Children's Homes SPG is to be adopted by the Council.

Simon Prideaux
Chief Planning and Transportation Officer
December 2024