

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

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

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

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

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

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

### **Consultation Responses/Representations**

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

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

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

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

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

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

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

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

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

### **Relevant Planning History**

N/A

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

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

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

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

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

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

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

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

## Hyndburn Local Plan 2040 (Emerging Local Plan)

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

### Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

Hyndburn Borough Council Parking and Access Standards (2010)

### Observations

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

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

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

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

### Considerations

1. Principle of development

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

## 2. Site-Specific Assessment

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

### i. General location

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

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

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

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

### iii. Parking provision and highway safety

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

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

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

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

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

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

3. Residential Amenity Impact

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

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

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

4. Other Considerations

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

### **Planning Balance and Conclusion**

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

According to the comments of LCC Children's Services, there is no evidence to demonstrate that the proposed care home for one child would meet the need for Lancashire children, and the proposed development would place additional demands on public services. However, in allowing the appeal in relation to 30 Bluebell Way the Inspector noted, *"there is no planning policy requirement for a need to be demonstrated and the lack of compliance with the County Council's commissioning strategy is not, in itself, a reasonable objection on planning grounds"*.

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

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

### **Recommendation**

That the application be Granted subject to the following conditions:

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

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

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

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

(b) Submitted plans, namely:

001 – Location Plan

100- Existing Plans and Elevations

300 – Proposed Plans and Elevations

25-058 – Transport and Parking Statement

25-058-460 – Supporting Statement

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

3. The building shall only be used as a children's care home (for the accommodation of one child as described in the application) and for no other purpose including any other purpose with Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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