

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

### **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 20<sup>th</sup> 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 07<sup>th</sup> 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](http://cadentgas.com/our-services/gas-diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.