

HYNDBURN BOROUGH COUNCIL - COMMITTEE REPORT	
APPLICATION REF:	11/26/0191
APPLICATION ADDRESS:	1 Bamford Crescent, Accrington, Lancashire, BB5 2PQ
DEVELOPMENT DESCRIPTION:	Full: Change of use from dwelling (use Class C3) to residential care for (Use Class C2) provision for one child.
DATE REPORT WRITTEN:	10 August 2026

Recommendation

That planning permission be granted subject to the conditions at the end of the report.

Description of site and Proposed Development

The application relates to three-bed, terraced dwelling 1 Bamford Crescent, Accrington. It is situated on a corner plot adjacent to the junction of Bamford Crescent and Manchester Road. The existing house was originally built as the end property within a row of terraced housing and has been in domestic use since its construction in the 1800s. Originally identified as 129 Manchester Road and 1 Bamford Crescent in a differing configuration, the property forms the end terrace unit to a row of similar styled properties dating from the 1800s.

The application site is situated within an established residential area. Although the housing stock fronting Bamford Crescent with Manchester Road is of an older nature, constructed to higher densities in a more traditional palette of materials, the majority of the properties along the remainder of Bamford Crescent are more modern, constructed in the latter half of the C20, 1950s-70s predominantly as single storey bungalows or two storey detached dwellings with private open space and off-road parking.

The site is located within the Accrington Christ Church Conservation Area.

The proposal is for the change of use of the existing dwelling to a residence providing care for one child of a low-risk nature with two associated live-in care workers akin to a family orientated environment in line with the Supported Accommodation (England) Regulations 2023. There will be no physical alteration to the property in terms of extension, conversion or alterations although a bin store is proposed to the front.

Consultation Responses/Representations

Growth Lancashire – Heritage:

Designations

Growth Lancashire Conservation Comments 23 June 2026 Ref: 11/26/0191 Full: change of use from C3 dwelling to C2 residential care provision for one child with associated carers 1 Bamford Crescent Accrington Lancashire BB5 2PQ

The proposed building lies within the Accrington Christchurch Conservation area.

Comments I have reviewed the application documents and considered these against the relevant statutory duty(s) under the Planning (Listed Building and Conservation Areas) Act 1990, the national policy contained in Chapter 16 of the NPPF and the Local Plan policy(s).

The planning application includes existing and proposed plans and elevation drawings, application form, location plan, and design and access statement. I note a minor typographical error within the Design and Access Statement. Paragraph 1.2 states that “The property is not within a conservation area.” However, the site is located within the Accrington Christ Church Conservation Area. I recommend that this statement is amended to ensure the submitted documentation accurately reflects the site's designation and the proposal under consideration. Christ Church Conservation Area was designated in 1976 and extended in 1991.

Its significance is derived from Oak Hill Park and Haworth Park, numerous listed buildings, and the mix of early and later 19th-century terraced housing around Christ Church and Manchester Road. I think the building's contribution to the character and appearance of the Conservation Area to derive primarily from its external character and appearance.

The proposed change of use does not involve any alterations to the building's external fabric, as confirmed by the submitted plans, elevations, and Design and Access Statement. However, the proposal does include some external site works, comprising a timber-clad bin store, new hedging along the front boundary, and the reconfiguration of existing paving. I note the front boundary hedges are a common feature of adjacent properties, considering this I think the proposed hedging to be in keeping with the established character and appearance of the area. The proposed paving is low-level in nature and will be largely screened by the existing stone boundary wall and proposed hedging.

Considering this, I do not think would also have any material impact on the character or appearance of the Conservation Area. I note that the bin store will be finished in

timber cladding, which I think is an acceptable material choice. It will also be partially screened from road by the existing stone wall and proposed hedging. Given its limited scale, materiality, and screening, I do not think the bin store would appear incongruous or to cause harm to the character or appearance of the Conservation Area.

As such, I do not think the change of use and associated works will result in any harm to the character or appearance of the Conservation Area.

Overall, I consider that the proposal will cause no discernible level of harm to the character and appearance of the Accrington Christchurch Conservation area. As such the proposal complies with the objectives contained in Chapter 16 of the NPPF and the Hyndburn Local Plan (Policy DM22) and I raise no objections from a heritage perspective.

Lancashire County Council (LCC) Highways: The site was visited at 7.20am on 17 June 2026. Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the highway authority makes the following comments.

Site planning history 11/23/0448 - Certificate of Lawful Use proposed: Use of a dwellinghouse (use class c3) as a children's care home to accommodate up to 2 young people and 2 non-residential staff support carers. Refused.

Car parking

The development site is an end terrace property with no off-road parking, nor can any be provided. At the time of the site visit there was parking on both sides of Bamford Crescent from its junction with Manchester Road to 2 Worsley Street. However, further into the estate there was some spare capacity for on-road parking, and it was also noted that many of the properties had off-road parking provision.

Public transport

There is a bus stop outside No 127 Manchester Road, served by two commercial bus services – No 464 Accrington – Rochdale and X41 Accrington – Manchester. Both these services operate seven days a week, including Bank Holidays, with regular buses throughout the day with less frequent services early mornings, late evenings and on Sundays/Bank Holidays. Nevertheless, these provide the opportunity to replace some journeys with public transport thereby reducing the reliance on the use of private vehicles.

Conclusion

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development is unlikely to have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

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. The objection comments are summarised as follows:

- Concerns regarding residential amenity, noise and disturbance, highway impacts, and the suitability of the location for the proposed use.;
- There has been a history of police attendance and incidents associated with this property. There have been numerous police callouts to the address, which has caused concern amongst neighbouring residents and has impacted the peaceful enjoyment of their homes. Given this history, many residents have legitimate concerns that a more intensive residential use could result in further disturbances, increased activity, and additional demands on local services;
- The proposal is likely to generate additional vehicle movements due to staff shift changes, visitors and service providers. Bamford Crescent is a quiet residential area with limited parking capacity, and further pressure on on-street parking could negatively affect both residents and highway safety;
- The application would introduce a non-standard residential use into an established family housing area. The Council should carefully consider whether the site is appropriate for this use and whether the proposal would adversely affect the character of the neighbourhood and the amenity of existing residents;
- The comings and goings associated with staff shift changes, often late at night or early in the morning, will create unacceptable noise and disturbance for immediate neighbours. Furthermore, the intensification of use—along with associated waste collection and delivery vehicles—will disrupt the peace and tranquillity of this residential area;
- Due to the ever-increasing burden of patrons who attend The Victoria Public House, parking spots are already at a premium. I am aware that homeowners do not have an automatic right to park outside their home address, however this application will cause further parking congestion;
- The application provides insufficient information to demonstrate how the facility would be operated, staffed, managed and serviced on a day-to-day basis. Without a clear management and operational plan covering parking provision,

servicing arrangements, hours of operation and staffing levels, neither the Council nor local residents can properly assess the true impact of the proposal. I would ask that the Council require this detail before any decision is reached;

- Understand that Hyndburn already accommodates a significant number of children's homes and supported accommodation facilities. The continued concentration of these uses within the borough raises concerns regarding whether the area is carrying a disproportionate share of such developments compared with neighbouring authorities;
- A previous application for a materially similar proposal was refused because the proposed use did not fall within Class C3. In addition, it constituted a material change of use requiring planning permission;
- The current application now accepts that the proposal falls within Class C2. However, it retains the same operational characteristics identified in the earlier refusal, including continuous staffing, shift changes, professional and agency visits, and ongoing operational activity;
- No substantive evidence has been submitted to demonstrate that the planning impacts previously identified have been overcome or materially reduced;
- Existing on-street parking problems on Bamford Crescent, close to the junction with Manchester Road where cars regularly park on the pavement to the detriment of pedestrians;
- There is already over parking at this end of Bamford Crescent, creating highway safety issues. These will be exacerbated by this proposed use;
- Concern about potential anti-social behaviour;
- LCC Highway assessment was carried out at a time when most residents were at work.

Relevant Planning History

11/23/0448 – Certificate of lawful Use proposed: Use of a dwellinghouse (use class c3) as a children's care home to accommodate up to 2 young people and 2 non-residential staff support carers – Refused: 1 March 2024.

Relevant Policies

Hyndburn Local Plan 2040

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) was adopted in July 2026. Following policies from the Local Plan are relevant to this proposal:

Policy SP1 Spatial Development Strategy

Policy SP10 Housing Provision (including affordable housing)

Policy SP19 Heritage

Policy SP20 Environmental Amenity and Air Quality

Policy SP23 Sustainable and Safe Transport

Policy SP26 Accrington (Central), Baxenden and Church

Hyndburn Development Management Development Plan Document (DMDPD)

Policy DM10 New Residential Development

Policy DM22 Heritage Assets

Policy DM25 Pollution Control

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.

Material Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

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).

The 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:

- 1 Development principle – meeting the needs of local communities;
- 2 Site specific considerations;
- 3 The application property is suitable for the number of children and carers proposed;
- 4 There is sufficient off-street car parking for carers and visitors and that the development will not impact on highway safety; and
- 5 The development will not result in a concentration or cluster of children's care homes in that area.

Considerations

Principle of development

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 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 an 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 homes.

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 accommodation proposed.

It is acknowledged that the Planning Practice Guidance on housing supply and delivery (paragraph 026, reference ID: 68-035-20190722) states that housing provided for older people, including residential institutions within Use Class C2, should be counted towards the Council's housing land 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.

In conclusion, the proposal conflicts with Policy 1 of the Children's Homes SPG. However, recent appeal decisions relating to children's homes in Hyndburn, have given very limited weight to the Children's Homes SPG. More detail on this is set out under the other considerations section of this report.

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 Accrington and its townships. 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.

There are no changes proposed to the external scale and appearance of the building. This application proposes the change of use of this terraced, 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, planning 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 no off-street parking spaces provided within the curtilage of the application property. During the Case Officer's site visit, there was some capacity for parking on the surrounding highways before the afternoon peak.

Whilst third party concerns about existing on-street parking problems are noted, occupation of this 3-bed property by 3 people would be similar, and possibly lower, to the 3-bed dwelling. It is therefore unlikely to generate more traffic than the existing use. Whilst there will be staff change overs and possible visits from other agencies, they would not be on a scale to cause a significant impact on highway capacity or safety and amenity around the site.

In the consultation response, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development is unlikely to have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

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

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 home. This proposal would not result in conflict with the SPG advice.

Residential amenity impact

The proposed children's home would provide accommodation for one child to be cared for by two staff. 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.

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 NPPF 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.

In conclusion, the proposal would have an acceptable impact on residential amenity. It complies with policies DM25 and DM29 of the DMDPD insofar as they seek to achieve acceptable levels of amenity for all.

Other considerations

There have been two recent appeal decisions (November 2025) relating to similar proposals 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 LCC's Market Position

Statement on children's care homes and the Council's Children's Residential and Supported Accommodation SPG.

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

In respect of the LCC 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 and must be weighed in the overall planning balance. In accordance with the appeal decisions, planning officers 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 eleven 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 ten appeals.

This clear and consistent pattern demonstrates that Inspectors have, in most 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.

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.

Third party comments have highlighted that permission for a children's home for 2 children was refused in 2024. This was not a planning application. It was an application for a Certificate of Lawfulness where the applicant was making a case that the proposed change of use did not require planning permission. The planning merits of the use do not form part of the consideration of Certificate of Lawfulness applications. The refusal was simply on the basis that the Council considered the proposal to be a material change of use that required planning permission.

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 SPG.

Furthermore, although LCC Children's Services have in the past 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 LCC's Commissioning Strategy does not, in itself, constitute a sustainable reason for refusal.

In this case, any 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: In accordance with with section 91 of the Town and County Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following documents, all received 6 May 2026:

- Location Plan;
- Cellar and GF Level Proposed;
- Upper Floor Plans Proposed; and
- Proposed Elevations.

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

3. The property 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 Use Class C2 of the First Schedule to the Town and 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: To ensure that any intensification of use is appropriately assessed to ensure an acceptable impact on living conditions and parking provision in accordance with policies DM25, DM29, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

4. Prior to the use commencing, a detailed Operational Management Plan shall be submitted and approved in writing by the local planning authority. The Plan shall clearly set out timings of the staff shift changes along with any specific regular visits by other staff or agencies. The use shall then be operated in accordance with the approved Operational Management Plan.

Reason: To ensure that any intensification of use is appropriately assessed to ensure an acceptable impact on living conditions and parking provision in accordance with policies DM25, DM29, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

Informative Notes

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.

End.