



Supporting Statement

**Application for a Change of Use at 23 Hutton Drive,
Burnley, Lancashire BB12 0TR**



1. Introduction

- 1.1 The Statement has been prepared to support an application for a Change of Use at the property 23 Hutton Drive, Burnley BB12 0TR from Class C3 (dwellinghouse) to Class C2 (residential institutions) under The Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The applicant proposes to use the dwelling under Use Class C2 as a home for up to three young persons between the ages of 11- and 17-years with no more than two carers staying in the property overnight providing care as required. During the day there will be up to four staff members providing care as required. Staff will be employed to work on a rota basis.
- 1.3 Lancashire County Council, the applicant, has a statutory duty to ensure there is a range of local homes available, sufficient to meet the needs of the children and young people in its care.
- 1.4 There are 276 children's homes in Lancashire, more than any other local authority in England, of which 261 are agency children's homes. Over 70% of the agency homes are not caring for Lancashire children and young persons. This makes it challenging for the applicant to find homes for Lancashire children and young persons.
- 1.5 Some children are being cared for in properties that are not registered with Ofsted.
- 1.6 The applicant will use the property as a home for Lancashire children and young persons and will operate the property as a Lancashire County Council in-house facility. This is an important opportunity to provide the best care for Lancashire children and young persons.
- 1.7 The use of the property as a home for looked after Lancashire children and young persons will help ensure the applicant meets its objectives detailed in the Lancashire County Council Corporate Parenting Strategy 2022-2026 and wider principles including:
 - 1.7.1 increasing the likelihood of being able to secure the right home in the right place and the right time for Lancashire children and young persons in care.
 - 1.7.2 improving outcomes for Lancashire children and young persons living in children's homes through improved home stability; children and young people will have a sense of belonging, security, continuity, support and stability.
 - 1.7.3 reducing the number of Lancashire children and young people being cared for in a children's home that is not registered with Ofsted.
 - 1.7.4 ensuring children and young people will have a safe and suitable home to live in and be cared for.
 - 1.7.5 reducing the need to rely on private providers.
- 1.8 The property is an appropriate premises in a suitable location to be used as a home for up to three Lancashire children and young people. The use of the property will not detrimentally impact the local character and amenity of the local area as the property will be managed by the applicant as a family home in



much the same way as a normal family home is run. There will be no external alterations made to the property that would affect the established character of the street.

1.9 The local area is predominantly residential and comprises a mix of property types that are privately owned and social housing. These were constructed at varying times and include flats, bungalows, terraced, semi-detached and detached dwellings.

1.10 The application comprises the following documents:

- Application form
- Site Location Plan with red line boundary
- Existing Floor Plan
- Supporting Statement
- Management Plan

2. The Property

2.1 The property is in the process of being purchased by the applicant with the intention that it could be used as a home for up to three Lancashire children and young persons. The applicant will operate the property as a Lancashire County Council in-house home.

2.2 The property is a five bedroomed detached house located within an established residential area of Burnley off Pendle Way. Internally, the property comprises hall, lounge, dining room, kitchen, utility and double garage at ground floor level and five bedrooms with en suite and family bathroom on the first floor.

2.3 Externally, the property is surrounded by a private and mature garden and driveway. A fence surrounds three sides of the property including the rear garden with the front of the dwelling open to the road. The applicant may install a boundary feature such as a gate or fence to the sides of the property to fully secure the property. The applicant does not propose to alter any other existing boundary features.

2.4 The property is a large five bedroomed detached dwelling and could be suitable for up to four children and two adults in a normal family home setting. The proposed use as a home for a maximum of three children is at the lower end of what is appropriate for the size of detached dwelling and is therefore not expected to have a material impact on the locality. The change of use would not impact on the local supply of housing.

2.5 As the property is detached, there will be no party wall issues and disturbances from having shared walls with local residents.

2.6 There are no balconies, roof terraces or flat roofed areas.

2.7 The property was placed on the open market prior to this application. The property would provide good quality accommodation for Lancashire children in care with spacious bedrooms, living space and a rear garden.



- 2.8 The property has an integral double garage which will be used for parking two vehicles. There is also a large driveway which can accommodate up to three vehicles.
- 2.9 There is off-site parking available on Hutton Drive which should not impact on neighbouring residents. There is ample unrestricted parking on Pendle Way which is within walking distance of the property, some 146 metres away. The level of off-site parking the proposal will generate will not cause undue pressure on local residents. The proposal will not have an adverse impact on the existing highway network.
- 2.10 Hutton Drive is a cul-de-sac consisting of approximately 30 dwellings.
- 2.11 The property is in a sustainable location due to the number of local amenities within proximity. These amenities include a bus route, schools, a convenience store and other local shops and Stoneyholme Recreation Ground. Burnley town centre is located approximately 1,094 metres from the site. Burnley Barracks railway station is 640 metres from the property which provides access to local towns, Preston and the wider rail network.
- 2.12 The property is located within Flood Zone 1.
- 2.13 The property is not listed nationally or locally. The property does not lie within a Conservation Area.
- 2.14 The property is not an allocated site within the Local Planning Authority's adopted Burnley Local Plan (2018). It is an existing residential site.
- 2.15 It is understood the existing use of the property is Use Class C3 (dwellinghouse) and the property was originally constructed approximately 33 years ago. The applicant understands that since its construction the property has been used as a residential dwelling.
- 2.16 The applicant is not aware of any relevant planning history of any significance at the property.
- 2.17 The applicant is aware of one other children's home registered by Ofsted within the BB12 0 postcode area which is located approximately 500 metres from the property on the other side of the M65. The applicant does not consider the intended use of this property will cause an undue concentration of children's homes in the vicinity.
- 2.18 The proposed change of use is not subject to Biodiversity Net Gain as it is a change of use with no building plans or alterations to outside space meaning it is exempt.

3. The Application

- 3.1 A Change of Use from C3 to C2 is being sought for the use of the property as a home for the care of up to three young people between the ages of 11 and 17 with 24-hour care being provided by staff employed by the applicant on a shift basis.
- 3.2 The description of development for the property is:

Change of Use from C3 (dwellinghouse) to C2 (residential institution) for the care of up to three young people.



- 3.3 There will be no alterations to the exterior and the property will continue to look like any other family home on the street.
- 3.4 The children will each have a bedroom and will share the family bathroom. One room will be a staff bedroom with en suite facilities and the fifth bedroom will be used as a study.

4. Policy

- 4.1 The property is currently a dwellinghouse which falls within Class C3 – Dwellinghouses of The Town and Country Planning (Use Classes) Order 1987 (as amended) (Use Classes Order).¹
- 4.2 The Use Classes Order defines Class C3 – Dwellinghouses as
Use as a dwellinghouse (whether or not as a sole or 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,*
 - (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).*
- 4.3 The Use Classes Order defines Class C2 – Residential Institutions as
Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses))...
- 4.4 Care is defined in the Use Classes Order as
personal care for people in need of such care by reason of old age, disablement, part or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes, the personal care of children and medical care and treatment.
- 4.5 It is the intention of the applicant that the property will be used for up to three children who will be looked after as a single household with a rotation of staff. The use of the property will mirror the routine of a normal family home with three children including shopping trips, journeys to school and the children will assist, to a certain extent, in the preparation of meals.
- 4.6 The proposed use of the property would constitute development under the Town and Country Planning Act 1990. S55(1) of the Act defines development as
the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

¹ Also see The Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020.



4.7 S55(2)(f) identifies that development excludes

the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such.

4.8 S57 states that development will require planning permission.

4.9 Although there is no statutory definition of material, it is noted in East Barnet UDC v British Transport Commission [1962] that

what one is really considering is the character of the use of the land and not the particular purpose of a particular occupier.

4.10 The applicant notes the decision in North Devon District Council v First Secretary of State [2003] which stated that children needed to be looked after and could not run a house or be expected to deal with matters that go to running a home. The decision asserted that children and their carers could not form a single household under Class C3.

4.11 The Inspector, on determining a change of use application from C3 to C2 for use as a children's home for four children (ref APP/Z2315/W/22/3305898), noted that

having regard to the scale of the proposal, the noise and disturbance associated with the...comings and goings would not be disproportionately or significantly above what could reasonably be expected to be generated by the existing five bedroom dwelling. Indeed, a family dwelling could consist of adults, children and teenagers. In occupying the property, they could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day. There is no compelling evidence before me that the proposal would generate significantly greater levels of disturbance than this. For the same reasons, any noise arising from [the property]... would be unlikely to significantly exceed the levels that could be generated by a typical family home with children of a variety of ages.

4.12 The Inspector noted that

The National Planning Policy Framework...seeks to ensure that development is inclusive, and the fear of crime does not undermine quality of life, community cohesion and resilience. The courts have held that the fear of crime can be a material consideration...the management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections...it seems to me that sufficient safeguards would therefore be in place to minimise the risk of crime and to protect local children or future occupants.

4.13 Sefton Council granted a Certificate of Lawful Development in respect of a detached two-storey dwellinghouse on High Park Road, Southport (DC/2018/01004) for use as a children's home for up to two children with carers working on a shift pattern. The officer's report noted that



external alterations are not proposed. Therefore, there would be no discernible impact on the character on the area to set apart the property from neighbouring single household dwellings.

4.14 The officer's report noted that parking arrangements

would cause no greater impact than parking associated with a traditional dwelling house and any additional vehicles could reasonably be attributed to visiting family or friends or, indeed, carers for current occupiers of any of the properties [in the vicinity]

4.15 Burnley Borough Council granted approval for a Certificate of Lawful Development (ref APP/2015/0554) for the use of a dwellinghouse as accommodation for up to four children and staff caring for the children on a rota. The property would operate

in the same pattern and character as the existing use, and that use would also be used as a dwelling house.

4.16 The Inspector, on determining a Certificate of Lawful Development appeal (ref APP/J1915/X/12/2187287) at a property in Hertfordshire to be used for up to six children, decided in paragraph 15 that

Part use of rooms as offices are a common feature of domestic premises, whether used in connection with a household supervised by carers or more conventional dwellinghouses.

National Planning Policy Framework (NPPF) (December 2023)

4.17 The Government's planning policies for England are set out in the NPPF. There are a number of paragraphs relevant to this application.

4.18 Paragraph 8 of the NPPF details that the planning system has three overarching objectives: economic, social and environmental.

4.19 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development.

4.20 The proposed use of the property as a children's home has strong social benefits as it would provide important support and safety for three Lancashire children in care. The established residential location will provide a safe environment for the children. Jobs will be created through the employment of more staff which will provide economic benefit. The property has good transport links making it a sustainable location.

4.21 Paragraph 38 of the NPPF advises that 'local planning authorities should approach decisions on proposed development in a positive and creative way'.

4.22 The NPPF does not set out specific planning policy in relation to residential care homes but Paragraph 60 does advise that 'it is important that...the needs of groups with specific housing requirements are addressed...'.

4.23 Paragraph 63 of the NPPF details that the 'size, type and tenure of housing needed for different groups in the community' should be taken into account.

4.24 The use of the property as a children's home will allow the needs of Lancashire children in care to be satisfied.

4.25 Paragraph 96 of the NPPF prescribes that planning *decisions should aim to achieve healthy, inclusive and safe places...which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other...[and] are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*

4.26 The proposed use of the property as a children's home will allow Lancashire children in care to live in a safe residential area which will improve their quality of life. The residential setting will encourage social interaction between people who may not otherwise come into contact. The property will be subject to Ofsted regulations and inspections along with appropriate safeguarding measures which will reduce perceived crime and disorder in the community.

4.27 The property is located near to numerous Public Rights of Way and has easy access to the River Calder where there are a number of walks. Access to local green spaces will improve the mental health and wellbeing of the Lancashire children in occupation at the property.

4.28 Paragraph 127 advises that 'local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans'.

Relevant local planning policy

4.29 The relevant local plan is produced by the Local Planning Authority, Burnley Council and was adopted in July 2018.² There are a number of main policies of concern in assessing the application including:

4.30 Policy SP4: Development Strategy

This Policy advises that development will be focused on Burnley and Padiham and will be of an appropriate scale. Consideration should be given to whether proposals make efficient use of land and buildings, are well located in relation to services and infrastructure and appropriately re-use existing buildings.

4.31 The proposed application meets Policy SP4 as it provides a suitable re-use of the building in providing accommodation for different groups in the community. The property is well located in relation to services and infrastructure.

4.32 Policy SP5: Development Quality and Sustainability

² See <https://burnley.gov.uk/planning/planning-policies/burnleys-local-plan/>

This Policy addresses minimum requirements including energy efficiency, design and layout, accessibility and security. Key points include

2(g) ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking

2(i) provide adequate and carefully designed storage for bins and recycling containers.

6(a) be designed with the safety and security of occupants and passer-by in mind, helping to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance.

4.33 The use of the property as a children's home will not cause an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users. As there are no external alterations proposed, it is not considered there will be any issues such as overlooking. The property already has sufficient storage for bins and recycling containers either on the driveway or down the side of the dwelling.

4.34 Policy NE5: Environmental Protection

This Policy notes that developments generating noise that are likely to create significant adverse impacts on health and quality of life that cannot be mitigated or controlled will not be permitted. In this instance, the applicant contends that the use of the property will not generate noise over and above the use of a normal five-bedroom family home with children and teenagers. This was noted in the decision referred to in point 4.11 above. The applicant does not intend to install additional external lighting. If such lighting is installed it would be of a nature and scale typically associated with any other residential development.

4.35 Policy IC3: Car Parking Standards

This Policy notes that 'adequate car parking should be provided for developments as appropriate to their nature and scale'. In accordance with Appendix 9 of the Local Plan, C2 Residential Care Homes require one parking space per five beds plus one space per ten beds for visitors. This means that there is a requirement in the Local Plan for two parking spaces. There is sufficient space on the driveway for up to three vehicles. There is also parking space for two vehicles in the integral double garage. Provision for up to five vehicles is over and above the Local Plan requirements. Street parking with no restrictions is available on Hutton Drive which should not cause a nuisance to local residents. There is ample unrestricted street parking on Pendle Way which should not cause a nuisance to residents. The level of off-site parking the proposal will generate will not lead to undue pressure. The proposal will not have an adverse impact on the existing highway network.

Written Ministerial statement: planning for accommodation for looked after children (23 May 2023)



- 4.36 The Minister of State for Housing and Planning made a statement in the House of Commons on behalf of the Department for Levelling Up, Housing and Communities. An extract is provided below.

Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate.

Department for Education, Guide to the Children's Homes Regulations including the quality standards (April 2015)

- 4.37 The Guide provides a number of key principles for residential childcare which includes the requirement to

foster positive relations, encouraging strong bonds between children and staff in the home on the basis of jointly undertaken activities, shared daily life, domestic and non-domestic routines and established boundaries of acceptable behaviour.

- 4.38 The applicant intends to operate the property in much the same way as the Guide describes with the children and staff sharing activities and routines in the same way as a typical household would.

5. Summary of Management Plan

- 5.1 The Management Plan is intended to offer clarification and information as to the operation of the property, including details on the children, staffing, parking, security and engagement with local residents.
- 5.2 There will be up to 12 members of staff employed by the applicant and allocated to the property. Although the staff rota is yet to be finalised, a typical rota has been provided in Appendix 1 of the Management Plan.
- 5.3 An indication of typical staff vehicular movements has been provided along with parking arrangements.
- 5.4 The applicant has demonstrated that local residents would be actively encouraged to develop relationships with the home and to support the children to integrate into the community. An open day will be arranged to allow residents to speak to staff and to gain a further understanding on how the property will be managed and operated.

6. Conclusion

- 6.1 There is a need for children's homes within Lancashire that are managed and operated as in-house facilities by Lancashire County Council which are dedicated to looking after Lancashire children in



- care. The proposal will ensure the applicant is able to look after Lancashire children in care in a safe and secure manner.
- 6.2 The proposal will ensure the applicant meets the detailed objectives in the Lancashire County Council Corporate Parenting Strategy 2022-2026 along with a number of wider principles.
 - 6.3 The proposal is in line with national and local planning policies and guidance.
 - 6.4 The property is well located in a residential area close to local facilities and amenities.
 - 6.5 Any noise that is generated by the proposed use of the property as a C2 Residential Institution is unlikely to exceed that which would be generated by a typical five-bedroomed family home.
 - 6.6 The curtilage of the property provides sufficient parking spaces to meet the requirements in Burnley's Local Plan. Off-site parking is available that will not cause undue pressure on local residents.
 - 6.7 The proposal will maintain local character and amenity and will not represent an undue concentration of C2 Residential Institutions in the area.
 - 6.8 The proposal does not mean the loss of a family home as the property will be operated in much the same way as a typical home with adults caring for children and young persons.
 - 6.9 There will be sufficient safeguards in place concerning crime as the property will be registered by Ofsted.
 - 6.10 The proposal safeguards Lancashire children in care and the interests of local communities.
 - 6.11 It is respectfully requested that a Change of Use from C3 to C2 be granted.

