



Appeal Decision

Site visit made on 27 June 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/U2370/W/23/3315365

Blencathra, Cabus Nook Lane, Cabus, Lancashire PR3 1AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Twiname on behalf of Brinscall Care Limited against the decision of Wyre Borough Council.
 - The application Ref 22/00872/FUL, dated 25 August 2022, was refused by notice dated 7 December 2022.
 - The development proposed is the change of use from C3 (Dwellinghouses) to children's home (C2 - Residential Institutions).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 (Dwellinghouses) to children's home (C2 - Residential Institutions) at Blencathra, Cabus Nook Lane, Cabus, Lancashire PR3 1AA in accordance with the terms of the application, Ref 22/00872/FUL, dated 25 August 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - Proposed Floor Plans
 - Proposed Parking Plan
 - 3) The premises shall be used for a children's residential home (C2 use) only and for no other purpose (including any other purpose in Class C2 of the 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) without prior express planning permission from the local planning authority.
 - 4) The number of children to be cared for at the premises shall be limited to a maximum of 4 at any one time.

Preliminary Matters

2. Since the Council determined the planning application, it has adopted the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) 2023 (WLP). The newly adopted Local Plan is a revised replacement of the Wyre Local Plan (2011-2031) 2019 retaining all of its policies except those revised by the

partial update. I have therefore determined the appeal based on the current applicable policies in the WLP.

Main Issue

3. The main issue of the appeal is whether the site is a suitable location for the proposed development, with particular regard to the access to services and facilities.

Reasons

4. The appeal site relates to a substantial detached bungalow, located in a small row of residential properties, accessed off a rural lane, close to the junction with the A6. The property is set back from the highway on slightly elevated ground and benefits from extensive front and rear gardens with off street parking to the side and rear. The existing property has 6 bedrooms and off-street parking for up to 6 vehicles.
5. The proposal is for the change of use from a residential dwelling to a children's care home. The supporting statement submitted with the application states that this will be for the care of a maximum of 4 children aged between 8 and 17 years of age. The children would be looked after by two carers sleeping overnight working on a shift rota basis, beginning, and ending at 10am with a further manager and carer present during the daytime. Typically, there would be a maximum of 4 staff present at any one time. There are no external changes proposed to accommodate the change of use. The appellant states that the proposal seeks to replicate, as closely as possible, a typical family home environment, providing medium to long-term care for a small number of children.
6. Policy SP2 of the WLP promotes sustainable development and sets out how this will be applied to all development across Wyre. This policy includes a requirement that all development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. The Council's sole reason for refusal relates to the location of development and access to local services.
7. The property is not located within a defined area of a settlement and is located within an area of countryside. The surrounding area had a rural sense of character. The site is located away from the nearest defined settlement, Forton, and Garstang, which is a Key Service Centre is located approximately 2 miles from the site. There are very few facilities located within walking distance of the site, but there is petrol station and shop, and until recently there was a restaurant/takeaway located opposite to the entrance to Cabus Nook Lane. However, the nearest bus service is approximately 300 metres away on the A6, providing a regular service to larger settlements where services such as education, employment and other day-to-day services can be accessed.
8. Whilst I accept that the location of the appeal site is such that access to the nearest bus stop would be accessed via an unlit lane with no footpath, and that it would be necessary to travel to the nearest town to access schools and other facilities. The appeal relates to an existing property which benefits from an existing residential use. The appeal site forms a small cluster of residential properties whom all access the same services and facilities. Given the size of the appeal property, it is reasonable to assume that the property could be

occupied by a large family, whose occupants would also need to access education, employment, and other day-to-day services. I therefore conclude that the proposed change of use, which would remain a form of residential use, would not operate in a materially different way to its existing use, as a large dwelling. Furthermore, the proposed number of occupants would be similar to that which could occupy the property as a dwelling. On this basis I do not agree with the Council's conclusion that this would be unacceptable location.

9. Consequently, I find that the appeal site would be a suitable location for the proposed development, with particular regard to the access to services and facilities. The proposed development would not conflict with Policy SP2 of the WLP, which seeks, amongst other things, to require all development to be sustainable and to contribute to the continuation or creation of sustainable communities in terms of its location and accessibility.

Other Matters

10. The application was originally recommended for approval but refused by the Council's Planning Committee. The Council in their Committee Report raised no concerns in relation to design and visual impact and the effect on the living conditions of neighbouring properties. There were also no concerns raised in relation to flood risk, drainage, ecology, trees, land contamination and public rights of way. I see no reason to disagree with these conclusions.
11. In relation to highway safety concerns, the proposal includes the provision for 6 off-street car parking spaces to accommodate for staff and any visitors to the site. Whilst the absence of a footpath along Cabus Nook Lane was noted, Lancashire County Council (Highways) were consulted on the application and raised no objections on the grounds of highway safety, including for pedestrians. I have not been presented with any substantive evidence, which would cause me to reach an alternative conclusion.
12. In addition to the points raised by objectors that I have addressed above, local residents and Councillors have also expressed concerns including, but not limited to the following: anti-social behaviour, fear of crime, concerns about the operation and management of an existing property within the local area and potential inaccuracies within the submitted documentation. I have also had regard to the third-party comments in relation to the lack of need and suggestion that the application is for a private benefit only. However, I note that these matters were considered, where relevant, by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to reach a different conclusion to the Council on these matters. I have considered this appeal on its own merits and concluded that it would not cause harm for the reasons set out above.

Conditions

13. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.

14. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
15. A further condition (3) is imposed in the interests of certainty to restrict the use of the appeal site to a children's residential home (Use Class C2) and in the interests of the amenity of neighbouring residents, I have imposed a condition (4) restricting the maximum number of children who can occupy the property at any one time.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR