



Appeal Decision

Site visits made on 3 & 4 December 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2025

Appeal Ref: APP/B1550/W/24/3345358

365 Little Wakering Road, Little Wakering, Essex SS3 0LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Paul Smith against the decision of Rochford District Council.
 - The application Ref is 23/00469/FUL.
 - The development proposed is described as 'change of use of 365 Little Wakering Road from Use Class C3 to C2 3-bedroom care accommodation, and a new rear extension with some external modifications and associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 365 Little Wakering Road from Use Class C3 to C2 3-bedroom care accommodation, and a new rear extension with some external modifications and associated works at 365 Little Wakering Road, Little Wakering, Essex SS3 0LB in accordance with the terms of the application, Ref 23/00469/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading and decision above, I have used the description of the proposed development as given on the application form. The new rear extension with some external modifications and associated works was also the subject of a separate planning application, ref 23/00125/FUL for the same design of extension as an addition to the existing dwelling. Planning permission was granted, and the extension has been constructed, although the evidence does not confirm whether it has been occupied as an addition to the existing dwelling.
3. There are some discrepancies between the fenestration and roof form of the extension, as built, and the proposed elevations as shown on the application drawings. I have determined the application based on the plans which are before me. Any departure from the approved plans of the extension is a matter for the Council to address as it deems appropriate.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 and is applicable to the determination of this appeal from the date of publication. The revised Framework does not materially alter the national planning policy considerations relevant to this appeal, so it has not been necessary to seek further submissions from the parties in this case.

Main Issue

5. The main issue is the effect of the proposed change of use on the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance and the availability of parking.

Reasons

6. The appeal site is a modest bungalow with an in-out driveway, where four cars can be parked perpendicular to the road. It is in a residential area, in which the majority of dwellings directly front Little Wakering Road. One of the adjacent properties is an existing care home for people with learning disabilities, known as Little Wakering House, which is also run by the appellant. There is another care home at Barling Lodge, around 200m away, and a primary school near the junction with Barling Road.
7. Although many of the dwellings along Little Wakering Road have driveways and/or garages, many have neither. At the time of my site inspection, which included observations in the early morning, later in the day, and in the evening, there was significant reliance on kerbside parking, as described in evidence from the Council and interested parties. Although there are no parking restrictions, the fairly frequent driveways limit kerbside capacity. There were a few available on-street spaces on each occasion I observed the site, but space was consistently limited and representations from interested parties indicate that is typically the case.
8. The road is also quite narrow, despite being the main route through the village. Cars can only realistically be parked on one side of the road. This prevents two-way traffic, such that drivers have to give way to oncoming vehicles. Therefore, the free flow of traffic is already interrupted by the existing demand for parking.
9. Based on the Council's 2010 parking standards¹, residential care homes should provide one parking space per full time equivalent staff and one visitor space per three beds. The standards are expressed as maxima. Based on the staffing level described in the appellant's evidence, up to three parking spaces would be required at the site. The proposed car parking strategy would exceed that, providing four parking spaces across the site frontage, while also leaving sufficient space for other uses such as pedestrian access and storage of refuse and recycling. Therefore, the appeal site is capable of exceeding the parking provision required in the parking standards.
10. Although it is proposed that the appeal site would be operated separately from Little Wakering House, the two properties are immediately adjacent, so the effect of the existing care home on parking capacity cannot be disregarded. Little Wakering House has parking for six vehicles in two rows, with space for one or two more to pull off the road, between the parked cars. Nevertheless, it has been highlighted in representations that parking can spill over into the street and that the appeal site is itself currently being used for parking related to Little Wakering House. Indeed, during my site visits, there were cars parked within the appeal site, which appeared to be associated with Little Wakering House and were not obviously related to any ongoing construction works. At

¹ Rochford District Council Parking Standards Design and Good Practice Supplementary Planning Document, December 2010

around the time of the staff changeovers, there was also some limited use of on-street spaces by people arriving, departing, or being collected by car.

11. While the existing care home is not the only use contributing to the pressure for on-street parking, it does appear to be a factor. Any additional spillover parking arising from the appeal proposal would also have some impact on the available parking for residents. However, if this appeal was dismissed, and the appeal site reverted to use as a single dwelling in separate occupation, the spaces within the appeal site would no longer be available to staff or visitors to Little Waking House. Therefore, the current, apparently relatively short term, use of spaces within the appeal site for spillover parking is a factor to which I have given limited weight.
12. The appeal proposal does include sufficient parking to meet its anticipated requirements, based on the Council's standards. While interested parties question whether only two members of staff would be present, based on current staffing ratios at Little Waking House, the appeal site would be a separate premises catering for different needs, and there is no objective evidence that the predicted two members of staff is inaccurate. The parking standards are a maximum requirement, not a minimum, and in this particular case the parking arrangement would include capacity for an additional member of staff if required.
13. That being the case, there is little substantive evidence that the small number of bedrooms and staff at the appeal site will cause a materially harmful increase in pressure for on-street parking, compared to the existing situation. Nor is there any conflict with Policy DM30 of the Development Management Plan² (DMP), which requires application of the 2010 parking standards for all new developments, or the similar requirements in Policy T8 of the Core Strategy³.
14. Little Waking Road is the main route through the village, so a certain level of comings and goings is to be expected. Given the need for a handover between shifts, the arrival and departure of staff is likely to cause short peaks in the number of people present, which would be more protracted than the typical arrivals and departures associated with use as a family dwelling. However, the shift pattern described in the application would involve changeovers at 8am and 8pm, which are not inherently unsocial hours. Given the scale of the proposed use, the number of people arriving and departing would be relatively small and not a significant increase over the existing pattern. Consequently, the additional activity associated with the proposed use would not be so intrusive as to create an unacceptable standard of living conditions for those occupying properties nearby.
15. While there is another care home at Barling Lodge, it is around 200m away and includes a substantial hardstanding for parking within the site boundaries. Therefore, there is no clear indication that it contributes to pressure on parking in the vicinity of the appeal site to any material extent. The presence of a number of C2 uses within a residential environment is not inherently inappropriate, since the needs of those occupying care home accommodation are comparable to those of other residents.

² Rochford District Council Development Management Plan 2014

³ Rochford District Council Core Strategy Adopted Version 2011

16. For the above reasons, I conclude that the proposed change of use would not be unacceptably harmful to the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance and the availability of parking. It would not conflict with relevant requirements in Policies DM1 and DM30 of the DMP and Policy T8 of the Core Strategy, which amongst other things require the application of the 2010 parking standards to new development and that development contributes to residential amenity.

Other Matters

17. When considering the appeal, I have had regard to the aims of the Public Sector Equality Duty set out in s149 of the Equality Act 2010. In particular, I have had due regard to the need to eliminate discrimination and other prohibited conduct against people with protected characteristics related to disability, advance equality of opportunity, and foster good relations with the wider community. I have also had regard to the provisions of the United Nations Convention on the Rights of Persons with Disabilities, which requires recognition amongst other things of the equal right of persons with disabilities to full inclusion and participation in the community.
18. Provision of additional residential care accommodation would help to address evidenced needs for such accommodation. The proposal would not provide extra care housing for older people, so the projected need for that use in the South Essex Housing Needs Assessment 2022 (SEHNA) is of limited relevance. However, the SEHNA elsewhere identifies a growing need for communal establishments providing care, with the prevalence of such need expected to increase as the population ages. More specifically, there is evidence from an NHS Consultant Psychiatrist of a shortage of available residential care spaces in South Essex, alongside an expression of confidence that the proposed development would provide a suitable standard of care. Evidence has also been provided of known demand within the immediate locality, which could be met at the appeal site, helping to maintain family connections nearby.
19. The effect on the supply of housing would be neutral, since C2 accommodation can be included. While one family dwelling would be lost, the proposal would contribute to the availability of residential accommodation suitable for a range of needs. That is generally consistent with the requirement in Policy H5 of the Core Strategy that new development should cater for all people within the community, and with paragraph 63 of the Framework, which requires that local planning policies reflect the need for housing for different groups in the community, including people with disabilities.
20. Several concerns have been expressed by interested parties about challenging behaviour by residents, and attendance by emergency services. They include specific examples of incidents arising at the existing care home, which are described as having been disruptive to those living nearby. There are also several letters of support, including praise for the quality of care provided at Little Wakering House, and residents' contribution within the community.
21. Given the regulated nature of residential care, there are ongoing mechanisms to ensure that appropriate standards of care are maintained, including management of challenging behaviour should the need arise. Furthermore, the risk of any adverse effect on school children is limited, since the school itself is some distance away and children walking near the site would generally be

accompanied by supervising adults. Attendance by emergency services can arise anywhere and in a wide variety of situations.

22. It is clear that the appeal proposal would advance opportunity for people with disabilities to benefit from suitable accommodation within a residential area, in a location where there is an identified need for such accommodation. There is also evidence that residents would be able to make use of local facilities, supporting their participation in the wider community. Taking a balanced and proportionate view of the issues raised by all parties, overall the benefits arising from additional C2 accommodation weigh in favour of the proposal.
23. As noted above, planning permission has been granted for a rear and side extension matching that shown on the approved plans and no further alterations are proposed to facilitate the proposed change of use. When approving the extension, the Council concluded that adequate privacy would be maintained for occupiers of the adjacent dwelling, taking into account the boundary screening. Since the proposed use of the rooms as bedrooms and living space would not be inherently different to their use in single dwelling occupation, I have no reason to reach a different view. That being the case, the proposed use would not unacceptably interfere with neighbouring occupiers' right to a private and family life or be contrary to the best interests of any children present. Any issues arising from the existing first and second floor windows at Little Waking House, or changes in the use of those rooms, is not a matter for this appeal.
24. Although parking restricts two-way traffic movements, the road is generally straight with adequate forward visibility. Parked cars can limit visibility at driveways, particularly if parked inconsiderately. However, given the constrained nature of the road, traffic speeds are also likely to be relatively slow. Although some reversing movements on and off the site are likely, based on the parking layout, that is not an uncommon arrangement along the road. The highways authority did not raise any objection and the reason for refusal focussed on the effect on residential amenity. Based on the evidence before me, including my observations on site, the proposal would not have an unacceptable effect on highway safety.
25. Provision would be made for bin storage behind the proposed parking spaces, where it would not be visually intrusive but would be readily available for collection. Therefore, the arrangements for refuse and recycling within the appeal site would be adequate. Any issues with collection of waste from the kerbside outside Little Waking House are not an issue for this appeal.
26. While the appeal site is within Flood Zone 3, adequate evidence was provided while the application was under consideration in relation to flood risk. No further physical alterations are proposed, beyond those already approved, and the existing and proposed uses of the site are in the same category of vulnerability to flood risk, as defined in Annex 3 of the Framework. A Flood Warning and Evacuation Plan has been proposed, responding to the needs of the proposed use, and compliance can be secured by condition. While there would be additional en-suite facilities, the number of occupiers would remain comparable to that of a family dwelling and therefore there is no substantive evidence that it would place excessive demand on drainage infrastructure.
27. Based on evidence submitted with the application, the Council's Officer Report concludes that there is not likely to be harm to bats or their habitat. While I

have noted representations reporting that bats are present in the surrounding area, there is no substantive evidence that any harm would arise to protected species as a result of the proposed change of use.

28. Notwithstanding any assurances which were given to neighbours that the appeal site would be used only for storage or parking, an application has been made for additional care accommodation and that is the proposal which is before me.

Conditions

29. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have made minor amendments for consistency and clarity and have also included two additional conditions. Where the conditions include requirements additional to those proposed by the Council, both main parties have had the opportunity to comment, and I have taken comments received into account.
30. I have imposed a condition requiring compliance with the approved plans, in the interests of certainty. Having sought clarification from the parties, I have included drawing number 23/01/SK01 Rev A, which the appellant has confirmed was submitted to the Council prior to determination of the application and which includes the amended parking layout providing four spaces, as well as the position of the proposed bin store.
31. I have imposed conditions requiring that the area in front of the building is laid out with a dropped kerb and bound surface, and that the proposed four parking spaces are provided and thereafter retained. Those requirements are necessary to ensure the provision of parking in a manner which corresponds with the application details and meets the Highways Authority's requirements. I have also included an additional condition requiring the provision and retention of refuse and recycling facilities, in the position shown on the plans, set back behind the parking area.
32. Finally, in light of the site's location within Flood Zone 3, taking account of advice from consultees, I have imposed a condition requiring implementation and ongoing compliance with the Flood Warning and Evacuation Plan, to manage and mitigate the effects of flood risk on future occupiers.
33. I have not included a condition requiring provision for reception and storage of building materials, since the outer envelope of the proposed extension is complete and there is no clear indication that such a condition is necessary for reasons of highway safety at this stage.

Conclusion

34. The proposed development would accord with the development plan and no material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans:
 - 22-101/10, Site Location Plan
 - 22-101/04B, Proposed Site & Ground Floor Plan
 - 22-101/11, Existing & Proposed Block Plans
 - 22-101/12, Existing Elevations, Existing Site, Block & Roof Plan
 - 22-101/13, Proposed Elevations, Proposed Site Block & Roof Plan
 - 23/01/SK01 Rev A – Site Plan Scale 1:100 (Parking Arrangements)
- 3) Prior to first occupation of the appeal site as C2 care accommodation, the existing in/out vehicle accesses shall be altered to create a continuous dropped kerb vehicle access across the site frontage. The whole access shall be provided with an appropriate dropped kerb vehicle crossover of the highway verge. Full layout details and final width shall be agreed with the Highway Authority prior to implementation.
- 4) Prior to first beneficial use of the development, and as shown on planning drawing 23/01/SK01 Rev A, the off-street parking spaces shall be provided. Each parking space shall have minimum dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.
- 5) No unbound material shall be used in the surface treatment of the vehicular access and parking spaces within 6 metres of the highway boundary.
- 6) Prior to first occupation of the site as C2 care accommodation, storage for refuse and recycling bins shall be provided in accordance with the details on drawing number 23/01/SK01 Rev A and thereafter retained.
- 7) From the first occupation of the site as C2 care accommodation, the DeltaSimons Flood Warning and Evacuation Plan dated September 2023 (as updated November 2023) shall be enacted and thereafter observed at all times that the development is so occupied.

END