



Appeal Decision

Site visit made on 10 September 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/B1550/W/25/3365165

19 Lee Lots, Great Wakering, SS3 0HA

- 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 Miss Comfort Sobodu against the decision of Rochford District Council.
 - The application Ref is 24/00211/FUL.
 - The development proposed is a change of use from C3 to Class C2.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 to Class C2 at 19 Lee Lots, Great Wakering, SS3 0HA in accordance with the terms of the application, Ref 24/00211/FUL, subject to the conditions in the attached schedule.

Main Issues

2. These are:
 - Whether the proposed parking provision would be adequate having regard to the effect on highway safety and on the living conditions of nearby residents;
 - Whether the property is suitable for the proposed use and whether the proposal is in a suitable location having regard to local services and public transport; and
 - The effect on the character of the surrounding residential area with particular reference to noise and disturbance.

Reasons

3. The appeal relates to a semi-detached property within a residential cul-de-sac off of the High Street.
4. The proposal is to house five unrelated adults with mild to moderate mental illness. They would live independently but would be assisted by live-in staff who would monitor their well-being and help them with daily living whilst they are awaiting their own accommodation. The support would include prompting medication, help with attending appointments if required, enabling access to employment and assistance with activities such as cooking, cleaning and shopping. Staffing would be continuous with two members during the day and one overnight.
5. In assessing the impact of the proposed use, it should be borne in mind that the property could lawfully be used as a dwelling by up to six residents living together as a single household (Class C3) or by not more than six residents as a house in multiple occupation (HMO) (Class C4). Class L of Part 3 of the Town and Country

Planning (General Permitted Development) (England) Order 2015 allows for changes between dwellinghouses (Class C3) and small HMOs (Class C4) without the need for planning permission.

Parking

6. Kerbside parking is limited in Lee Lotts and in Moreland Close and Rushley Close which are also no through roads. This is because of the limited width of the carriageway and the preponderance of driveways serving the individual houses. There is plentiful evidence of existing difficulties linked to the nearby Great Wakering Primary Academy when children are dropped off and collected and also when out of hours activities take place. I observed the situation for myself as pupils were arriving at the school. Furthermore, these roads are also used for overspill parking by those attending football matches at Borroughs Park as pedestrian access to the ground can be gained from the end of Rushley Close. There is also concern that access by emergency vehicles could be impeded.
7. The Council describes the existing situation as “dire” but what would the actual effect of the proposal be?
8. Three off-road spaces would be available at the front of the property to serve the proposed use with a fourth in the rear garden. This level of on-site parking would exceed the Council’s adopted standards which require a minimum of three spaces for Class C2 uses in the assisted living category. The front spaces would be smaller than standard but large enough to allow three average cars to park side-by-side. In practice, these arrangements would enable staff members to park off the road leaving ‘spare’ spaces for any visitors, including family members and health care professionals, or when staff overlap during shift changes.
9. In any event, it is not anticipated that visitors would be any more than occasional. Whilst the immediate area is congested at times, there were free on-road spaces both during and after school dropping off time on the day that I was there. It would also be feasible for visits to the property to be managed so that times when the immediate area would be likely to be most busy could be avoided. Neither would the proposal be likely to significantly increase the likelihood of emergency vehicles being required to access Lee Lotts.
10. Therefore, the proposed use would not have an unacceptable impact on highway safety. The existing parking situation is an inconvenience at times to local residents, as indicated by the representations received. However, there is insufficient evidence that the proposal would materially worsen congestion or general conditions. This is because the associated traffic generation would be low and as adequate off-road parking would be provided. As such, the living conditions of nearby residents would not be prejudiced by the proposal.

Suitability and location

11. As well as the five bedrooms for residents, the property would provide a communal lounge, kitchen and utility room together with two staff rooms. One bedroom would have ensuite facilities whilst one bathroom would be reserved for staff and the other for the remaining residents. This would be typical of communal living arrangements and the room sizes and the level of facilities would be adequate. Whilst everyone would be living in close proximity to one another, the house is not inherently unsuitable for the proposed use in terms of its size or internal layout.

12. Great Waking is not devoid of services and facilities. There is a general store/post office and café near to the site and a little further afield is a doctors' surgery and a small supermarket. There is also a community centre. Local residents refer to poor transport links and employment opportunities but there are bus stops in the High Street with services to a range of destinations. The Council has no specific development plan policies regarding the location of Class C2 uses and there is no reason to automatically discount largish villages such as Great Waking. Indeed, whilst not extensive, residents would have easy access to some everyday services which is likely to be beneficial to them.
13. To sum up on this issue, the property at No 19 is suitable in itself for the proposed use which would also be in a suitable location.

Character

14. Lee Lotts and the other closes that it serves are portrayed as quiet with a community of families and older people. However, the proposed use is for people to live at No 19 which would therefore be broadly compatible with this residential area. Although not the same as a single family dwelling, the proposal would not be inherently out of place having regard to the neighbourhood's existing character. This is particularly as no external changes to the property are envisaged and as the scale of the proposed use is modest.
15. The level of comings and goings would be unlikely to be great so that the proposal would not lead to a noticeable intensification of use. There is no reason to suppose that residents would inevitably cause noise and disturbance. As they could be in situ for up to two years it is feasible that they could develop an affinity for their surroundings. Given that staff would be present at all times any difficulties that arise in relation to the management of the site could potentially be addressed on the spot. Premises in Little Waking Road are known anecdotally to be a source of nighttime disturbance but this is a much larger establishment that houses 13 residents with complex learning disabilities.
16. The existing forecourt is already hard surfaced and could be used by parked cars and frontage parking is a common feature along Lee Lotts. Therefore, the visual impact of the proposal on the locality would be insignificant.
17. Overall, there would be no harm to the character of the surrounding residential area.

Other Considerations

18. It is understandable that local residents are concerned about the introduction of a new use when the identity of those occupying the supported living accommodation is unknown. Furthermore, full details about the nature of the proposal and how it would operate were not initially available. However, the officer report to the Development Committee in February 2025 contains further information in this respect. In particular, residents would be referred as suitable for this kind of arrangement by staff within local authorities or commissioning bodies who would be responsible for inspecting the premises and signing them off as acceptable.
19. Furthermore, Essex County Council has definitions of those living with mild to moderate illness. These are people who are ready, or close to being ready, to move on to independent tenancies and reintegrated into the community with little or

no support. Various concerns have been raised about the potential threat to the safety of residents, including children and the elderly. However, having regard to these definitions, residents would not be volatile or high risk with behavioural issues but rather those whose mental health is generally stable. The staffing levels proposed would also easily exceed the County Council's requirement of a ratio of 1:10 (one member of staff for every ten residents).

20. Indeed, the care sector is regulated and as the Inspector remarked in the appeal at 365 Little Waking Road (Ref: APP/B1550/W/24/3345358), there are on-going mechanisms to ensure that appropriate standards of care are maintained. It is also reasonable to expect that other regimes will exercise effective control of the proposed use as necessary.

Conditions

21. Conditions were suggested in the officer report to the Development Committee in February 2025.
22. The plans should be specified in the interests of certainty. The appeal has been considered on the basis of the scale proposed. Residential institutions with a greater capacity could have significantly different implications for parking, traffic and the character of the area. As such, it is necessary to limit the permission to five residents as applied for.
23. Given the parking issues in Lee Lotts and adjacent streets, the continued use of the front forecourt for parking should be secured. Although a fourth space is included, requiring its provision is unnecessary given that only three spaces are required to align with the Council's standards. However, it would remain an option although the new dropped kerb would reduce the amount on-street parking. The detailed conditions requested by the highway authority are not necessary given that works within the highway are the subject of separate legislation and as the front parking area can already be used as such.
24. In response to a concern about alarms causing disruption, a condition requiring details of any such system is also justified.

Conclusion

25. The Council's reason for refusal does not cite any conflict with relevant development plan policies. The proposal would therefore accord with it and material considerations indicate that the proposed use is acceptable. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no DRGN0102 (parking plan) dated 15 October 2024 and DRGN0081 (plans and elevations) dated 7 March 2024.
- 3) The use hereby permitted shall be limited to no more than five residents.
- 4) The three parking spaces at the front of the property shall be provided as shown on drawing no DRGN0102 (parking plan) dated 15 October 2024 and thereafter shall be kept permanently available for those purposes in connection with the use hereby permitted.
- 5) Apart from an intruder alarm or a fire alarm, no audio alarm systems shall be installed at the property unless details have first been submitted to and approved in writing by the local planning authority. These details shall include the maximum level of decibels that the alarm would sound and the trigger for its use. Any such audio alarm system shall be installed and operated as approved.