



Appeal Decision

Site visit made on 6 January 2026

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2026

Appeal Ref: APP/A1530/W/25/3374737

1 Harsnett Road, Colchester, Essex CO1 2HS

- 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 Mr Henry Moses - Aden Homes Limited against the decision of Colchester City Council.
 - The application Ref is 251216.
 - The development proposed is described as 'the applicant would like to change use from Class C3 to C2 (children's care homes) please refer to the statement of use attached'.
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Decision

1. The appeal is allowed and planning permission is granted to change use from Class C3 to C2 (children's care homes) at 1 Harsnett Road, Colchester, Essex CO1 2HS in accordance with the terms of the application Ref 251216 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The building shall be used for residential accommodation and care for no more than three young persons (up to 18 years of age), and for no other purpose (including any other in Class C2 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Preliminary Matters

2. The decision above removes superfluous information, including reference to the statement from the description on the application from since this is not an act of development.
3. The appellant's statement confirms that the appeal site has been used as a 'semi-independent placement' since 2022. However, it is unclear if this constitutes a Class C2 use. On this basis, I have considered the appeal on the basis that it is not retrospective since the application form states that the proposed use has not been commenced.
4. The Council's decision raises concerns relating to the intensification of use of the appeal site, and the effect this would have on the character of the area and the amenity of surrounding residential properties. While not referred to in its decision, it is also clear from its officer report that matters relating to parking provision also form part of its overall concerns. I have defined the main issue on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character of the area and the living conditions of neighbouring occupiers having regard to parking provision and noise and disturbance.

Reasons

6. Harsnett Road is a narrow tree-lined residential street. It is predominantly fronted on both sides by closely arranged two-storey semi-detached dwellings, generally set back behind low front boundaries and located a short distance from the footways. Parallel on-street parking occurs along both sides of the street. Number 1 Harsnett Road (No 1) forms one half of a semi-detached pair and has a driveway with car port and a rear garden which backs onto a recreation ground. It is located towards the end of the street, adjacent to Winpole Road Methodist Church, a prominent building occupying a corner plot at the junction of Harsnett Road with Winpole Road.
7. In terms of activity levels, the appellant has confirmed that the proposal would provide residential accommodation and care for up to three young persons aged between 13-17 years, who may display emotional and behavioural difficulties. The use would operate with 24-hour staffing, with a minimum of two staff members present at all times. A site manager would also be present during weekday daytime hours, and visitors associated with the operation of the use, including social care professionals, would be likely.
8. It follows that the proposal would likely result in some increase in activity at the appeal site compared with a typical dwelling, particularly during staff shift-change or handover periods. However, given the small-scale use and limited number of residents and staff involved, this is unlikely to result in noise and disturbance of such a magnitude as to cause material harm to the living conditions of neighbouring occupiers.
9. The adjoining semi-detached dwelling shares a party wall with No 1. While the proposed use could generate a higher turnover of residents with differing needs and behaviours, the appellant states that the home would be managed in line with the expectations set out in its Statement of Purpose. Having regard to this, there is no substantive evidence before me to indicate that the proposed use would lead to levels of noise and disturbance beyond those that could be reasonably expected from a Class C3 dwellinghouse use. Furthermore, the Council's Environmental team have raised no objection to the proposal, subject to conditions.
10. In relation to parking provision, while only a snapshot in time, I observed during my site visit on-street parking availability along Harsnett Road was limited. The narrowness of the road means that parked vehicles impede the two-way flow of traffic, with few passing opportunities available. Furthermore, the surrounding highway network in the vicinity of the appeal site is largely restricted by double yellow lines and permit holder only bays.
11. The proposed staffing arrangements could result in up to three or more vehicles associated with the site at any one time. However, No 1 benefits from an off-street parking space which could be utilised by staff. Furthermore, owing to the appeals site's location within the urban area of Colchester, alternative modes of transport, other than the private vehicle are available. During my site visit I observed a bus

stop serving multiple routes situated a short walk away on Old Heath Road. The Local Highways Authority (LHA) also states that there are railway stations and public car parks nearby. While the Council point out that there would be no means to require staff to travel by public transport, these alternatives nonetheless exist.

12. The LHA has raised no objection to the proposal on highway safety grounds. Having regard to my site observations and my findings above, I agree with this view and consider it unlikely that the proposal would lead to indiscriminate parking, obstruction of the footway and potential hazards to pedestrians, particularly as such matters could be addressed through other regulatory means.
13. Given my conclusions in respect of living conditions and parking provision, I am satisfied that activity associated with the proposed use would also be unlikely to cause a discernible change to the residential character of the area.
14. I conclude that the proposed development would have an acceptable effect on the character of the area and the living conditions of neighbouring occupiers having regard to parking provision and noise and disturbance. In this regard it would comply with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) and Policy DM15 of the Colchester Borough Council Local Plan 2017 – 2033 Section 2 (2022) (LP) which amongst other things require development to respond positively to local character, to protect the amenity of existing and future residents and to sustain an appropriate mix of uses.
15. The Council's statement additionally refers to Policies DM20, DM21 and DM22 of the LP. I also find no conflict with these policies which seek to ensure that development provides adequate parking, promotes sustainable transport choices and supports sustainable access to development.
16. For the same reasons, there would be no conflict with the policies of the National Planning Policy Framework, which also seeks to meet the housing needs of different groups in the community, includes the needs of looked after children.
17. The Council's statement refers to various supplementary guidance documents including The Essex Design Guide for Residential and Mixed Use Areas, Parking Standards Design and Good Practice and the Cycling Delivery Strategy. However, a specific conflict with these documents has not identified by the Council and these documents do not therefore alter my overall conclusion on the main issue.

Other Matters

18. The appeal site is located within the New Town Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving or enhancing the character or appearance of that area. The potential for the proposed development to impact on the character or appearance of the CA is not a matter in dispute. Having considered the nature of the proposed development which is for a change of use only, I am satisfied that no harm to the character or appearance of the CA would arise.
19. The appellant has advised that the proposed use would operate as a care home rather than a House in Multiple Occupation (HMO) and that matters relating to the quality and standards of care would fall within the regulatory remit of Ofsted.

Nevertheless, the Council's Private Sector Housing team has indicated that there may be separate requirements in respect of HMO licencing, building regulations approval and/or fire safety measures. These are controls exercised under separate legislative regimes and do not form part of the planning decision. Responsibility for compliance rests with the appellant and would be overseen by the relevant regulatory bodies as necessary.

20. Interested parties have expressed concern that granting planning permission could set a precedent for other similar developments and a disproportionate number of dwellings being converted to care businesses and HMOs. However, the Council have raised no concerns in relation to the principle of development, and each proposal must be determined on its individual merits. A generalised concern of this nature does not justify withholding permission in this case.
21. Concerns have been raised regarding the potential effects of the proposal on the capacity of local infrastructure, including drainage and sewage. Given the small scale of the proposal, it would be unlikely to result in a materially increased demand on local infrastructure or give rise to unacceptable harm in these respects.

Conditions

22. Various conditions have been suggested by the Council in the event the appeal is allowed. I have considered these against the tests set out in the Framework and Planning Practice Guidance. Where necessary, I have amended the wording to ensure precision.
23. The standard condition requiring a time limit for the commencement of development (1) is necessary in the interests of planning certainty. A separate condition requiring the development to be carried out in accordance with the approved plans is not necessary since the development involves a change of use only.
24. A condition (2), limiting the use of the building to the care of no more than three young persons, is considered both reasonable and necessary to prevent more intensive uses within Use Class C2 that could result in greater impacts upon the local area.
25. The Council Environment Protection teams has suggested a condition relating to minimum staff numbers and have suggested that where possible, young person's bedrooms should be located away from the party wall. However, a condition relating to minimum staff numbers is not considered necessary as staffing ratios would be governed by other regulatory bodies and there may be occasions when fewer young people reside at the property, reducing the minimum number of staff required. Furthermore, a condition allocating rooms would be overly prescriptive and would not be reasonable or necessary for the reasons set out in my reasoning above.

Conclusion

26. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR