



Appeal Decision

Site visit made on 18 November 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2026

Appeal Ref: APP/A1530/W/25/3372408

28 Wych Elm, Colchester, Essex CO2 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Safe Haven Services Ltd against the decision of Colchester City Council.
 - The application Ref is 250420.
 - The application sought planning permission for Change of use of existing dwellinghouse (Use Class C3) to a children's home for a maximum of three young people (Use Class C2) without complying with condition 2 attached to planning permission Ref 240976, dated 11 October 2024.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings 'Site location plan' indexed onto the case file on the 10th May 2024, 'Floor plan' indexed onto the case file on the 5th July 2024, and the 'Management Plan' and 'Statement of Purpose' indexed onto the case file on the 27th September 2024.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the proposed development is carried out as approved, including with regards to the nature of operation and the management and staffing of the use proposed, in the interests of the amenity of the area.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing dwellinghouse (Use Class C3) to a childrens home for a maximum of three young people (Use Class C2) in accordance with the application Ref 250420, without compliance with condition numbers 1 and 2 previously imposed on planning permission Ref 240976 dated 11 October 2024 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of the original permission dated 11th October 2024.
 - 2) The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings 'Site location plan' indexed onto the case file on the 10th May 2024, 'Floor plan' indexed onto the case file on the 5th July 2024, the 'Management Plan' and 'Covering Letter' indexed onto the case file on the 4th March 2025.
 - 3) The development hereby approved shall be used solely as a residential care home for up to a maximum of 3 young persons (from 8-17 years of age) under Use Class C2 (Residential Institutions). The development shall be used for no other purpose, including any other uses under the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to

that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

- 4) Prior to first occupation, parking in accordance with the Essex Parking Standards the Parking Standards: Design and Good Practice (September 2009), shall be provided and retained at all times.
- 5) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Preliminary Matters

2. I requested that the Council provided unredacted comments from neighbouring residents, its response was that this could not be provided due to its privacy policy presented to users when submitting comments. I will not be able to consider these comments given the level of redaction.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residents with particular reference to noise and disturbance.
 - Whether the proposal would provide adequate parking provision.

Reasons

Noise and disturbance

4. The proposal is seeking to increase the potential number of staff on site from two to four. While the appellant has put forward that this is not a permanent change, I have made my determination that this could be an ongoing arrangement for a significant period. From the evidence submitted the Council's primary objection is the increase in noise and disturbance from the additional vehicles arriving and leaving the site between 1:00pm and 1:30pm.
5. While I accept that there would be some disturbance from employees of the children's home, the overall impact would be limited due to the small amount of additional employees, that it is foreseeable some employees would travel to the site by sustainable means and that the change over period is relatively short and not at an antisocial hour. The overall impact to nearby occupants from noise and disturbance would not be significant.
6. The Council has raised the Public Sector Equality Duty (PSED) under the Equality Act 2010, in relation to noise and disturbance to a neighbouring resident who has a disability.
7. Decision makers are required by the PSED to have due regard to advancing equality of opportunity and to eliminate unlawful discrimination in relation to, amongst others, people with disabilities.
8. However, given the lack of detail that the Council has provided and that I consider the impact on nearby residents living conditions to be limited. On this basis and

having due regard to PSED I do not consider that the proposal raises any additional concern in relation to noise and disturbance to nearby residents.

9. I conclude therefore on this matter that the proposal would not have a detrimental impact on the living conditions of nearby residents from noise or disturbance. On this basis the proposal complies with policies DM15 of the Colchester Borough Council Local Plan 2017-2033 Section 2 2022 (Local Plan Section 2) and SP7 of the Colchester Borough Local Plan 2013-2033 North Essex Authorities Shared Strategic Section 1 Plan 2021. These policies seek to ensure that all development achieve good standard of amenity, including protection from noise and disturbance.

Parking provision

10. Policy DM22 of the Local Plan states that applications will be determined on the latest parking standards while taking into account accessibility, car ownership, size/type of residential unit, appropriate mix of parking and need to facilitate electric and low level emission vehicles. In the submitted Essex County Council Parking Standards Design and Good Practice September 2009 it provides a maximum car parking standard for C2 Use Classes vehicle, with no minimum requirement.
11. The appellant has shown that two cars could park on the driveway within the curtilage of the dwelling, with another three parking on the shared driveway with No.26 located within the public highway. I have only considered the parking spaces within the curtilage of the site and not those on the shared driveway.
12. There is no evidence before me that there is a particularly high demand for on-street parking space in the vicinity of the site. As such there is no reason to conclude that a limited number of additional vehicles associated with this development could not be accommodated on street without causing a danger to highway safety or detriment to the living conditions of neighbouring residents.
13. From my site visit it was noted that the site is located approximately 7 minutes walk away from bus stops on Mersea Road. It is also accepted that given Colchester is a large settlement with there being good potential for the workforce to either walk or cycle to the site.
14. I conclude therefore on this matter that given the site is in a relatively sustainable location and that the latest parking standards do not provide a minimum requirement for car parking spaces that the proposal does provide adequate parking. On this basis it complies with Policy DM22 of the Local Plan Section 2, that seeks to ensure appropriate parking provision.

Other Matters

15. In comments from nearby residents that I have received comment has been made about the individual deeds of the dwellings. This is separate from the planning process and on this basis very limited weight is given to this.
16. In addition, mention has been made about a separate business on this site. However, I have based my decision on the conversion of a dwellinghouse (Use Class C3) to a children's home (Use Class C2). If a different business is operating from the dwellinghouse, this would be for the Council to investigate.

17. Finally, concern has been raised in relation to the ongoing supervision and care of children. However, from the evidence before me the appellant is seeking this amendment to their existing permission to better ensure long term care of children.

Conditions

18. I have noted that the conditions suggested, without prejudice, by the Council have been agreed by the appellant.
19. Condition 1 that refers to the timeframe will be updated as suggested by the Council to prevent the implementation time being extended by this appeal decision.
20. Condition 2 will be updated to cover the new management plan that increased the staff numbers, as detailed under this appeal.
21. Condition 3 will be reimposed as suggested by the Council to ensure that the specific use is that which has been duly considered and determined.
22. Conditions 4 and 5 shall again be added as detailed by the Council to ensure car and cycle parking are provided.

Conclusion

23. For the reasons given above the appeal should be allowed. I will vary the approval given regarding the details pursuant to conditions Nos 1 and 2 of planning permission 230976 granted on 11 October 2024 by Colchester City Council.

A Phillips

INSPECTOR