



Appeal Decision

Site visit made on 5 February 2026

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th February 2026

Appeal Ref: APP/W1525/W/25/3375388

16 Judge Road, Chelmer Village, Chelmsford, Essex CM2 6GN

- 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 Oghagbon of Alphatree Property Limited against the decision of Chelmsford City Council.
 - The application Ref is 25/01096/FUL.
 - The development proposed is change of use from dwelling (use class C3) to a children's care home (use class C2).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: i) highway safety, and ii) the living conditions of occupants of nearby properties, with particular regard to noise disturbance.

Reasons

Highway Safety

3. This part of Judge Road is relatively narrow and tightly enclosed by two storey houses set close to the edge of the road. There is no designated pedestrian footway and the road provides a shared surface for vehicles, pedestrians and cyclists. The houses are generally interspersed with narrow driveways and garages, providing off street parking.
4. The appellant sets out that the total number of staff associated with the use would be two, each providing twelve hours of presence each day, seven days a week. In response to the appeal, the appellant would accept a condition restricting occupancy to a single child and one adult. I note there are heavy discrepancies elsewhere in the evidence, with the personal statement referring to employment of 10-12 local staff. However, even if only one member of staff were at the premises at any one time, there would inevitably be change-over periods, when two staff vehicles would be present for a period of time. The evidence also describes visitors to the site, including family members and professionals including social workers.
5. The parking effects of the proposal could therefore vary considerably, depending on a number of variables including the timing of staff change overs, the number and frequency of other visitors and whether they would coincide with staff change-overs, as well as depending on the particular needs of the child. For the purposes

of considering this appeal, it cannot be assumed that they would occur separately or briefly, and the imposition of planning conditions could not reasonably ensure this would be the case. Overall, it is very likely that the proposal would create additional parking demand beyond the existing use.

6. Based on the information which accompanied the planning application, the Council calculated that three parking spaces would be required, having regard to the Essex Parking Standards¹. Even if the number of children were reduced to one, having regard to the factors above, it is unlikely the level of parking required would be reduced.
7. No.16 Judge Road benefits from a driveway to its eastern side, as well as a garage. While the plans show the garage could provide a parking space, it is also annotated for storing cycles and would not appear to be of a useable width for a car. The driveway is capable of accommodating two vehicles off the highway. However, these would be in a tandem arrangement and not independently accessible, creating the need for the vehicle closest to the highway to move in order to let the other leave. Even if those spaces provided practical parking for the alternating staff, the proposal would increase demand for on-street parking from its other visitors. In the immediate vicinity of the house there are no designated parking bays, the road is narrow and shared among other road users. Cars parked in front of the house would therefore overhang the road, causing harm to the safety of the highway and its users, even if for a limited period.
8. In conclusion on this main issue, the proposal would cause harm to the safe function of the highway. It would conflict with Policy DM27 of the Chelmsford Local Plan 2020 (the CLP) which requires development to have regard to the parking standard, unless local circumstances justify a deviation, which has not been demonstrated here.

Living Conditions

9. Judge Road has a quiet and intimate character, arising from the narrowness of the road and its tight enclosure by two storey houses at the road edge. The front elevations of the properties on Judge Road are therefore close to the road and include habitable room windows such as living rooms and bedrooms, where there is a reasonable expectation of good standards of amenity. From those nearest windows, increased noise and activity on the road would be particularly apparent.
10. As above, the proposal would be likely to increase movements and activity from the property, associated with staff and visitors, being different to those associated with occupation by a single household. Again, the effects on the living conditions of the nearest occupants would depend on the frequency of visitors and their duration and there is a heavy likelihood of external visits occurring during the day. Conversely, however, staff change-overs would occur with regularity and could occur over night or during quiet or anti-social hours. This could entail noise from outdoor conversations, closing car doors and vehicles manoeuvring at low speed.
11. Together with the tandem arrangement for staff parking, which would require additional vehicle movements on the highway, the additional activity would cause disturbance to the occupants of those nearest properties. This would particularly

¹ Parking Guidance Part 1: Parking Standards Design and Good Practice 2004

be the case for occupants of no. 18, which has habitable room windows in close proximity to the driveway.

12. While Ofsted registration would monitor the management of the premises, I cannot be satisfied that this could be relied upon to prevent the above mentioned disturbance, which would be inherent to the proposed use. For the same reason I am not convinced that mitigation for these effects, or controls on staff movements, could reasonably be secured by planning conditions including a management plan, since it is difficult to envisage how a satisfactory arrangement could be achieved, given the circumstances of this particular site.
13. For the reasons given, the proposal would cause harm to the living conditions of occupants of the nearest properties. This would conflict with Policy DM29 of the CLP which includes that development shall be compatible with neighbouring uses, avoiding unacceptable levels of polluting emissions by reason of factors including noise.

Other Matters

14. The appellant has successfully achieved a similar use elsewhere, which clearly provides value to children and young people as described in the Ofsted report. Based on the evidence, however, that other premises benefits from different circumstances, most notably including different parking and access arrangements, and where that use would have different effects upon other local residents. As such the other premises does not provide a justification or reassurances for the effects of the appeal scheme.
15. The appellant reports a need for this type of accommodation, reflected in statements from associated national bodies and applicable at the county level. While this is primarily high level information, I have no reason to doubt the need for these facilities and the proposal would make an important contribution to the identified need. There would also be some economic benefit, arising from staffing.
16. While not pursued by the applicant, I am mindful of Article 3(1) of the UNCRC² which requires a child's best interests to be a primary consideration. The supporting statement sets out that the proposal would provide a stable, nurturing environment for a child, aged 10- 17, supported by experienced staff, and this would be in the setting of a family home and garden in a quiet residential setting. I have no reason to doubt that the proposal would assist in meeting the best interests of children in the future and those interests are at the forefront of my mind in balancing the material considerations relevant to the proposal and I give the matter significant weight. More particularly, case law identifies that, although a primary consideration, the best interests of a child are not a determinative planning issue. However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case.
17. The considerations in this appeal are therefore finely balanced. As set out above, however, the other effects of the proposal to the safety of the highway and the living conditions of those nearby, would also be significant and long lasting, and similarly both attract significant weight. Overall, I find the benefits of the scheme set out above do not amount to material considerations of sufficient weight to

² United Nations Convention on the Rights of the Child 1989

outweigh those harms or to make a decision other than in accordance with the development plan. I consider the effects of this decision on the children as potential future occupants, to be justified and proportionate.

18. I am aware of the other issues raised by interested parties, but have not addressed those further since they would not alter the outcome of the appeal.

Conclusion

19. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR