

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

Tuesday, 19th May, 2026

Present: Cllr D W King (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr G C Bridge, Cllr C Brown, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins (substitute), Cllr W E Palmer, Cllr D Thornevell and Cllr C J Williams (substitute)

Cllr R P Betts, Cllr L Chapman*, Cllr M A Coffin*, Cllr S Crisp*, Cllr D Harman*, Cllr D Keers*, Cllr Mrs A S Oakley*, Cllr M R Rhodes* and Cllr M Taylor were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors R V Roud and K B Tanner.

HP 26/18 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Hoskins substituted for Cllr Roud
- Cllr Williams substituted for Cllr Tanner.

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

HP 26/19 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

HP 26/20 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 17 March 2026 be approved as a correct record and signed by the Chair.

HP 26/21 PRESENTATION - HOME IMPROVEMENT AGENCY

Members received a presentation on the work of the Home Improvement Agency (Town and Country Housing Association), including core support for the Borough Council's grant services as well as wider services, such as handyperson, hospital discharge and hoarding schemes.

Through a co-ordinated model spanning major adaptations, discharge support, practical home safety interventions, and clutter or hoarding casework, the service supported both resident wellbeing and wide system efficiency. The evidence presented combined meaningful activity levels, relatively low-cost interventions, strong user feedback, and complex case studies that showed clear impact across housing, health, safeguarding, and social care.

The overall message was that this was not simply a repairs or grants function, but a strategically important cross-sector service whose value laid in independence, prevention, and effective multi-agency coordination.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 26/22 SCOPING REPORT FOR USE OF AN ARTICLE 4 DIRECTION TO WITHDRAW PERMITTED DEVELOPMENT RIGHTS FOR SMALL HOUSES OF MULTIPLE OCCUPATION (HMO)

(Decision Number D260056MEM)

The report of the Director of Planning, Housing and Regulatory Services provided Members with an overview of Article 4 Directions and considered whether there was sufficient evidence to justify the introduction of an Article 4 Direction to withdraw permitted development rights for small Houses in Multiple Occupation (HMOs) within Tonbridge and Malling. The report reviewed national policy, guidance and evidence used by other authorities, and compared this with the local position in Tonbridge and Malling.

Members noted that Article 4 Directions should only be introduced where supported by robust evidence of clearly identified harm and that, at present, the evidence base within the Borough was limited. It was also noted that the Council's Strategic Housing Market Assessment did not support the introduction of an Article 4 Direction at this stage.

Members attention was brought to the risk of introducing an Article 4 Direction without sufficient evidence, which could be subject to challenge or to the Secretary modifying or cancelling the Direction. Therefore, the Committee recognised that further evidence gathering would be required if the Council wished to pursue this matter and noted that this work would likely require external consultant support, with an estimated cost of £25,000.

On the grounds of mitigating any risk in terms of challenge, Cllr King proposed, Cllr Davis seconded and it was

***RECOMMENDED:** That, subject to approval by Council of funding via a supplementary budget estimate,

- (1) further work be undertaken to formally review the potential for an Article 4 Direction for small HMOs; and
- (2) Cabinet make a decision on the Article 4 Direction no later than their meeting on 1 September 2026.

***Recommended to Cabinet – Decision taken by Cabinet Member**

[In accordance with Council Procedure Rule 8.6, Cllr Thornewell requested that their vote against the proposals be recorded in the Minutes].

HP 26/23 UPDATING THE COUNCIL'S AFFORDABLE HOUSING PROTOCOL

Members considered a report proposing updates to the Council's Affordable Housing Protocol to reflect current economic conditions and changes in national planning policy. The report explained that the protocol, originally adopted in 2021, had been reviewed to ensure it remained practical and effective in securing affordable housing through the planning process.

The Committee noted that the revised protocol was intended to support a more consistent approach to viability testing, strengthen the use of the Council's evidence base, and place greater emphasis on developers demonstrating engagement with registered providers. Members were advised that the housing needs data appendix was currently being updated and that delegated authority for its final sign-off was proposed.

Cllr Thornewell proposed, Cllr King seconded and it was

***RECOMMENDED:** That

- (1) the revised Affordable Housing Protocol (attached at Annex 1) be adopted; and
- (2) delegated authority be granted to the Director of Planning, Housing and Regulatory Services, in consultation with the Cabinet Member for Housing, Environment and Economy, to finalise and agree the Protocol appendix related to housing needs data once it had been updated.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 26/24 DISABLED FACILITIES GRANT FUNDING REFORM

Members received a report outlining changes to the national methodology for allocating Disabled Facilities Grant (DFG) funding. The

report explained that the revised formula was intended to reflect current levels of disability, age, deprivation and housing tenure more fairly, with transitional protections in place to avoid sudden funding reductions.

Although the borough's modelled fair share under the new formula was lower than previous allocations, Government funding floors would limit the immediate impact. Current estimates showed no reduction in 2026/27, followed by gradual decreases in 2027/28 and 2028/29, amounting to a total reduction of approximately £125,098 over three years.

Members were advised that DFG funding supported not only mandatory home adaptations for disabled residents, but also wider services including the hoarding support service, hospital discharge scheme, handyperson service and discretionary assistance. However, due to significant underspends accumulated in recent years, the Council was not currently expecting to reduce these services and had sufficient short to medium-term resilience whilst the impact of the revised formula was monitored.

HP 26/25 REGULATION 18 LOCAL PLAN - SUMMARY OF RESPONSES FROM STATUTORY CONSULTEES

The Committee received the report of the Director of Planning, Housing and Regulatory Services regarding responses from Statutory Consultees to the Regulation 18 (Stage 2) Local Plan consultation. Members were advised that the consultation had been undertaken between 10 November 2025 and 2 January 2026 and that the report provided a summary of the principal matters raised by infrastructure providers, together with an initial indication of how those representations would be taken into account in the preparation of the Regulation 19 Local Plan and the supporting evidence base, including the Infrastructure Delivery Plan.

It was further noted that engagement with infrastructure providers had informed the preparation of the Regulation 18 Local Plan and would continue as the Regulation 19 growth strategy, associated policies and evidence base were developed. The Committee also noted the financial, legal, consultation and cross-cutting matters set out in the report, together with the intention to provide Members with further updates and draft policy wording in advance of consideration of the Regulation 19 Local Plan by Full Council on 3 September 2026.

HP 26/26 PLANNING ADVISORY SERVICE (PAS) ACTION PLAN - PROGRESS

Members noted the progress being made in respect of the recommendations of the Planning Advisory Service (PAS) Review. A key element of the work remained the training programme, which was

continuing to evolve. The reasons for some actions not having been progressed were set out in the commentary section and it was anticipated that these items would move forward during the summer.

HP 26/27 WORK PROGRAMME 2026/27

The Work Programme setting out matters to be scrutinised during 2026/27 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 26/28 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.45 pm