

Walderslade**21 APRIL 2026****25/00855/FL**

Location

49 Hallsfield Road, Chatham, ME5 9RS

Proposal:

Ground floor rear extension and retrospective change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.

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1. Description of Proposal:

- 1.1 Planning permission is sought for a ground floor rear extension and retrospective change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals with learning disabilities. The current age group for residents is between 40 – 53.

2. Reasons for Reporting to Committee:

- 2.1 The application has been considered by Committee on two occasions (11th December 2025 and 29th January 2026) following call-in by Councillor D Keers. Please see Annex 1 for the original Officer Report.
- 2.2 The application was considered by members and a motion to refuse the application on the basis of the following reasons for refusal carried.
- (1) as a result of the increased comings and goings, additional parking of vehicles, staff movements, disruption and activity would result in an unacceptable intensification of the site, out of keeping with the character of this quiet residential area and harmful to neighbourhood, neighbouring amenities, in conflict with policy CP24 of the Tonbridge and Maling Core Strategy and policy SQ1 of the Managing Development and the Environment Development Plan Document.
- (2) as a result of insufficient off-street parking, the proposal would not function well over the lifetime of the development and the parking plan would not be enforceable or provide sufficient mitigation for the failure to provide the necessary off-street parking spaces. This would amount to poor design and would be detrimental to the functioning of the development, in conflicts with paragraph 135 of the National Planning Policy Framework, policy CP 24 of the Tonbridge and

Malling Core Strategy, policy SQ 8 of the Managing Development and the Environment Development Plan Document and the Kent Parking Standards SPD.

- 2.3 Members were advised that the suggested reasons for refusal would be difficult to substantiate at appeal and could expose the Council to a risk of costs. It was resolved that the consideration of the planning application be deferred for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).
- 2.4 At the second committee meeting on the 29th January 2026, following the consideration of the cost report which highlighted that there could be a risk of significant costs awarded against the Council, the motion to refuse for the reasons given above was supported by a majority vote. Consequently, the application has been adjourned and referred to Full Council for determination in accordance with the relevant procedural rules.

3. Determining Matters:

- 3.1 Since the previous Committee meeting, changes have occurred at the site, including the installation of a front driveway. To address this change to the site updated drawings have been sought. As the driveway constitutes permitted development, it was considered not necessary to re-consult neighbours on the amended plans. Three off-street parking spaces are now available to the front of the building, meeting the requirements set out in the relevant KCC parking standards. The previously proposed rear parking area will remain enclosed and is no longer required to be made available via condition. Officers are still waiting for the receipt of the amended drawings and an updated draft conditions will be provided by supplementary report once the drawings are received.
- 3.2 Concerns were raised regarding references in the applicant's marketing to the provision of a daycare facility. Whilst the applicant has confirmed that no such use is currently taking place, the Local Planning Authority have deemed it necessary to add a condition ensuring that the daycare or respite care offers do not operate from the premises in the future.
- 3.3 However apart from the above there has been no change in local or national policy since the application was heard at Area 3 Planning Committee and therefore the determining issues are the same as in the Area 3 Committee report (see Annex 1).

4. Recommendation: Approve subject to conditions.

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