



Appeal Decision

Site visit made on 23 September 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/A2280/W/25/3367271

Elmsleigh Lodge, 118 Maidstone Road, Chatham, ME4 6DQ

- 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 Tawanda Mudavanhu against the decision of Medway Council.
 - The application Ref is MC/24/2182.
 - The development proposed is formation of additional parking area to the front - resubmission of MC/23/2417.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal has also been made following the refusal of an application for a Lawful Development Certificate in relation to a hard standing for three vehicles (Ref: APP/A2280/X/25/3367265). This will be decided separately.
3. The Council refers to the emerging Local Plan. As its progress towards adoption has only just begun the policies referred to are of very limited weight for the purposes of this appeal.

Main Issue

4. This is whether the proposed parking area would preserve or enhance the character or appearance of the Maidstone Road Chatham Conservation Area.

Reasons

5. The conservation area is linear and includes a short section of Maidstone Road. It is the subject of an Article 4 Direction. Within it are large late Victorian and Edwardian detached or semi-detached houses of high quality that are set back from both sides of the road. The Conservation Area Appraisal also refers to its pleasant leafy character due to the number of trees and bushes. These are the main components that give this heritage asset its significance.
6. The front forecourt at Elmsleigh Lodge is largely tarmacked and used for parking. The proposal is to replace an existing concrete hardstanding at the southern end with similar material to provide three parking spaces (one would be a disabled space). It also incorporates a small, grassed area behind the front boundary wall.
7. The photograph provided by the Council shows that the extra parking proposed would be on an area that was previously soft landscaped with grass and enclosed by hedging. It is not disputed that this was the position until around 2020 and there

is no suggestion that the operations undertaken were lawful. The starting point for any assessment should therefore relate to the position before the introduction of the current hardstanding. Furthermore, two trees have been removed. One has been replaced by a sapling and a willow has been felled with the approval of the Council due to fire damage. Whilst the trees have gone, there would be greater opportunity for replacement planting if the land were restored to its original state.

8. Further landscaping could nevertheless be required by condition in association with any permission. Although the Appraisal does not specifically refer to mature gardens at the front of the properties, it stands to reason that the vegetation close to and visible from Maidstone Road makes a significant contribution to its overall attributes. The proposal would preclude this and providing more greenery to the rear would not adequately compensate for the loss of the front landscaped area. The small piece of land behind the wall has not been identified as suitable for meaningful tree planting.
9. Within the conservation area, driveways were, in some cases, part of the original layout. Elsewhere large open parking areas exist. However, the Appraisal identifies the “biggest threat to the character of the area” as the loss of front gardens to provide parking. This involves the loss of the mature trees and hedges that make such a large contribution to the character of the area and so leaves large areas of unattractive paving in front of properties. That would be precisely the outcome were the appeal to be allowed and this should therefore be avoided.
10. As such, the proposal would fail to preserve the character and appearance of the conservation area. Using the terminology of the National Planning Policy Framework it would lead to less than substantial harm to the significance of the heritage asset. Given the small scale of the proposed development the level of harm would be towards the lower end of this spectrum. However, there would be conflict with Policies BNE12 and BNE14 of the Medway Local Plan which broadly reiterate the statutory duty and with the general principles in Policy BNE1.

Other Considerations

11. According to the Council, Elmsleigh Lodge is used as a care home for 8 residents. The appellant describes them as marginalised and vulnerable with learning disabilities, mental illnesses and complex care needs. A high number of medical and auxiliary staff are required to support them through treatment, therapies and personal care. As well as parking for staff, space is also required for service vehicles to facilitate catering, laundry and maintenance.
12. At times it is possible that vehicles would need to come onto the site to deal with emergencies. However, in that event, it would be feasible to stop on the existing driveway if all the existing spaces were full. Furthermore, although the home has been operating for some time, there is no tangible evidence that the lack of on-site parking has jeopardised the health and well-being of the residents. There is nothing to show that the parking provided by the unlawful hardstanding has been vital for the proper and safe running of the home. Indeed, the evidence from the Council and from local residents, is that this area is used by commercial vehicles as part of a business unconnected with the care home.
13. There is also nothing to demonstrate that staff have had to resort to parking elsewhere in the conservation area with the consequent visual implications.

Parking restrictions exist along most of Maidstone Road in the vicinity of the appeal site so such an eventuality on a regular and long-term basis is unlikely in any event.

14. The appellant claims that a hardstanding of up to 50 sq m could be created as permitted development by virtue of Schedule 2, Part 7, Class N of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is the subject of another appeal and appears to turn on whether the site should be treated as a hospital for that purpose. This is not a matter for me to decide. However, it is apparent that the position is not clear cut. Therefore, the possibility of a 'fall back' that could be implemented if the appeal were unsuccessful can only be given very little importance in this case.
15. As a result, having regard to paragraph 215 of the Framework, the public benefits associated with the proposal would be limited and do not outweigh the less than substantial harm that would occur.
16. Local residents raise concerns about the lack of enforcement action in relation to the existing hardstanding. They also allege that the parking of vehicles that is taking place is an unauthorised commercial use of land and that alterations have been undertaken to the original front wall. These are matters for the Council and have had no bearing on this decision.

Conclusion

17. The proposal conflicts with the development plan and there are no material considerations that indicate the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should not succeed.

David Smith

INSPECTOR