
Appeal Decision

Site visit made on 10 December 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal Ref: APP/G2245/W/25/3373680

21 South Bank, Westerham, Kent TN16 1EN

- 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 OptimumCare4U against the decision of Sevenoaks District Council.
 - The application Ref is 24/03395/FUL.
 - The development proposed is change of use from C3 to C2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the application form, but it is clear from the plans and accompanying details that the development comprises a change of use from Use Class C3 (dwellinghouse) to C2 (residential institution) as defined in the Town and Country Planning Use Classes Order 1978, and a new ramp at the entrance. The Council raised no objection to the addition of the proposed ramp, and I see no reason to reach a different conclusion based on the evidence before me.
3. Despite some conflicting details, it is clear that the proposal concerns residential accommodation for up to 3 children and young people. The appellant also notes a discrepancy between the site boundary shown in the Design Access Statement and the Site Location Plan (drawing no. 24.21SB.P05); I have assessed the appeal based on the latter.
4. The appellant's statement sets out details relating to shift patterns of staff, management of visitors and arrangements for staff travel including an explanation of opportunities locally for public transport and off-site parking. These details differ from those indicated at the application stage. The appellant has also submitted an additional plan (ref. HP-SB-02) at appeal stage which illustrates the proposed layout of parking on the front driveway. However, these do not alter the fundamental nature of the scheme, which remains a change of use to provide specialist accommodation for children and young people.
5. The guidance in the 'Procedural Guide: Planning Appeals - England (2024)' sets out that, in most cases, the appeal should be determined on the basis of the plans upon which the Council made its decision. The Council has commented on all of this material. Interested parties were notified and could comment on the appeal material. I therefore find no procedural unfairness in considering this material and have determined the appeal on the basis of the additional plan and the details set out in the appellant's statement.

Main Issue

6. Having regard to the above, the main issue is whether the site is a suitable location for specialist accommodation for children and young people with particular regard to the provision of parking and safety and convenience of users of South Bank.

Reasons

7. The appeal site is a house within a settlement with access to some services and some limited public transport options. The proposed use as small scale specialist residential accommodation has many similarities to the residential use of a four bedroom house. In principle, the proposed use is therefore likely to be acceptable provided other planning policies and material considerations are satisfied.
8. The key difference between use as a dwelling and as specialist residential accommodation is that carers would work in shifts rather than being permanently resident. This would be associated with a greater number of comings and goings exceeding those that might be expected for a 4-bedroom dwelling occupied by a single family. Shift changeovers would occur twice each day for all 3 of the staff members that would be on-site at any given time. A range of regular visitors can also be anticipated, such as resident's families but also reasonably likely to include appointments with social workers and others involved in their care.
9. Those additional movements occurring on an ongoing, constant basis would reasonably lead to an intensification in the parking needs generated by the site compared to its existing use.
10. The appeal site, like many properties on this side of South Bank, has a front driveway. South Bank is a no through road, comprising a single-track Public Right of Way (PROW), largely without formal pavement or verges and which provides a public footpath through to Rysted Lane, where the entrance of the Churchill Church of England Primary School is located. There is no formal turning circle, so vehicles must turn in the available gaps on the highway or manoeuvre over driveways. Vehicles park parallel to the properties at the opposite side of South Bank, which are set back only a very short distance from the highway. The presence of parked cars further reduce its narrow width for passing road users.
11. Kent County Council's (KCC) Parking Standards require 3 car parking spaces for use by the resident staff and a further 1 space for visitors associated with a Use Class C2 use. This amounts to an increase of 1 space compared to the standard as it applies to dwellings of this size in new development.
12. The proposed parking plan shows a maximum of 3 cars could be accommodated within the front driveway. The boundary splays, making the driveway narrower at its South Bank access than it is outside of the appeal building. The dimensions, particularly in their length, of these car parking spaces would not provide an additional allowance sought, as a margin of comfort, by the KCC Parking Standards to account for existing obstructions and the parallel arrangement. Given the limited area available and the tight tandem configuration, the car nearest the highway would likely overhang it to some extent.
13. The space between parallel vehicles to open their doors, without obstruction by other cars or boundary and landscape features, would be very limited. This tight arrangement would present great difficulty to pedestrians to manoeuvre around

parked cars when accessing the appeal building, particularly those with mobility constraints, or cyclists accessing the property with bicycles. There is also no obvious space to store bicycles. The proposed provision for on-site parking would therefore not accord with the KCC Parking Standards.

14. Given the constraints of South Bank and the front driveway area, there would be a need for vehicles to reverse either into the site or onto the PROW at each shift change. Additional manoeuvres of the car closest to the highway would be necessary to allow other cars to enter and leave. This would compound the total number of manoeuvres required at each shift changeover and, where required, to accommodate visitor parking. The significant increase in such movements would create an unacceptable risk of collisions with PROW users. This would conflict with provisions of the National Planning Policy Framework (the Framework) that seek to protect and enhance PROWs and which also seek to minimise scope for conflicts between pedestrians, cyclists and vehicles.
15. I also have reservations as to whether staff and visitors would make use of all 3 spaces on the driveway, even if that were achievable in line with the proposed parking plan. The potential to be 'blocked-in' due to the tandem arrangement would make this less convenient than parking on-street and so discourage some users from parking there.
16. Although the appellant proposes staggered shift times and a visitor booking system, no enforceable mechanism is before me to secure such operational details. From the limited detail provided, I am not satisfied as to how such management might be enforced to avoid the potential of car arrivals overlapping, particularly at shift-ends.
17. I accept that some staff may well live nearby and be able to travel to the site without needing to park a car, and car-sharing by staff could also reduce demand for parking. However, no mechanism is before me that would ensure these mitigations apply for the duration of the development. I consider a precautionary approach to the demand for car parking is therefore warranted in this case.
18. Similarly, public transport offers one option for accessing the site. However, only limited details of local bus services are before me and I cannot be satisfied that services would align with early-morning shift starts, for example. Moreover, in practice, public transport, cycling, or using car parks some distance from the site would not always be attractive alternatives, even with the operator's encouragement and advice. That would be particularly so in winter months, times of inclement weather and in hours of darkness.
19. On the evidence before me, the development's unmet residual parking needs are likely to increase demand for parking on South Bank. There is no technical evidence before me to demonstrate that sufficient on-street capacity exists to absorb the additional demand.
20. At my daytime, mid-week site visit, many on-street parking opportunities close by on South Bank were occupied. I consider it reasonably likely that existing demand for those spaces increases in evenings and at weekends, when more residents are likely to be at home. I recognise that my observations of on-street parking availability represent a snapshot in time. However, representations from nearby residents likewise indicate existing parking pressures.

21. The lack of adequate parking provision at the site could reasonably lead to inconsiderate parking of cars on South Bank, further obstructing this narrow road. Interested parties also suggest that tight manoeuvring by servicing and delivery vehicles obstructs traffic flow. In consequence, frustrated drivers might park, manoeuvre tightly, or reverse along South Bank in ways they otherwise would not. Those effects would present heightened risks of collision with users of the PROW, as well as inconvenience to them.
22. As regards access for emergency vehicles, no substantive evidence is before me which demonstrates that the proposal would likely result in more movements of such vehicles than would be associated with its use as a dwelling. Other properties on South Bank would also have similar challenges in this regard. Given the exceptional and infrequent need for such access (unlike conventional parking demands considered above), the temporary parking by emergency services vehicles across the driveway would not result in material harm to the safety and convenience of users of the PROW.
23. Overall, the evidence does not demonstrate that the site is a suitable location for specialist accommodation for children and young people, with particular regard to the provision of parking and safety and convenience of users of South Bank. This would conflict with the relevant provisions of Policies T1, T2 and EN1 of the Sevenoaks District Council Allocations and Development Management Plan (February 2015). Those policies, in summary, seek to ensure that development mitigates adverse travel impacts and provides parking in accordance with the KCC Parking Standards. There would also be conflict with the Framework as it seeks to protect and enhance existing PROWs, and to avoid conflict between pedestrians and other road users.

Other Matters

24. The proposal would provide specialist accommodation for children and young people, for which the evidence indicates there is a national-scale shortfall. I also note that reference is made to the acute demand for such provision in the Kent area, including from unaccompanied asylum seekers. The Framework attaches importance to addressing the needs of groups with specific housing requirements and I have given weight to this benefit accordingly, which I return to in the Planning Balance.
25. In making this decision, I am obliged by the Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010, to have due regard to the need to eliminate discrimination against persons with protected characteristics, to advance equality of opportunity for those persons and to foster good relations between persons who share a relevant protected characteristic and persons who do not.
26. The proposed specialist accommodation would benefit a group of persons sharing the protected characteristic of age. Set against this and limiting the weight I attach to this factor, there is no substantive evidence before me to demonstrate that an alternative, more suitable site could not be found for a similar scale of operation.
27. My attention has been drawn to appeal decisions which are said to be comparable to the appeal scheme. Two of those decisions¹ relate to proposals to change of use of similar sized dwellings. Both were assessed against the requirements of

¹ Appeal references: APP/B0230/W/24/3336478 and APP/B0230/W/25/3367033.

development plan policies for a different local planning authority. Parking was not an area of dispute between the main parties and the proposals were not considered to affect the safety of a PROW. These decisions are therefore not directly comparable to the scheme before me, which I have considered on its own merits.

28. Another decision², concerning a lawful development certificate, relates to an operation with fewer resident carers, who would be residing at the property for durations longer than that of staff shifts as proposed in the scheme before me. This factor would reasonably lead to fewer movements associated with that operation. As well as this material difference in intensity of use, based on the plan appended to the decision it also related to a much larger plot with different characteristics and relationship to the highway. None of these appeal decisions have therefore led me to an alternative conclusion on the main issue.
29. The appeal site is within the Kent Downs National Landscape (KDNL). The statutory purpose of such designations is to conserve and enhance the natural beauty of such an area and I have a statutory duty to seek to further those purposes, as set out under section 85 of the Countryside and Rights of Way Act 2000 (as amended). The proposal makes use of an existing building and involves only a modest external ramp. Given its small scale and discreet siting, I agree that this alteration would not harm the character and appearance of the building. This would conserve the natural and scenic beauty of the KDNL. However, the absence of harm in this regard has been a neutral factor in my consideration.
30. A determination has been made under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the appeal scheme is not of a scale and nature likely to result in significant environmental impact. That decision relates solely to effects on sensitive areas for the purpose of those Regulations. As this is not directly relevant to the main issue, it has been of neutral weight in my consideration.
31. The appellant has raised concerns about the conduct of the Council and considers that certain information - such as the proposed parking layout - could have been requested at application stage. However, the Council's evidence indicates that it is unlikely that this would have altered its conclusions and the need for the appeal.

Planning Balance and Conclusion

32. In favour of this appeal, the site is located in a settlement with access to some facilities and public transport options. The proposed use would make a contribution to providing specialist accommodation for children and young people, for which there is acknowledged demand. This would have a beneficial equality impact on persons sharing a protected characteristic. Other social and economic benefits would also flow from the scheme, including employment opportunities created and through the use of local services and facilities by future staff and occupiers. However, in view of its small scale, the scheme's economic, environmental and social benefits could reasonably be described as moderate.
33. Weighing against, the proposal would have pronounced localised effects including an increased risk of conflicts between pedestrians, cyclists and vehicles and considerable inconvenience to users of South Bank, to the detriment of its role as a PROW. I attach significant weight to those harms.

² Appeal Ref: APP/P1045/X/20/3263178

34. Concluding on this, the benefits of the proposal would not be sufficient to outweigh the harm that I have identified. The proposal would be contrary to the development plan as a whole and material considerations do not outweigh this conflict so as to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal should be dismissed.

S F Barnes

INSPECTOR