
Re: Objection to the proposed changes to draft local plan with regards to N21 and N24

From Stuart Heaver [REDACTED]
Date Mon 20/10/2025 14:45
To Dom Tabony [REDACTED]
Cc Consultations <Consultations@canterbury.gov.uk>

--Email From External Account--

Dear Mr Tabony

I am just acknowledging your email and copying it to the official consultations email address to ensure it's received.

I have to say I share many of your concerns but was not aware about the ownership issues.

Would it be possible to arrange a brief meeting on site with you and any other interested residents so I can better understand your concerns??

Regards

Stuart Heaver
Councillor
Green Party
Gorrell Ward, Whitstable (CCC)
Whitstable West (KCC)
07921 377955

From: Dom Tabony [REDACTED]
Sent: 18 October 2025 17:48
To: [REDACTED]

[REDACTED]

Subject: Objection to the proposed changes to draft local plan with regards to N21 and N24

--Email From External Account--

Objection to the proposed changes to draft local plan with regards to N21 and N24

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NPPF National Planning Policy Framework 2024

PPTS Planning policy for Traveller sites 2024

PLP Proposed Local Plan

Site Refer to N21/ N24

NERC The Natural Environment & Rural Communities Act 2006

GTAA Gypsy & Traveller Accommodation Assessment

HNC Housing and New Communities Policy

LA Local Authority

ROW Right of way

LLFA Flooding, drainage and water management policy

I email to state my strong objections supplying valid arguments supported by government policy and guidance in relation to changes to the PLP sites N21 and N24

at Golden Hill, Whitstable. The PLP needs to be consistent with national policies including NPPF, NERC, PPTS, NHC and GTAA. All framework MUST be taken into

account in the preparation of any development plans, and be a material consideration

in planning decisions. I will highlight throughout how the current proposal of sites

categorically contradicts and often has ignored central government policy, furthermore

there are many significant points raising issues that have been simply overlooked, without coherent explanation or not identified. All must be correctly addressed before

even starting to consider the sites. It is for these reasons N21 and N24 must be removed from the PLP.

I live directly at the proposed site at [REDACTED] with my family, my husband born

and bread in Whitstable. Together over the years we have experienced both positive and negative changes to the town and surrounding area. More recently however with no updates to sufficient infrastructure or services, the town is subject to negative changes. Examples being loss of valuable green spaces, wildlife, traffic issues and delays, accidents, sewage, flooding, cuts in emergency services. These changes have been quickly thrust upon me without any realistic time to adjust and frankly leave me feeling not listened to or important to the community I live and contribute to. This has to stop, unrealistic pie in the sky central government targets need to be challenged and local residents needs to feel they have a valuable voice.

I bring the following to your attention, objecting to the PLP for the following reasons: **2 / 7**

Ownership and legal stipulations:

Legal uncertainty over land ownership, LA gaining permissions - N21 needs to be removed from the PLP as some areas marked in red are owned by myself (Mrs Tabony)

and others. It is simply outrageous that ownership has not been correctly established. I

have not given and will not give any permissions for any of our land to be included in

the PLP. Of course the LA due diligence would have included the undertaking of a full

independent survey before even considering the site which will confirm some areas

included in N21 I own. Part of the land included is not owned by the applicant therefore

causes parts of the application to be invalid or unclear. This raises serious concerns

over the enforceability of planning conditions, future rights of access, water supply,

maintenance, etc. Without proof of ownership / control, the proposal is not reliably

deliverable. If the LA would like to arrange a formal site visit with me I can confirm this

point further with documented assistance. I will take further legal action if this significant point is overlooked.

Track entrance - I and others have a legal caution and a ROW over the track entrance

title number K953828. This track entrance is unregistered and therefore causes parts of the application to be invalid or unclear and the site should not be included in the PLP until the legal owner is confirmed and grants permission as it will conflict with government policy NPPF. Therefore remove N24 and N21 from the PLP.

Land restrictions - Sites N21 and N24 as well as land owned by me, whom neighbours the site comes with many covenants that are all legally enforceable. There exists a covenant which expressly prohibits erection or use of any caravan, house on wheels etc. as dwelling. The covenant clearly states *'no caravan, house on wheels or other chattel adapted or intended for use as a dwelling or sleeping apartment, or any booth, swing or roundabout shall be erected, made or used, or be allowed to remain on any plot, and the vendor may remove and dispose of any such erection.'* The covenant also states *'no building is to project beyond the building line.'* This demonstrates that historically the landowner did not intend such use, it is a significant material consideration showing expectations over any permitted uses. There is a precedent and legal expectation that caravans are prohibited. At minimum, the covenant suggests lack of suitability for such development. This covenant is to be upheld and is designed to protect local residents living in the vicinity. The LA are now fully aware of these restrictions and therefore fully understand why N21 and N24 can not be considered for a suitable traveller site. It will lead to legal challenges reducing certainty of planning being deliverable, I will strongly object to any covenant being lifted or abused which surrounds/includes my land and property at Golden Hill and will take court civil proceedings if necessary.

Land charges on title K737971 (N21) - Alongside others I have a live charge over the **3 / 7** majority of land planned in N21 due to a substantial amount of money owed to me by

the land owner of title number K737971. This was awarded by the legal justice system.

With the help of the legal courts and my solicitor (details can be supplied if required) I

am currently applying for a secondary charge on title K737971 which will force an

immediate sale of the site. For this reason the LA can not include the site in the PLP as

the legal owner/s of K737971 (N21) , can not be guaranteed over the next 5 years.

In

doing so the action will strongly contradict with requirements in the NPPF

regarding

ownership.

Infrastructure inadequacy:

The LA should ensure that any planned traveller sites avoid placing any undue pressure on the current local infrastructure. (PPTS) This legal framework has not been

adhered to with regards to water supply, sewage, drainage, public transport and roads.

I therefore request a detailed Infrastructure Statement including the disposal of waste

and lack of detail around this issue. The PPTS provides dimensions and expectations

for individual pitch sizes. Each pitch should accommodate up to two caravans, two

parking spaces, and private amenities, including electrical hook-ups, a standpipe for

drinking water, and drainage. The PPTS states sites should be well-planned with appropriate landscaping to enhance the environment and promote healthy lifestyles.

This is not proposed at site N21.

Water - The PLP is unable to guarantee a reliable water supply. Golden Hill was without

water for days this year in the summer months. Under the PLP (Policy HD10) and the

PPTS, sites must have adequate services (including water, sewage, power) before being permitted. None of these services are in place at these sites. Why would the LA

consider sites for the PLP without adequate infrastructure in place? GTAA insists the

LA examines existing supply and whether infrastructure can sustain new pitches.

The

water supply is already poor at Golden Hill, the PLP places undue burden on local

water infrastructure and risks failing essential living conditions for local residents. The PLP should ensure that improvements or upgrades to water infrastructure are considered. Adding to more water consumption in the area is frankly concerning and will be of a significant cost/engineering challenge to run mains or connections therefore will fail the suitability test under the PLP criteria.

Flood risk/ drainage/ surface water - I refer you to the PPTS. A policy PLP must consider and be consistent with. The policy clarifies that traveller sites should not be allowed in areas of high flood risk due to particular vulnerability of caravans. The A299 Thanet Way floods regularly in many months of the year already causing major travel **4 / 7** disruption for local residents. Water supply is poor, drainage and water run-off and flood risk must be addressed under NPPF, local flood risk policies, SuDS policies (Kent County Council LLFA). The PLP natural environment policies require sustainable drainage, protection of soil, surface water. The site is planned on a hilltop therefore will likely have issues of erosion, running off to lower properties with lack of soakaway capacity.

Sewage - There are already major capacity issues with sewage / sewage treatment.

Our beautiful shores which attracts thousands of visitors each year simply can not cope. The LA according to the NPPF must demonstrate how these points will be correctly resolved. Just stating it is a Southern Water issue is not acceptable for local residents.

Poor access and highways safety issues - The PLP criteria require that access to and from the site is safe for all vehicles and pedestrians. PPTS, NPPF require sites to be reasonably accessible and not create adverse transport effects. The road at Golden Hill in many places is very narrow, often without a pavement and without adequate visibility. There is unsafe pedestrian access for children walking along the road subsequently the PLP conflicts with policy. Using the busy A299 is already very problematic. Leaving Golden Hill to join the A299 is dangerous and timely. The traffic

generation of 70 houses and a minimum of 20 caravans will exacerbate this problem.

Roads are already unsafe and local roads will be even more overloaded. Any access

for the site from Golden Hill is unrealistic and will cause major issues of delays and

safety concerns for local residents. The director of Highways and Transportation for

KCC highways in 2024 commented on the proposed access for PLP N24 in planning

application CA/24/00058 quoting *'The visibility splay to the south appears to cross third*

party land, and the indicative information I have seen also shows this land as being

unregistered. As such the applicant can not maintain the required visibility splays.' The

unregistered land is the entrance to PLP N24. Without proof of ownership and control,

the proposal is not reliably deliverable and could lead to expensive legal challenges for

the LA. Kent Highways refused this previous planning application CA/24/00058 which

was for only 8 dwellings stating that *"The visibility available over land within the appli-*

cants / or highway authority's control is insufficient for the development proposed, to

the detriment of highway safety."

Traffic Accidents - I urge the LA to consider and take into account accidents that are

growing year on year at the entrance / exit to Golden Hill from the A299 Thanet Way.

Emergency services state they are already stretched without adding further population

and traffic growth. **5 / 7**

Road repairs - Roads in the local area need repairing. There has not been enough investment for repairs to our local roads causing pot holes to be rife and unsafe.

Any

repairs are only temporary therefore not solving the long term problem. How can any

more strain on our depilating roads be considered?

Location

The area N21 is without doubt in my opinion an area of natural beauty on a hill, it carries amazing views of the countryside stretching to Canterbury, sea views of Whit-

stable and views of the town. It is a site that can literally be seen from anywhere locally.

Wildlife thrives all year round on the site. Given the growing developments surrounding the site the green gap area should be protected.

Other location suitability - When considering applications, LA's should attach weight to

effective use of previously developed (brownfield), untidy or derelict land. (PPTS) N21

and N24 do not meet this. There is other land available locally that is more suitable.

Noise and air pollution - N21 site is adjacent to the extremely busy and noisy A299

Thanet Way indicating the site is not suitable as a traveller site. LA's should provide for

proper consideration of the effect of local environmental quality (such as noise and air

quality) on the health and well-being of any travellers (PPTS, item 10 p6.) The A299 will

become more congested over the next few years as the population grows with devel-

opments already in progress, therefore this problem has no solution apart from moving

the traveller provision.

Domination - The LA should ensure that sites in semi rural areas respect the scale of,

and do not dominate, the nearest settled community. (PPTS item 14 p7) The N21 proposal is one of the largest sites planned in the UK. Location alone will dictate that of

course it will dominate. The PPTS outlines key considerations including site size. The

ideal number of pitches for a site is 10 or fewer. The LA must take into account the

current population's size and density of Whitstable when deciding how many traveller

pitches are viable for the area. (PPTS) This has clearly not been considered or openly

displayed for the public to view and assess. The PLP suggesting a minimum of 20 pitches is not unacceptable. The proposal clearly ignores government framework.

Why?

Altering the Characteristics of Whitstable - N21 is not only planned on a high hill but it

is the highest point in Whitstable, the area can be seen from all directions therefore **6 / 7**

impacting not only the look of the town but the neighbouring diminishing countryside.

Government Framework PPTS, NPPF states that traveller sites should not be planned

on a hillside. The sites will have a direct Impact on the appearance of the area.

Landscape, visual and environmental harm - Canterbury City Council Planning officer

Christian De Grussa confirms in planning application ref CA/24/00058 '*The site is*

located in open countryside, outside the confines of any defined settlement. Any development would result in the encroachment of the open countryside causing a harmful urbanising effect upon the rural area whilst constituting an unsustainable and

unacceptable form of background development. Overall in conflict with NPPF.'

This

statement alone should be all the reason needed to remove the site from the PLP.

The

development would alter the character of the skyline and be visually intrusive.

Under

Policy HD10 PLP criteria includes that where sites are outside existing settlement, care

must be taken to avoid encroachment on open countryside. The natural valued land-

scape should be protected. Canterbury City Council Planning officer Christian De Grussa also confirms the PLP seeks to 'steer development to urban areas of Whitstable, Canterbury and Herne Bay. The site lies outside of Whitstable and any other

identified settlement and would not fall within one of the 'exception' criteria listed in the

PLP for new dwellings in the countryside. Therefore the sites are in direct conflict with

PLP policies.' The inspector continues by stating the council do not consider that the

benefits would outweigh the harm identified. Following these statements nothing has

changed with time so of course these points are valid. I have also concerns regarding

the noise, disturbance and smells resulting from the PLP these issues have not been

correctly addressed by the LA.

Protected Wildlife present - My home neighbours the sites. I have first hand knowledge of the vast protected wildlife breeding on N21 and N24. This includes adders, voles, field mice, slow worms, hares, kestrels, squirrels, kites, woodpeckers

and barn owls. Helen Forster at KCC Ecological Advice Service prepared a report 28/3/24 confirming slow worms, potential for breeding birds, dormouse, hedgehogs and bats are present at the site. (PPTS p4) states for the LA to have due regard to the protection of local amenity and local environment. Refer to 'The Natural Environment & Rural Communities Act 2006' which confirms the LA has a statutory duty to further the enhancement of wildlife and must take positive steps to further the conservation of listed species and habitats.

Economic Growth

Employment opportunities for new residents has not been considered in the 7 / 7 consultation, the population growth will put a major strain on recruitment in the local area. This will negatively impact current local residents.

To conclude

Legal certainty deliverability - Planning policy and case law requires that permission only be granted if a scheme is deliverable, and obligations and conditions can be enforced. A scheme depending on land the applicant doesn't wholly own, or relying on infrastructure works not under control of the applicant is considered not deliverable. The sites are in the open countryside and is considered part of the Green Gap. Leave it alone. Any considerations to be included in the PLP must be removed. I email on behalf of all residents residing at

Mr Dominic Tabony
Mrs Karla Tabony
Miss India Tabony
Miss Dali Tabony.

Consider this email as 4 objections.

Regards
Dom Tabony

[Redacted]