

Canterbury City Council Local Plan Regulation 19 Pre-Submission Consultation

Draft Policy DS9

Representation submitted on behalf of Paul Roberts and Paul Abbott

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1. I act on behalf of the owners of The Old Coach & Horses public house in Harbledown, Paul Roberts and Paul Abbott. The representations relate to Policy DS9 in the Regulation 19 draft Local Plan. We consider that this policy is not sound as it is not positively prepared, not justified and not effective.
 2. More specifically, we consider that Policy DS9 does not provide an effective strategy for meeting the area's community needs. And the wording of this draft policy is not effective as a basis for considering the loss of community facilities as it is both vague and could also be interpreted in an unduly restrictive way.
 3. Policy DS9, sub-paragraph 8 allows the loss of a shop or community facility where:
 - a) the proposal would not prejudice the variety of services available at the centre to meet the needs of the local community; and
 - b) the use of the premises for commercial or community use is no longer viable and the property has been actively and continuously marketed at a reasonable rate for a period of at least two years.
 4. The wording of this policy does not contain the sub-clause in Policy QL3b of the 2017 adopted Local Plan which supports the loss if it can be demonstrated that there is alternative provision for a similar type of use within an acceptable working distance of the facility which is proposed to be lost. This was an important requirement of the current adopted Local Plan policy and reflects other similar policies elsewhere within adopted local plans. The absence of such a criterion would omit a very important assessment of the availability and suitability of other facilities within an acceptable walking distance. The presence of those facilities is significant for two particular reasons. Firstly, because their existence may have had an adverse impact upon the viability of another similar facility within an acceptable walking distance; secondly, because it involves the necessary evaluation of whether there is any other suitable similar community facility nearby which can provide the services which will be lost as a result of the demise of the community use. Those two considerations are a vital part of the necessary assessment when considering the loss of community facilities.
 5. In addition, the wording of 8a) is too restrictive as any loss of any service would reduce, and in the words of the draft policy, jeopardise the variety of services available at the centre. Such wording is too restrictive and would prevent the loss of any services whether justified or not. A further restriction of the draft wording is that it only refers to services available at the centre and precludes

the recognition and assessment of alternative provision of the same or similar service or facility which may already be available, not necessarily at the centre, but within the local area and accessible to residents in that catchment area. Furthermore, it prevents the assessment of the availability of an acceptable alternative means of meeting any such demand in an accessible location.

6. These significant weaknesses of Policy DS9 could be overcome by the replacement of paragraph 8a) with a paragraph similar to that in Policy QL3b) of the 2017 adopted Local Plan or by the following wording:
 - a) Suitable and / or comparable alternative provision is available within the locality to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
7. In conclusion, Policy DS9 is not sound. It is not justified. It fails to include the crucial assessment of the availability of suitable, similar and accessible alternative community facilities.
8. As a result, the draft Policy DS9, paragraph 8a), is both vague and unduly restrictive. It does not provide an appropriate strategy for dealing with the NPPF requirement to guard against the unnecessary loss of valued community facilities.
9. The amendments which we have suggested to paragraph 8a) would address these concerns and objections.

Appendix 1 : Representation on Focussed Consultation, October 2025