



Regulation 19 Local Plan Representations

Land East of Chestfield Road, Whitstable

Representations in support of the proposed site allocation for 150 dwellings.

Regulation 19 Local Plan Representations
at
Land East of Chestfield Road, Whitstable

Client	Rubix Estates Ltd and the Landowners (The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment)
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1. Executive Summary

- 1.1 Lee Evans Partnership LLP is instructed by Rubix Estates Ltd (“the Promoter”), acting on behalf of the Landowners (Land Share Investment and the Trustees of the Whitstable Non-Ecclesiastical Charities), to submit representations in support of the site ‘Land East of Chestfield Road’, Whitstable (henceforth referred to as ‘the site’).
- 1.2 The site has been actively promoted through previous consultation stages and was included as an allocated site within the Regulation 18 Draft Canterbury City Council Local Plan (September 2025), but has been subsequently removed from the Regulation 19 Draft Canterbury District Local Plan (2026). This representation seeks to re-establish the site’s inclusion within the Regulation 19 Draft Local Plan.
- 1.3 The site was previously included within the Regulation 18 Draft Canterbury City Council Local Plan as Policy N20 which identified the Land East of Chestfield Road for approximately 150 dwellings. It is considered that the site forms a logical and sustainable extension to Chestfield which complements the wider South Whitstable Strategic Development Area (Policy W4 – Brooklands Farm).
- 1.4 These representations are made in respect of the soundness of the Draft Local Plan under Regulation 20. They contend that the Plan as drafted fails the soundness tests at paragraph 36 of the National Planning Policy Framework (December 2024), specifically that it is not positively prepared, justified, effective and consistent with national policy in respect of the omission of SLAA310 (Land East of Chestfield Road). The reinstatement of the site as an allocation, of the order of 150 dwellings, is required as a Main Modification to render the Plan sound.
- 1.5 Therefore, Rubix Estates and Landowners (The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment) fully support the re-allocation of the site. All policy criteria are achievable, the site remains available and under the control of a single promoter - Rubix Estates and there are no physical, environmental or technical constraints that would preclude development.
- 1.6 Previously supporting technical evidence, comprising a Transport Technical Note prepared by Fortis Transport Planning has confirmed that safe and deliverable access can be achieved from Chestfield Road and that the development can come forward alongside or independently of Brooklands Farm, contributing to a cohesive and integrated pattern of growth.
- 1.7 The site is considered deliverable within the short to medium term (0-3 years) contributing to Canterbury’s housing trajectory and providing an early and reliable source of housing supply within the Whitstable area.

2. Introduction and Context

- 2.1 The site was previously promoted during the earlier Regulation 18 consultation (June 2024 and January 2023), when representations were submitted requesting its allocation for residential development to complement the emerging South Whitstable Strategic Development Area. The Council subsequently accepted this recommendation and included the site within the draft Regulation 18 Plan (September 2025) as 'Policy N20 – Land East of Chestfield Road.' The allocation within the Regulation 18 Plan is shown in Figure 1 below.

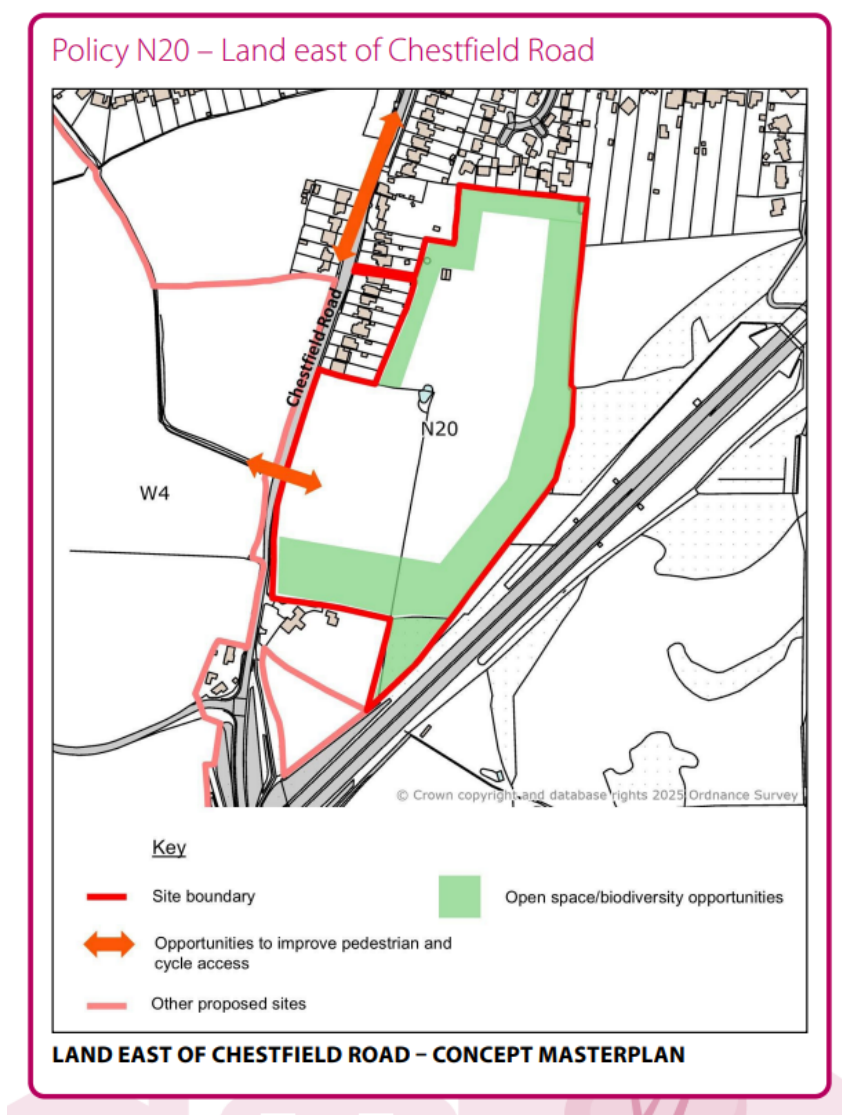


Figure 1 – Land East of Chestfield Site Allocation in Regulation 18 Draft Canterbury City Council Local Plan (September 2025)

- 2.2 The purpose of this representation is to re-establish the site as an allocation within the emerging Local Plan for the Canterbury City Council (CCC) and to demonstrate that without the inclusion of this allocation the Plan struggles to meet the tests of soundness. Within this representation, it is demonstrated that the site is achievable, available and suitable for the development proposed in accordance with the National Planning Policy Framework (2024).

- 2.3 Throughout this Representation, regard is had to the National Planning Policy Framework (NPPF) on Chapter 3 (Plan-making). This chapter sets out that plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 2.4 Chapter 3 Paragraph 36 of the NPPF requires that a plan, to be sound, must be:
- (a) positively prepared, providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities;
 - (b) justified, an appropriate strategy taking into account the reasonable alternatives, based on proportionate evidence;
 - (c) effective, deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and
 - (d) consistent with national policy, enabling the delivery of sustainable development in accordance with the policies of the Framework.
- 2.5 For the reasons set out in the assessment section below, the Draft Local Plan does not meet the above tests in respect of the omission of Land East of Chestfield Road, and the site should be reinstated into the Draft Local Plan.

3. Assessment & Discussion

Overview of Previous Policy N20

- 3.1. Policy N20 of the Regulation 18 Draft Canterbury City Council Local Plan allocated Land East of Chestfield Road for approximately 150 dwellings, to include affordable and accessible housing, open space, and associated infrastructure.
- 3.2. The policy sought:
- coordination with Policy W4 – Land at Brooklands Farm;
 - a high-quality design and layout at an average density of around 35 dph;
 - landscape and biodiversity enhancements;
 - a comprehensive access and transport strategy including pedestrian and cycle links, new bus stops, and a vehicular access from Chestfield Road.
- 3.3. The allocation reflected the findings of the Council’s Strategic Land Availability Assessment (SLAA Ref: 310), which identified the site as suitable, available and achievable for development of around 150 homes.

Wider draft policies

- 3.4. The proposed allocation at Land East of Chestfield Road sits comfortably within the overall spatial and policy framework of the Draft Canterbury City Council Local Plan at Regulation 19. It aligns with the Plan’s vision for sustainable, well-connected growth focused at the district’s main urban areas and responds positively to a range of strategic and development management policies that underpin sound plan-making.
- 3.5. Policy W4 – Land at Brooklands Farm provides for the strategic mixed-use development at South Whitstable, delivering approximately 1,400 new homes together with business space, community uses and supporting infrastructure. The previous allocation at the site will directly complement this allocation, forming a logical extension that will reinforce the creation of a cohesive new neighbourhood. The two sites can be planned and delivered collaboratively, ensuring shared access, integrated movement networks and coordinated green infrastructure. In doing so, the site supports the Council’s spatial strategy for South Whitstable and strengthens the deliverability of the wider Strategic Development Area.
- 3.6. The proposed allocation is consistent with Policies SS1 (Environmental Strategy for the district), SS2 (Sustainable Design Strategy for the district) and SS3 (Development Strategy for the District), which seeks to balance the economic, social and environmental dimensions of growth in accordance with the National Planning Policy Framework. Development at Land East of Chestfield Road will provide new housing in an accessible location close to existing facilities and transport connections, thereby supporting sustainable travel patterns and local economic activity.
- 3.7. In accordance with Policies DS1 (Affordable Housing) and DS2 (Housing Mix), the site will deliver a range of dwelling types and tenures, including affordable and accessible homes, contributing to a balanced community that meets identified local housing needs.

- 3.8. The design approach will accord with Policy DS13 (Sustainable Design), ensuring that the scheme achieves a high standard of layout, architecture and environmental performance. Our masterplan will be designed to provide a legible hierarchy of streets, distinctive character areas and a strong relationship between built form and landscape, supported by sustainable drainage and biodiversity enhancements.
- 3.9. Infrastructure provision could be secured in line with Policy DS15 (Infrastructure Delivery), with proportionate contributions made towards local and strategic infrastructure where directly related to the development. This may include coordination with the Brooklands Farm scheme to deliver shared transport and public realm improvements.
- 3.10. The allocation also reflects the objectives of Policy DS20 (Habitats of International Importance). Preliminary ecological appraisal indicates that the site is not functionally linked to the nearby European-designated habitats at the Thanet Coast and Sandwich Bay and as such development can proceed without adverse effects on site integrity. Nonetheless, opportunities will be taken to achieve biodiversity net gain and to enhance local habitat networks through new planting and management of existing woodland.
- 3.11. Open space provision would comply with Policy DS28 (Publicly accessible open space and sports), delivering a substantial area of multifunctional green space along the eastern edge of the site. This will provide both a landscape buffer to the A299 corridor and a recreational asset for future residents.
- 3.12. Finally, our proposal responds positively to Policy DS30 (Historic environment and archaeology). The design strategy will respect the character and setting of the adjoining Chestfield Conservation Area by incorporating lower-density development and sensitive landscaping along the northern boundary, thereby ensuring that the special interest of the heritage area is preserved and enhanced.
- 3.13. Taken together, these considerations demonstrate that the site fully aligns with the broader objectives and requirements of the draft Local Plan. The site would support sustainable growth, deliver a high-quality design and environmental enhancement and provides a coherent extension to the emerging South Whitstable neighbourhood envisaged under Policy W4.

Response to the Council's reasoning for removal – Soundness Assessment

- 3.14. CCC's document Appendix G: Appraisal of Site Allocations and Alternatives of Canterbury's sustainability appraisal and impact assessments refer to the site as SLAA310 and confirms the following reasoning for the removal of the site from the Regulation 19 Draft Local Plan:

*The site is identified as **suitable** in the SLAA. While the SA has identified minor negative impacts it is determined when reviewed alongside the SLAA on the balance of impacts and considering possible mitigation and design, that the majority of these impacts **can be addressed**.*

The site is entirely greenfield and would not contribute to the strategy for Whitstable which is to focus growth where it can unlock opportunities to deliver critical infrastructure. The site is not required to meet identified housing needs in the district for this Local Plan period and is therefore not proposed

for allocation in the Regulation 19 draft Local Plan. Other sites in Whitstable are preferred as allocations as they present opportunities to deliver critical infrastructure in line with the strategy.

- 3.15. The subsections below assess CCC's reasoning for the removal of the allocation and judges the soundness of the Plan regarding the removal of the allocation using the criteria set out in Paragraph 36 of the NPPF.

The plan is not effective: the strategic supply on which removal of SLAA310 is predicated is contested and at material risk of delay

- 3.16. The Council's reasoning rests on the proposition that other Whitstable sites are preferred because they will deliver "critical infrastructure" in line with the strategy. Land at Brooklands Farm (Policy W4) is by some margin, the principal vehicle for that strategy. Of the 1,890 dwellings allocated at Whitstable through new Regulation 19 allocations (Source: Cabinet Report, paragraph 2.16), the Council assumes approximately 1,400 dwellings will be delivered at Brooklands Farm alone, approximately 74% of all new Whitstable allocations through this Plan.
- 3.17. The cumulative effect of the strategy on Chestfield ward is acute: the Meeting Development Needs Topic Paper (Source: March 2026, Table 2.10) records 1,670 new dwellings allocated to Chestfield ward, the largest ward allocation outside the city of Canterbury itself.
- 3.18. A series of matters now place the deliverability of the single, dominant component of Whitstable supply in serious doubt:
- The outline planning application for Brooklands Farm (LPA ref. CA/25/00779) is for up to 1,350 dwellings, not the c.1,400 dwellings the Regulation 19 Plan states. Even if the application is granted in full, the headline figure in the Council's own evidence is approximately 50 dwellings overstated against the live application.
 - Kent County Council has lodged a holding objection to the outline application CA/25/00779. This is recorded in the minutes of the Overview Committee meeting of 5 March 2026, where members expressly noted that this "raised questions on whether the site should be included." The Council's own scrutiny function has therefore acknowledged the deliverability risk attached to the site on which its Whitstable strategy depends.
 - The Environment Agency has raised concerns regarding sewerage infrastructure in respect of Policy W5 (the wider Brooklands Farm policy area), recorded in Appendix B of the Sustainability Appraisal Report (August 2025), noting that the policy approach to "necessary infrastructure" is insufficiently defined.
 - South East Water indicated at Scrutiny Committee (4 March 2026) that there is a discrepancy of approximately 1,600 dwellings between their water resource projections and the projections assumed in the Local Plan (Overview Committee minutes, 5 March 2026). Increasing water supply was described by South East Water as "challenging."

- Local infrastructure objections are mounting: the Overview Committee minutes record councillor concerns regarding a proposed 60% increase in housing numbers in Chestfield, the size of proposed developments and the lack of supporting infrastructure.
 - The Heritage Topic Paper (March 2026, Table 5.1) further records that Policy W4 has potential heritage impact on three Conservation Areas (Canterbury/Whitstable Railway, Whitstable Station and Hackington & Blean, and Chestfield), the Grade II Listed Buildings at Brooklands Farmhouse, Rayham Farm and The Barnhouse, and notes that "Ancient Woodland runs through the site." These designations introduce additional design, layout, consenting and Heritage Statement/Heritage Impact Assessment requirements which, in combination with the matters set out above, further compound the deliverability risk of the site on which c.74% of new Whitstable allocations depend.
 - The Infrastructure Delivery Plan (March 2026, pages 151–153) confirms that the principal infrastructure on which Policy W4 depends is itself scheduled for delivery in the medium-to-long term: the new A299 junction with east-facing slip roads (IA73, £20m) is identified as "Medium to long term" (years 6–15); the diversion of South Street through the site (IA74) as "Medium term" (years 6–10); the new 2FE Primary School (IB7, £10.62m) and SEND School (IB8, £6.11m) as medium-term and medium-to-long-term respectively; and the sewage network reinforcement required before the site can be "fully occupied" (IE26) remains contingent on Southern Water's AMP8 Business Plan (2025–2030), with a regulatory deadline of 2027.
 - The Council's stated reason for not allocating SLAA310 is that W4 "presents opportunities to deliver critical infrastructure in line with the strategy" (Appendix C of the Development Strategy Topic Paper). The Council's own Infrastructure Delivery Plan confirms, however, that the critical infrastructure on which W4 depends is not scheduled to be delivered within the first five years of the plan period. The infrastructure-led rationale on which the omission of SLAA310 rests is therefore not consistent with the Council's own delivery evidence.
- 3.19. Taken together, these matters demonstrate that the strategic supply on which the Council relies to justify the omission of SLAA310 is exposed to statutory-consultee objection, infrastructure capacity uncertainty, and a quantified mismatch between policy assumption and live application. A plan which relies, to the extent that this one does, on a single contested strategic site to deliver almost three-quarters of new urban housing supply in Whitstable, without a contingent or supplementary short-term supply, is not effective within the meaning of NPPF paragraph 36(c).
- 3.20. Furthermore, the brownfield-led allocation strategy is undeliverable at the scale and timescale assumed, which inhibits the effectiveness of the Plan.
- 3.21. The Cabinet Report (paragraph 2.17) records that approximately 43% of homes from new allocated sites are identified from brownfield or mixed-use land (1,643 dwellings from 24 brownfield sites and 2,527 dwellings from 8 mixed-use sites). This is in addition to a further 2,429 dwellings forecast through brownfield windfall. In aggregate, the Plan therefore relies on approximately 6,599 dwellings, some 28% of total housing supply over the plan period being delivered from previously developed land.
- 3.22. That reliance is internally inconsistent with the Plan's own acknowledgement, at paragraph 1.13, that "the availability of such [previously developed] land is limited and, to meet the level of development set by national policies, further development on agricultural land is necessary." Where the Plan

candidly recognises a limited supply of brownfield land in the explanatory text, the allocation strategy nevertheless front-loads brownfield and mixed-use sites to a degree that the evidence base does not support. The Sustainability Appraisal (August 2025, paragraph 5.5.17) reinforces this concern, observing that the release of greenfield land "is still expected to likely be significant, given the more limited supply of brownfield land within the District."

- 3.23. The composition of the brownfield/mixed component also warrants scrutiny. At the Regulation 18 stage (Focused Consultation, October 2025), the Council's draft allocations totalled 4,289 dwellings, of which approximately 32% (1,389 dwellings) were brownfield and only 3% (144 dwellings) were classified as mixed-use. By the Regulation 19 stage, the mixed-use component has expanded from 144 dwellings to 2,527 dwellings (a seventeen-fold increase), while the pure brownfield component has fallen from 32% to 17% of allocated supply. The headline 43% brownfield-and-mixed figure on which the Council relies is therefore principally a function of an unusually rapid expansion of the "mixed-use" classification at the final stage of plan preparation. The robustness of that classification, and the proportion of any given mixed-use site that genuinely constitutes previously developed land, requires examination at Examination if the brownfield-led narrative is to be accepted as justified.
- 3.24. A site-by-site review of the brownfield and mixed-use allocations identifies a series of deliverability risks that are not adequately reflected in the Plan's housing trajectory:
 - Policy C18 – Wincheap Commercial Area (approximately 1,000 dwellings). This is not a firm allocation but a "broad location" for mixed-use development. Delivery is expressly contingent on the future preparation of a Supplementary Planning Document (SPD), which has not yet been progressed. The site comprises multiple commercial occupiers under leases and tenancies, requires the re-provision of existing business, commercial and leisure floorspace, has parts within Flood Zone, requires mitigation in respect of a Local Wildlife Site and Local Nature Reserve and is tied to the delivery of the Wincheap one-way gyratory scheme and western link road. Each of these factors is, individually, a recognised cause of brownfield delivery delay; collectively, they place the deliverability of the 1,000-dwelling allocation in serious doubt within the plan period.
 - Policy C6 – Land at Merton Park (approximately 1,950 dwellings). A predominantly brownfield/mixed allocation at a scale and density which the evidence base does not robustly substantiate. The site assumes a level of densification on previously developed land that is rarely achieved in delivery without significant viability compromise on affordable housing or supporting infrastructure.
 - Policies C15 and C16 – East Canterbury Strategic Development Area. Strategic-scale mixed allocations dependent on cross-site infrastructure, including coordinated access and crossings on the A257. Strategic sites of this character routinely take longer to deliver than the plan period assumes.
 - Policy C20 – Land at Sussex Avenue; Policy C21 – Land at Suffolk Road; Policy C24 – Land at Whitehall Close. These allocations all comprise garages and small-scale brownfield parcels. Sites of this character commonly carry tenancy, land assembly and clean-up costs which materially affect viability and timescale; the cumulative trajectory contribution of such sites tends to underperform the Council's headline assumptions.
 - Policy C23 – Land south of The Spitfire Ground, St Lawrence. A complex urban site with material delivery questions arising from existing uses, access, and the timing of supporting works.

- Policy R3 – Chartham Paper Mill. A brownfield site within Flood Zone 3 and a Conservation Area, with the additional cost burden of contamination remediation common to former industrial sites. Sites with this combination of constraints regularly require viability negotiation that erodes affordable housing contributions.
- 3.25. Beyond the brownfield-led component, a series of further allocations carry their own deliverability constraints:
- Policy W6 – Land at Golden Hill is, in practical terms, dependent on access through Policy W5 (Land south of Thanet Way), giving rise to an inter-site dependency risk.
 - Policies W7 (Bodkin Farm) and HB5 (Land to the West of Thornden Wood Road) sit within land that was historically designated as Green Gap (Policies OS6 and OS7). The Natural Environment Topic Paper (March 2026, paragraphs 3.15–3.22) records that the boundary of the Herne Bay/Whitstable Green Gap was redrawn around these sites specifically to enable their allocation. While that may be a defensible response to identified secondary school need, it demonstrates that the Council has been prepared to amend its protective designations to deliver allocations on contested land. The Council's refusal to allocate SLAA310 – a site identified by its own SLAA as suitable, available and achievable, requiring no amendment to any protective designation – is, by contrast, the more difficult position to defend on the proportionate evidence.
 - Policies HB9 – Land at Home Farm, Strode Park and HB10 – Land to the west of Bullockstone Road are located within or adjacent to the Area of High Landscape Value (Policy LB2); HB9 additionally adjoins designated Conservation Area HE6. These designations are likely to give rise to material design constraints and the prospect of policy conflict at application stage.
 - Policy R12 – Land at The Paddocks, Shalloak Road carries unresolved questions over the securing of suitable pedestrian connectivity.
- 3.26. The deliverability concerns set out above are further reinforced by the Council's own Heritage Topic Paper (March 2026, Table 5.1), which records heritage constraints on a substantial proportion of these same allocations: Policy C18 (Wincheap Commercial Area) lies adjacent to the Canterbury City Conservation Area and within an Area of Archaeological Importance, with proposals requiring a Heritage Impact Assessment and views assessment in respect of the World Heritage Site; Policy R3 (Chartham Paper Mill) is partly within the Chartham Conservation Area and within the setting of a Grade I Listed Church, Grade II Listed Buildings and a Scheduled Ancient Monument; Policy HB5 (Land to the west of Thornden Wood Road) is confirmed by the Council as "part of the green gap currently between Herne Bay and Chestfield" – directly supporting the Green Gap concern identified above; Policy HB9 (Home Farm, Strode Park) adjoins the Herne Conservation Area; Policy HB10 (Bullockstone Road) is in the setting of the Grade II Listed Down Tops' Cottage; and Policy R24 (Broad Oak Reservoir) is identified as having the potential to result in "substantial harm" through the loss of the Grade II Listed Vale Farmhouse. Each of these designations represents an additional dimension of consenting risk, design constraint and (where viability negotiation arises at application stage) further pressure on affordable housing contributions. The cumulative effect on the deliverability of the wider allocation portfolio is material.

- 3.27. Taken together, these matters demonstrate a strategy in which a substantial proportion of supply rests on sites whose deliverability is contested, contingent on future work (SPDs, applications, infrastructure schemes), or constrained by the Plan's own protective designations. The likely consequence at application stage is that affordable housing contributions will be subject to repeated viability challenge on brownfield sites – a particular concern given the affordable housing need identified in the Draft Housing Strategy (2026) – and that delivery timescales will materially diverge from the assumptions in the housing trajectory.
- 3.28. In these circumstances, the Plan is not effective within the meaning of NPPF paragraph 36(c).
- 3.29. The reasonable response, on the proportionate evidence, is to supplement the strategy with additional unconstrained, medium-scale, deliverable greenfield allocations in sustainable locations. Land East of Chestfield Road (SLAA310) is precisely such a site, and its reinstatement materially improves the resilience and effectiveness of the housing supply.

The plan is not positively prepared: the supply margin is insufficient against an un-delivering district

- 3.30. The Cabinet Report (paragraph 2.16) records an overall supply of 25,368 new homes against a minimum requirement of 23,085 – a margin of approximately 10%. That margin is unusually thin for a district whose most recently published Housing Delivery Test result is 67% (Authority Monitoring Report Addendum, January 2025), placing Canterbury within the presumption in favour of sustainable development under footnote 8 of the NPPF. Where a district is materially underdelivering, the case for a generous, rather than minimal, supply buffer is heightened. Reinstating SLAA310 (c.150 dwellings) would increase that margin and provide precisely the kind of resilience a plan emerging in these circumstances ought to have.

The plan is not justified: removal of SLAA310 is not the most appropriate strategy when tested against the reasonable alternative

- 3.31. The Council's reasoning for not allocating SLAA310 is recorded at Appendix C of the Development Strategy Topic Paper (March 2026). The Council states:

"The site is identified as suitable in the SLAA. While the SA has identified minor negative impacts it is determined when reviewed alongside the SLAA on the balance of impacts and considering possible mitigation and design, that the majority of these impacts can be addressed. The site is entirely greenfield and would not contribute to the strategy for Whitstable which is to focus growth where it can unlock opportunities to deliver critical infrastructure. The site is not required to meet identified housing needs in the district for this Local Plan period and is therefore not proposed for allocation in the Regulation 19 draft Local Plan. Other sites in Whitstable are preferred as allocations as they present opportunities to deliver critical infrastructure in line with the strategy."

- 3.32. In that single passage the Council confirms two propositions which substantially support reinstatement: first, that the site is suitable in the SLAA; and second, that the SA's identified impacts can be addressed through mitigation and design. The reasons advanced for non-allocation are therefore not site-specific deficiencies but three strategic propositions, each of which is contestable on the proportionate evidence.

- 3.33. First, the proposition that the site "is entirely greenfield" cannot itself justify rejection. The Plan allocates 5,526 dwellings (57% of new housing allocations) on greenfield land, and Plan paragraph 1.13 expressly acknowledges that "the availability of [previously developed] land is limited and, to meet the level of development set by national policies, further development on agricultural land is necessary." Greenfield status is not a disqualifying characteristic under the Council's own spatial strategy.
- 3.34. Second, the proposition that the site "would not contribute to the strategy for Whitstable which is to focus growth where it can unlock opportunities to deliver critical infrastructure" overstates the strategy's coherence. As set out above, the principal Whitstable allocation (Policy W4, Brooklands Farm) is exposed to a KCC holding objection, an Environment Agency sewerage concern, a c.1,600-dwelling water resource discrepancy, and a quantified mismatch between policy assumption and live application. The site at Land East of Chestfield Road has been promoted as capable of delivery either independently of, or in coordination with, Brooklands Farm; it is complementary to the strategy, not in conflict with it. Moreover, the Infrastructure Delivery Plan (March 2026) confirms that the principal items of "critical infrastructure" associated with W4 – the A299 east-facing slip roads, the South Street diversion, the Primary School, the SEND School and the sewage network reinforcement – are scheduled for medium-to-long-term delivery (years 6–15). The "critical infrastructure" rationale therefore does not engage with the timing characteristics of the preferred site and accordingly does not justify the rejection of a short-term deliverable allocation at SLAA310.
- 3.35. Third, the proposition that the site is "not required to meet identified housing needs in the district for this Local Plan period" is inconsistent with the broader evidence base. The Council's most recently published Housing Delivery Test result is 67%, placing it within the presumption in favour of sustainable development under footnote 8 of the NPPF. The Plan provides a margin of only approximately 10% against the minimum requirement; the Development Strategy Topic Paper records that the 5YHLS on adoption would be 4.41 years without a stepped trajectory; and the Topic Paper expressly rejected the 90% LHN scenario because a 22-dwelling buffer was considered inadequate to absorb future change. The Council's evidence base on housing supply does not support the proposition that further deliverable supply is not required.
- 3.36. The reasonable alternative, allocation of SLAA310 as a complement to Policy W4, has not been demonstrated to be inferior on the proportionate evidence. On the Council's own findings the site is suitable, available and achievable, and the SA impacts can be addressed. The decision to remove SLAA310 is therefore not justified within the meaning of NPPF paragraph 36(b).

The plan is not consistent with national policy: small and medium sites are underweighted

- 3.37. Paragraph 73 of the NPPF requires that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly." At 7.26ha and approximately 150 dwellings, SLAA310 is precisely the scale of site to which this paragraph is directed. The Council's strategy has prioritised very large strategic allocations to the comparative exclusion of medium-sized greenfield sites in sustainable locations, contrary to the direction of paragraph 73. The Whitstable area is illustrative: of the 1,890 new dwellings allocated, the overwhelming majority sit on a single site of c.1,400 dwellings.

The stepped trajectory conceals, rather than resolves, front-loaded delivery risk

- 3.38. Policy SS3 of the Draft Local Plan adopts a stepped housing requirement which falls below the local housing need for the years 2025/26 to 2031/32, at an annualised requirement of 972 dwellings per year against the LHN figure of 1,215 dwellings per year. The requirement then steps up significantly to 1,370 dwellings per year from 2032/33 onwards. The Cabinet Report (paragraph 2.18) confirms that this stepping was considered "necessary" to deliver a five-year supply of deliverable sites on adoption.
- 3.39. The use of a stepped trajectory is a tacit acknowledgement that the Plan's front end is fragile and that delivery in the early years is dependent on a relatively small number of sites coming forward to programme. The risk inherent in that approach is amplified, not mitigated, by the matters set out above in respect of Brooklands Farm. If the principal strategic site experiences delay — whether by reason of the KCC holding objection, water resource constraints, or the ordinary risks attendant on a 1,350-dwelling outline application requiring extensive S106 negotiations and reserved matters approvals — the stepped trajectory will fail at its weakest point.
- 3.40. Land East of Chestfield Road is the precise antidote to that risk. It is unconstrained, in control by Rubix Estates under a Promotion Agreement, outside the nutrient-neutrality catchment, outside flood risk, and capable of delivery within years 0-3 of plan adoption. Its reinstatement provides the short-term, deliverable supply the stepped trajectory requires in order to be effective. Without sites of this character, the Plan's housing trajectory is not effective within the meaning of NPPF paragraph 35(c), and the Council will not exit the presumption in favour of sustainable development on adoption — the very outcome the stepped trajectory is intended to secure (Overview Committee minutes, 5 March 2026).
- 3.41. Further, the stepped trajectory is not properly justified against the test in Planning Practice Guidance at Reference ID: 68-021. The Cabinet Report records 1,232 completions in 2024/25, broadly aligned with the LHN figure of 1,215 dpa, and the Council's own Development Strategy Topic Paper anticipates average annual delivery comfortably in excess of 1,000 dpa over the next five years. In those circumstances, the principal effect of stepping the requirement down to 972 dpa for 2025/26–2031/32 is to enable the Council to demonstrate a five-year housing land supply on adoption notwithstanding the deliverability concerns identified above. PPG 68-021 directs that, where there is a shortfall in deliverable supply, the appropriate response is to identify additional sites for allocation, not to reduce the requirement. The Council's evidence base does not demonstrate that it has revisited submitted sites — including the previously allocated SLAA310 — to identify additional short-term deliverable supply before adopting the stepped approach. The reinstatement of SLAA310 is precisely such an additional allocation, and is consistent with the methodology PPG 68-021 expects to have been undertaken.
- 3.42. The Development Strategy Topic Paper (March 2026) makes the position more acute. Paragraph 2.21 records that, without the proposed stepped trajectory, the Council's housing land supply on adoption would be only 4.41 years using the Sedgfield method (or 4.84 years under Liverpool). The stepped approach is therefore not a refinement of an otherwise sound trajectory — it is the mechanism by which a 5YHLS is constructed in circumstances where the proportionate evidence base shows there is no such supply. Paragraph 2.39 of the Topic Paper records that the Council expressly rejected the alternative 90% LHN scenario because the resulting surplus of 22 dwellings was considered

insufficient to absorb "changes to market conditions, the development sector or individual planning applications." That sensitivity is precisely what is now in issue: the matters identified above in respect of Brooklands Farm, the brownfield-led component of supply, and the wider portfolio of allocations represent exactly the kind of "changes" against which the Topic Paper itself recognises buffer is required.

- 3.43. The Council's own forecast at paragraph 2.25 of the Topic Paper anticipates delivery of 804 dwellings in 2025/26 and 652 dwellings in 2026/27. Both figures fall materially below the stepped requirement of 972 dpa, indicating that even the stepped trajectory is not anchored to a deliverable forecast in its earliest years. PPG 68-021 directs that, where a 5YHLS shortfall arises, the appropriate response is to identify additional sites — and specifically that "local authorities may wish to identify priority sites which can be delivered earlier in the plan period." The reinstatement of SLAA310 — a site identified by the Council's own SLAA as suitable, available and achievable, capable of delivery within years 0–3 — is exactly such a priority site.
- 3.44. Paragraph 2.28 of the Topic Paper asserts that "the council does not believe there is any additional supply of suitable, available sites that can be determined and granted within the timeframes to add significantly to the supply in the first five years of the plan period." That assertion is not consistent with the Council's own Strategic Land Availability Assessment (February 2026), which records SLAA310 as suitable, available and achievable for residential development at a yield of approximately 152 dwellings. The Plan therefore contains an internal evidential contradiction between the Development Strategy Topic Paper and the SLAA on the central question of whether short-term deliverable supply exists. That contradiction is resolved by reinstating SLAA310.

Site Availability, Achievability and Suitability

- 3.45. As set out in Paragraph 72 of the NPPF:

*Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, **taking into account their availability, suitability and likely economic viability.***

Planning policies should identify a supply of:

a) specific, deliverable sites for five years following the intended date of adoption; and

b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

- 3.46. Furthermore, Paragraph 73 of the NPPF states that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly'.
- 3.47. The PPG sets out that sites should meet the tests of 'suitability', 'availability' and 'achievability', below it is set out how the site meets all three of these criteria, demonstrating this medium site's valuable contribution to the allocated sites for housing delivery.

Suitability

3.48. The PPG confirms that:

A site can be considered suitable if it would provide an appropriate location for development when considered against:

- *relevant constraints and their potential to be mitigated*
- *opportunities the development of the site could present*

3.49. The site is inherently suitable for the proposed use. It is relatively unconstrained by environmental or technical limitations: it lies outside areas of flood risk, outside the Stour Valley nutrient-neutrality catchment, and has direct frontage to the public highway network. A previously prepared Transport Technical Note (which is also submitted alongside this representation) demonstrates that safe and efficient access can be achieved from Chestfield Road and that the local highway network has sufficient capacity to accommodate the anticipated level of traffic.

3.50. It is confirmed that there are a number of existing services and facilities within walking distance of the Land East of Chestfield Road site, which materially bolsters the sustainability credentials of the site. The area considered to be within 20 minutes' walk of the site are shown in Figure 2-1 of the Transport Technical Note submitted alongside this representation.

3.51. Facilities within 5-, 10-, 15- and 20-minute walk of the site are:

Within 5-minute walk	Radfall Recreation Ground, Bus Stop
Within 10-minute walk	Chestfield Barn (restaurant and bar), Chestfield Golf Club
Within 15-minute walk	Chestfield Recreation Ground (including children's play area), Chestfield Cricket Club
Within 20-minute walk	Chestfield Dental Practice, Chestfield Medical Centre, Sainsbury's

3.52. Just outside of the 20-minute walk zone is the John Wilson Industrial Estate, the Joseph Wilson Industrial Park (which includes a Tesco Extra), and the Chestfield & Swalecliffe National Rail Station.

3.53. These existing connections demonstrate that the site is well integrated with the existing settlement of Chestfield and offers genuine opportunities for sustainable, non-car-based travel for future residents – supporting the requirements of NPPF paragraph 110 and the Council's own sustainable transport policies.

3.54. Furthermore, due to the lack of environmental and technical limitations of the site, it is considered that swift delivery of residential development on-site is feasible.

3.55. The Site is therefore considered to be Suitable for residential development of the scale proposed.

Availability

- 3.56. Regarding site availability the PPG confirms that:

This is assessed on whether there is a reasonable prospect, based on current information, that the site will be available for development at a particular point in time. For example, a site should be considered available if the landowner or promoter has stated they intend to build on the site or sell it for development, and you are reasonably confident there are no known legal or ownership constraints to development.

Where such constraints exist you should consider the potential that they can be overcome and that the site could be considered available in the future.

Matters to consider when assessing a site's availability could include:

- *multiple ownerships with no agreements in place*
- *unresolved ransom strips*
- *tenancies*
- *covenants*

- 3.57. The Land East of Chestfield Road remains available for residential development. Notably the site is able to accommodate housing delivery in the immediate years after the adoption of the plan (0-3 years). The site is controlled by Rubix Estates Ltd under a Promotion Agreement with the Landowners (The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment). This arrangement provides clear and unified control of the land, ensuring that there are no ownership, legal or third-party constraints that might inhibit delivery.
- 3.58. To re-iterate, delivery can occur within 0-5 years following adoption of the Local Plan, making the site a short/medium term contribution to the District's housing land supply. The site's freedom from nutrient-neutrality constraints means it could commence within the first five years of the plan period, helping to maintain a continuous housing land supply in Whitstable. Importantly, the land can be brought forward either concurrently with, or independently of, the neighbouring Brooklands Farm development. While a coordinated approach can be taken, there are no dependencies that would prevent this site from proceeding should Brooklands Farm build out to a different timetable.
- 3.59. Notwithstanding the above, the Promoter and Landowners (The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment) are committed to working collaboratively with the Brooklands Farm team, Canterbury City Council and Kent County Council to ensure that both allocations evolve as an integrated and well-connected community. Joint masterplanning will allow coordinated design of access routes, pedestrian and cycle connections, landscape corridors and open-space networks.
- 3.60. Given the Site's lack of ownership and legal constraints, it is considered that the site is available and deliverable within the short term upon adoption of the Local Plan and could provide an early-stage contribution to Canterbury City Council housing delivery within the next plan period.

Achievability

3.61. With regard to the achievability of a site, the PPG confirms that:

*This is assessed on whether there is a reasonable prospect, based on the information available, that a site is capable of being developed at a particular point in time, including if the site is likely to be **viable**.*

To assess likely achievability, you could undertake an initial high-level review of the viability of the sites using typologies or samples of sites. This is instead of making an assessment for each individual site.

These assessments could split the plan area into a few value areas or typologies which reflect price differences, including:

- *likely market attractiveness*
- *development on previously developed / not-previously developed sites*
- *rural / urban development*
- *different sizes and density of development*
- *more marginally viable schemes*

3.62. From a viability and market perspective, the scheme is fully achievable. The proposed scale of around 150 dwellings sits comfortably within the 7.3-hectare site, enabling the delivery of high-quality homes alongside generous green infrastructure and open space. The Promoter's active engagement of the wider consultant team—including transport, landscape and ecology specialists—has confirmed that no abnormal costs or infrastructure burdens arise that would compromise the viability of the development. It is therefore considered that the site remains achievable.

3.63. Taking all the above into consideration, the Site is Suitable, Available and Achievable and represents a logical allocation for residential development, that will strengthen Canterbury's overall delivery profile.

4. Conclusions

- 4.1. Rubix Estates Ltd, acting on behalf of the Landowners(The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment), formally objects to the soundness of the Draft Canterbury City Council Local Plan (Regulation 19, March 2026) in respect of the omission of Land East of Chestfield Road (SLAA310). The Plan as drafted does not meet the soundness tests at paragraph 36 of the NPPF, for the reasons summarised below.
- 4.2. **Not positively prepared.** The Plan provides a supply margin of approximately 10% against a minimum requirement in a district where the most recently published Housing Delivery Test result is 67%. Reinstatement of SLAA310 would provide approximately 150 additional dwellings of short-term deliverable supply, increasing the buffer and the resilience of the strategy.
- 4.3. **Not justified.** The Council's own SLAA confirms the site is suitable, available and achievable. The Sustainability Appraisal concludes that the identified minor negative effects can be addressed through mitigation and design. The reasonable alternative of allocation has not been shown to be inferior on the proportionate evidence, and the rationale for omission does not engage with the deliverability and timing characteristics of the preferred infrastructure-led sites.
- 4.4. **Not effective.** The Whitstable strategy is reliant on a single strategic site (Brooklands Farm) for approximately 74% of new Whitstable allocations. That site is subject to a KCC holding objection, a quantified mismatch between policy assumption (c.1,400 dwellings) and live application (1,350 dwellings, ref. CA/25/00779), Environment Agency concerns regarding sewerage infrastructure, and a c.1,600-dwelling discrepancy between South East Water's projections and those assumed in the Plan. The stepped trajectory at Policy SS3 — reducing the annual requirement to 972 dwellings between 2025/26 and 2031/32 — is the Council's own acknowledgement that front-end delivery is fragile.
- 4.5. The Plan additionally relies on approximately 28% of total housing supply being delivered from previously developed land, in circumstances where the Plan itself (paragraph 1.13) acknowledges that brownfield land availability in the District is limited; the site-specific deliverability constraints affecting that brownfield-led component are not adequately reflected in the Plan's housing trajectory.
- 4.6. **Not consistent with national policy.** Paragraph 73 of the NPPF requires that small and medium-sized sites make an important contribution to meeting the housing requirement. The Plan's reliance on a small number of very large allocations at the comparative exclusion of medium-sized deliverable greenfield sites is inconsistent with that direction.
- 4.7. The reinstatement of Land East of Chestfield Road as an allocation, of the order of 150 dwellings, is therefore sought as a Main Modification. The site forms a logical and sustainable extension to Chestfield, complements rather than competes with the wider South Whitstable Strategic Development Area established under Policy W4 and is capable of delivery within years 0-3 of plan adoption.
- 4.8. The Promoter and Landowners (The Trustees of The Whitstable Non-Ecclesiastical Charities and Land Share Investment) remain committed to working collaboratively with the Council and with the promoters of the adjoining Brooklands Farm site to ensure that both developments progress in a

coordinated and complementary manner, consistent with the objectives of the emerging Local Plan and the National Planning Policy Framework.