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Gladman Developments Ltd.

Land West of Tattenhall Road, Tattenhall

Outline application for the erection of up to 110 residential dwellings

Appeal Statement of Case

JM260045

Johnson Mowat References

Client	Gladman Developments Ltd.
Site	Land West of Tattenhall Road, Tattenhall
Development	Outline application for the erection of up to 110 residential dwellings
Local Planning Authority	Cheshire West and Chester
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1. Introduction

1.1 This Appeal Statement of Case is prepared on behalf of Gladman Developments Ltd. (Gladman) in relation to land at Land West of Tattenhall Road, Tattenhall. This Appeal responds to the non-determination of application reference 25/01764/OUT by Chesire West and Chester Local Planning Authority for Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access).

1.2 The Outline Planning Application was submitted to the Council on 6th June 2025 and subsequently validated on 9th July 2025. The application was due to be determined by the 8th October 2025. Since this time a number of Extension of Time (EoT) agreements have been made between the Appellant and the Council, the latest EoT was agreed to the 10th July 2026.

1.3 That EoT has now lapsed and no further agreement has been made. It is therefore appropriate to appeal against the non-determination of the application by the Council.

1.4 Provided alongside this Appeal Statement is a Draft Statement of Common Ground and list of Core Documents (CDs) detailing application documentation, key correspondence and documents to be relied upon as part of this Appeal. Appropriate references to CDs are used throughout this Appeal Statement. The Core Documents list will be work in progress, in coordination with the LPA, through the appeal process.

EIA Screening

1.5 As the appeal proposals are for urban development on a site of more than 5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Such projects only require an Environmental Impact Assessment (EIA) if the development is 'likely to have significant effects on the environment by virtue of factors such as its nature, size or location.' Projects which are wholly outside sensitive areas and do not exceed the screening thresholds are not Schedule 2 development do not require EIA screening.

1.6 The location does not present any environmental constraints nor is it in a 'sensitive area'.

Description of Development

1.7 The application description is as follows:

> *Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access).*

1.8 The application description has not changed through the course of the application.

Appeal Procedure

1.9 The Appellant considers the appropriate procedure in which for the appeal to be heard following the non-determination of the Outline planning application is through the Public Inquiry process.

1.10 The Public Inquiry is requested for the following reasons: -

1.11 Status of the Development Plan and Housing Land Supply – It is accepted that the Council is currently unable to demonstrate a five-year housing land supply. Consequently, in accordance with the National Planning Policy Framework, the policies most important for determining this proposal are out of date. The implications of this for the weight to be afforded to the relevant Development Plan policies, the application of the presumption in favour of sustainable development, and the overall planning balance are likely to be central issues in the appeal. These are matters that would

benefit from detailed examination through the Public Inquiry process, including the testing of evidence by cross-examination, to ensure that the decision is informed by a robust assessment of the current policy and evidential position.

1.12 Level of public interest – The application has generated a high level of public interest, evidenced by the submission of 119 individual representations. This demonstrates that the proposal raises matters of local significance which merit examination in a public forum where the evidence can be given transparently and where the community's concerns can be fully and fairly heard.

1.13 The Council's case on highways impact – The Council's latest response to the application alleges unacceptable access proposals. No assessment of wider highways impact has been undertaken by the Council. A Public Inquiry is necessary to allow a detailed and careful explanation—through expert evidence and cross-examination—of the future operation of the development access and the current and future operation of each relevant section of the surrounding road network. Only through such a process can the technical evidence on traffic generation, network capacity, and safety be properly tested and understood.

1.14 Need for cross-examination on planning balance and policy weight – A Public Inquiry will provide the appropriate forum to test the overall planning balance between the effects of the proposed development and the implications for Tattenhall. These are complex and interrelated matters of planning judgment and technical assessment which require the rigorous and transparent process afforded by a Public Inquiry.

1.15 In line with the Planning Inspectorate guidelines, the formal notification of intent to submit an appeal was issued to the Local Planning Authority on the 17th June 2026; at least 10 working days before the submission of this appeal. The Planning Inspectorate were informed that notice had been served on the 17th June 2026 via the inquiryappeals@planninginspectorate.gov.uk email address.

2. Site Location and Characteristics

2.1 Full details of the site location and characteristics are set out in the documentation supporting this appeal. Of particular relevance is Section 3 – Appreciating the Site of the Design and Access Statement (CD1.06). It is not considered necessary to repeat this in full here and therefore the following commentary provides a brief summary.

Location

2.2 The application site is located to the north of Tattenhall and to the west of Tattenhall Road. Tattenhall is located within the administrative boundary of Chesire West and Chester and lies approximately 10 km from the Chester City Centre and east of the A41 which travels north and south of the settlement.

2.3 The application site is located outside of the development limits for Tattenhall (although adjacent to existing built form) and is located in open countryside.

2.4 The site measures approximately 6.3 hectares and is an irregular rectangle in shape.

2.5 The site is situated approximately 800m north of the centre of Tattenhall where a variety of local amenities and facilities can be found including convenience store, primary school, library, church, play area, medical facilities and post office.

2.6 The site has access to public transport services with the closest bus stop approximately 260m from the centre of the site providing services between Chester and Whitchurch.

Characteristics

2.7 The application site consists of one large agricultural field which is enclosed by hedgerow and trees. There is no tree or hedgerow cover within the site, save for boundary planting.

2.8 The site is free from built form save for a small area of hardstanding upon which sit a number of small temporary structures adjacent to Tattenhall Road at the eastern boundary of the site.

2.9 The site relates well to the existing settlement, abutting existing built residential units to the south.

2.10 The north of the site is enclosed by Greaves Meadow which provides access to Greaves Farm, Greaves Farm Cottage and Greaves Meadows Barns. The east of the site is enclosed by Tattenhall Road. Keys Brook travels across the southern boundary of the site.

2.11 The site is relatively flat although gently slopes towards the southern boundary.

2.12 There are no Public Rights of Way (PROW) crossing the site although the PROWs are located approximately 530m to the west and 700m to the east.

2.13 The site is not located in the Tattenhall Conservation Area nor are there any designation or non-designated heritage assets on site.

2.14 The site is generally located in Flood Zone 1 however an area of Flood Zone 3 is identified along the southern boundary associated with Keys Brook. No built development is proposed outside of Flood Zone 1.

3. Proposed Development

3.1 The details of the development proposals are set out within the application documentation. To avoid unnecessary repetition only a summary is presented below.

3.2 The appeal relates to Outline proposals, with all matters reserved except for access. The application proposal includes the following:

- Up to 110 residential dwellings (including 30% affordable housing);
- Vehicular access 'T junction' onto Tattenhall Road including footway on both sides within the development;
- Pedestrian crossing on Tattenhall Road with dropped kerb and tactile paving to connect to existing footway which allows onward travel south into the village centre, enhancing connectivity between the site and Tattenhall;
- Structural landscape planting and the retention and positive management of key landscape features;
- 3.21 ha of formal and informal open space comprising a new children's play area, a surface water attenuation basin, structural planting, and landscaping; and,
- The Sustainable Urban Drainage system (SuDS) will be situated at the lowest point of the site (south of the site), to manage the flow of surface water during periods of heavy and persistent rainfall. The attenuation basin will also provide habitat creation.

4. Planning History

4.1 The relevant planning history is briefly set out below.

Site History

4.2 The site has been subject to two refused Outline applications, both of which were subsequently dismissed at appeal.

4.3 The first Outline application was for up to 137 dwellings. The application was refused in October 2022 due to harm to the rural character of the village and its surrounding landscape (application reference: 12/02353/OUT). An appeal was then made against the refusal for Outline planning permission (appeal reference: APP/A0665/A/12/2185667). The inquiry took place in June 2013, due to a number of material changes in circumstances, such as the making of the Tattenhall and District Neighbourhood Plan and the adoption of the Cheshire West and Chester Local Plan (Part One) Strategic Policies, the inquiry was reopened in November 2015. The appeal was considered alongside two other appeals in the settlement. The Inspector recommended for the appeals to be allowed, however the Secretary of State disagreed and dismissed the three appeals in April 2017. The Secretary of State found the Council were able to demonstrate a five-year housing land supply at the time and so concluded that the development would not be in accordance with the development plan.

4.4 The second Outline application submitted was for 30 dwellings and was subsequently refused in February 2018 (application reference: 13/01329/OUT). The reason for refusal was due to the harm to the intrinsic character and beauty of the countryside and a suburbanising effect on the rural area. An appeal was made and eventually dismissed in December 2018, the Inspector concluded that it would be unsustainable development which would result in harm to the countryside (appeal reference: APP/A0665/W/18/3202053).

Relevant Applications

4.5 There are a number of relevant applications in the locality of the appeal site which are noted below. These will be referenced, where appropriate, within the case.

4.6 Application Reference 25/02070/FUL : Erection of 110 dwellings, provision of associated access and infrastructure works including roads, drainage infrastructure, car parking, public open space, landscaping and associated works.

4.7 The above application was submitted on behalf of Taylor Wimpey and relates to the land to the south west of the appeal site. The application was validated in August 2025. There are many comparisons in the relation to this site and the appeal proposals including the overall scale of development at 110 dwellings.

4.8 The Taylor Wimpey application has been presented at planning committee twice, on both occasions with recommendation to grant planning consent subject to S106 and conditions. Most recently the application was considered by Members at Planning Committee on the 7th July 2026.

4.9 Application Reference 26/00486/OUT : Outline planning application with all matters reserved (except for principal means of access), for development comprising up to 400 no. dwellings (Use Class C3) and new Medical Centre (Use Class E), with associated open space, landscaping, allotments and other associated worked including earthworks and drainage.

4.10 The above application was submitted on behalf of Bolesworth Estate Company Limited and was validated in March 2026.

5. Statutory policy context and other relevant policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

5.2 At the time of writing the current development plan comprises the:

- Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted July 2015); and,
- Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted July 2019).

Cheshire West and Chester Local Plan (Part One) Strategic Policies

5.3 The Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) was adopted in January 2015 and sets the overarching strategy for growth and development across the authority area over the plan period 2010-2030. The Plan makes provision for 22,000 (net) new dwellings to be delivered over the plan period, equating to an average of 1,100 dwellings per annum (dpa).

5.4 Under Local Plan Regulations a review of the Local Plan must be completed every five years. A review of the Local Plan Part 1 was undertaken and reported on the 20th January 2020. It was found that the Local Plan did not need updating. That review was now some six years ago and a further review has not yet taken place. Whilst age alone does not automatically render the plan out of date, the development plan can be considered out of date for other reasons including lack of a demonstrable housing land supply and the policies within the plan should be considered in relation to conformity with existing national policy.

5.5 It should be noted that the Local Housing Need (LHN) figure, as derived under the Standard Method (SM), for the Cheshire West and Chester district is now 1,931 dpa, a significant increase from the Development Plan requirement for 1,100 dpa. It is clear that the strategic policies in the Development Plan therefore do not align with the national policy requirements to meet the authority's LHN and are out of date in that regard.

5.6 The policies of the Local Plan Part 1 that are of relevance to this appeal are as follows:

- STRAT 1 – Sustainable Development
- STRAT 2 – Strategic Development
- STRAT 8 – Rural Area
- STRAT 9 – Green Belt and Countryside
- STRAT10 – Trasport and Accessibility
- STRAT 11 - Infrastructure
- SOC1 – Delivering affordable housing
- SOC5 – Health and wellbeing
- SOC6 – Open space, sport and recreation
- ENV1 – Flood risk and water management
- ENV2 – Landscape
- ENV3 – Green Infrastructure
- ENV4 – Biodiversity and geodiversity
- ENV5 – Historic environment

Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies

5.7 The Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) was originally adopted on 19th July 2019, in line with national policy, and reviewed in July 2024. The review highlighted some areas where changes to national planning controls at the national level

mean some policies are not operating as intended. Those policies are anticipated to be fully reassessed as part of the new plan making system. Given the Local Plan is now over five years old, policies should be assessed for conformity with national policy.

5.8 The site is not allocated for residential development in the Local Plan (Part One or Part Two) and lies beyond the settlement boundary for Tattenhall, within the open countryside. For the avoidance of doubt the site does not fall within the designated Green Belt.

5.9 It should be noted that the LP2 allocates land in line with the housing requirement as set out in LP1. Given the significant increase in the LHN against the housing requirement, the Local Plan does therefore not allocate sufficient housing to meet the LHN for the district.

5.10 The appeal proposals are in Outline only at this stage, save for the details of the main point of access. The majority of the detailed policies are likely to be more applicable at any subsequent Reserved Matters stage.

5.11 The policies of the Local Plan Part 2 of relevance are set out below:

- GBC2 – Protection of landscape
- T5 – Parking and access
- DM19 – Proposals for residential development
- DM23 – Delivering affordable housing
- DM29 – Health impacts of new development
- DM30 - Noise
- DM31 – Air Quality
- DM32 – Land contamination and instability
- DM35 – Open space and new development
- DM36 – Provision for sport and recreation
- DM40 – Development and flood risk
- DM44 – Protecting and enhancing the natural environment
- DM45 – Trees, woodland and hedgerows
- DM46 – Development in conservation areas
- DM50 - Archaeology

Tattenhall and District Neighbourhood Plan

5.12 The Tattenhall and District Neighbourhood Plan (NP) was made in June 2014 and therefore forms part of the Development Plan for Cheshire West and Chester. It must be given consideration when determining planning applications. It is confirmed that the appeal site falls within the designated Neighbourhood Plan Area for Tattenhall.

5.13 The relevant policies of the NP are as follows:

- Policy 1 – Housing Growth
- Policy 4 – Local Facilities
- Policy 5 – Transport and Communications
- Policy 6 – Landscape and Environment

5.14 The made NP does not identify specific housing allocations or development sites nor does it identify a specific housing requirement for the NP area.

5.15 The Appellant's case will demonstrate that the development of this application site is not contrary to the provisions of the NP.

The Tattenhall and District Modified Neighbourhood Plan

5.16 Given the age of the NP, the Parish Council - the relevant qualifying body - are currently in the process of preparing a modified NP which will cover the period from 2025 to 2045.

5.17 At present the Regulation 16 consultation is currently underway, 18th June to 30th July 2026. The Modified Plan has not been formally examined and therefore does not form part of the statutory development plan.

5.18 On behalf of the Appellants, representations have been made to previous stages of the NP process including the Regulation 14 consultation held in April 2025 and further Regulation 14 consultation in April 2026.

5.19 Unlike the made NP, the draft Modified NP identifies proposed housing allocations to the north and south of Frog Lane for a total of 600 dwellings. Whilst it is the Appellant's case that the modified NP carries limited weight given the early stage of the process, the identification of allocations through the NP demonstrates an identified need for additional dwellings within the NP area and a recognition of growth in the settlement. Notwithstanding this the allocations of the NP seek to meet a housing requirement derived from a figure within an emerging Local Plan. The emerging Local Plan is at such early stages that the housing requirement, spatial strategy and distribution have yet to be tested.

5.20 Given the early stages of the Modified Neighbourhood Plan, only limited weigh should be afforded to it.

Emerging Local Plan

5.21 Acknowledging the age of the current Development Plan, the Council have committed to progressing a new Local Plan under the Town and Country (Local Planning) (England) Regulations 2026. The Council published the *Notice of Intention to Commence Local Plan Preparation* on the 12th June 2026. It is anticipated that the Council will start the 30 month plan preparation process on 16th October.

5.22 The emerging Local Plan is in its infancy and can be afforded no weight in the determination of this appeal.

Material Considerations

National Planning Policy Framework

5.23 The latest version of NPPF was published on 12th December 2024 and is an important material consideration in the determination of this appeal. The Appellant will provide evidence to demonstrate that the appeal proposal responds to the requirements of NPPF including significantly boosting housing and affordable housing delivery.

5.24 Paragraph 11 of the NPPF is of particular importance to this case. Paragraph 11 sets out the presumption in favour of sustainable development which for decision making means:

> *c) approving development proposals that accord with an up-to-date development plan without delay; or,*
>
> *d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:*
>
> *i. the application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or,*
>
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a while, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*

5.25 On the matter of which policies may be out-of-date footnote 8 confirms "*this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year housing land supply; or where the Housing Delivery Test indicated that the*

delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years".

5.26 It is the Appellant's case that the Council cannot demonstrate a five year housing land supply and as such the most important policies for determining the application are out of date. The provisions of paragraph 11d are triggered and the tilted balance or "presumption" is engaged. The Appellant will present evidence that there are no policies of the NPPF that protect areas of assets of particular importance which provide a strong reason for refusal or that there are any adverse impacts of the proposal which would significantly and demonstrably outweigh the benefits.

5.27 Paragraph 14 of the Framework states that where paragraph 11d is engaged, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)

5.28 In this instance, neither criterion apply as the made NP is over five years old and contains no allocations to meet its identified need. The Appellant will present evidence to demonstrate that the proposals are not contrary to paragraph 14 of the NPPF.

5.29 Where relevant the Appellants may reference various paragraphs and sections of the NPPF including (but not limited to):

- Section 2: Achieving Sustainable Development having particular regard to paragraph 11 and 14
- Section 5: Delivering a Sufficient Supply of Homes having particular regard to paragraph 78
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport having particular regard to paragraphs 116 – 118.
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment having particular regard to paragraph 207.

5.30 In December 2025 through to March 2026 the Government published a revised NPPF for consultation. The revised NPPF set out proposed reforms and other changes to the planning system. The revised NPPF continues to significantly boost the supply of homes and retains a presumption in favour of sustainable development.

5.31 At this time, we await formal publication of the revised NPPF. Whilst the document remains in draft form it carries limited weight in the determination process. The Appellant reserves the right to respond to the publication of the NPPF at which point the Appellant will provide evidence in relation to the conformity of the proposals with the revised NPPF, should the document be published.

Planning Practice Guidance

5.32 Sitting behind the NPPF is a raft of National Planning Practice Guidance (PPG) which provides detailed context and instructions for applying the NPPF. The Appellant will refer to appropriate sections of PPG where relevant within this appeal.

Five Year Housing Supply

5.33 The Housing Land Monitor Summary Report 2025 (1st April 2024 to 31st March 2025) sets out the latest five year housing land supply position from the authority. At a base date of 1st April 2025, the Council are only able to demonstrate a 1.89 years' worth of housing land. This falls significantly short of the requisite five years as required by paragraph 78 of the NPPF.

5.34 The consequences of the not being able to demonstrate a five year housing land supply position are set out in Section 6 of this Statement however, as set out in paragraph 11 of the NPPF the tilted balance is engaged.

6. The Appellant's Case

6.1 This appeal has been submitted against the non-determination of the application. At this stage it is therefore not known how the Council would have determined the application and there are no reasons for refusal which require response. The following section therefore sets out the appeal case having regard to the policy context and information set out above. The Appellant will provide evidence on these matters for the benefit of the Inquiry.

Principle of Development

6.2 The site is located in Tattenhall, a key service centre as identified in the hierarchy under policy STRAT2. The policy sets out that development should be directed towards the city of Chester, followed by the three main towns, key service centres and finally local service centres. It is acknowledged that an appropriate level of growth is expected in Tattenhall to support new homes, economic and social development in the settlement. In recognition of its sustainability and suitability for growth, 250 dwellings were allocated to Tattenhall between 2010 and 2030 under policy STRAT8.

6.3 The proposal conforms to Policy STRAT2 and STRAT8 by directing new development to a recognised Tier 2 'Key Service Centre' that is suitable, sustainable and viable with an existing range of local services and opportunities for employment. It will be demonstrated throughout the Appellant's evidence that the proposed development can be successfully accommodated without causing any unacceptable impacts, either to the site or the existing spatial pattern of Tattenhall.

6.4 It is acknowledged that the site is in a countryside location, outside of Tattenhall defined development limits. Policy STRAT9 sets out a number of criteria in which countryside development would be permitted. The appeal proposals do not meet any of the criteria listed. There is therefore conflict between the appeal proposals and STRAT9.

6.5 Policy 1 of the NP sets out further details in relation to managing the housing growth within the parish. The policy supports proposals up to 30 dwellings only where they are located within or immediately adjacent to the built-up area. There are also a number of clearly defined exceptions which the appeal proposals do not fall within. Given the proposed capacity of the proposal is above 30 dwellings, not does it fall within the identified exceptions, there is conflict with Policy 1 of the NP.

6.6 However, the Council has acknowledged that the authority is currently not able to deliver a five-year housing land supply, identifying just 1.89 years' worth of housing supply in the latest published statement.

6.7 In line with footnote 8 of the NPPF, where an authority is unable to deliver a five-year housing land supply the policies which are most important for determining the application are out of date. On this occasion policy STRAT9 of LP1 and Policy 1 of the NP are considered most important for the determination of the appeal and are therefore out of date.

6.8 In the context of the engagement of paragraph 11d of the NPPF and the tilted balance any conflict arising with these policies and the development of this site would attract very limited weight.

Sustainable development

6.9 It is the Appellant's case that the proposals constitute sustainable development. Although the development plan is the starting point for decision-making, the presumption in favour of sustainable development is always applicable and must be integrated into the planning balance. Therefore, it is essential to assess the proposals against the three dimensions of sustainable development: economic, social and environmental.

6.10 Policy STRAT1 recognises the positive approach the Council will take when considering development proposals, reflecting the presumption in favour of sustainable development contained within the

Framework. The following commentary sets out how the appeal proposals are sustainable development and therefore conforms with the principles of policy STRAT1.

Social

6.11 The proposed development will deliver substantial social benefits that weigh significantly in favour of the appeal when assessed in the planning balance.

6.12 It is the Appellant's case that the scheme will make a meaningful contribution to meeting both market and affordable housing needs within the local area. In the context of the Council's acknowledged inability to demonstrate a five-year housing land supply, the last published position being 1.89 years, the delivery of 110 no. new dwellings carries very significant positive weight. The appeal proposal would assist in addressing the identified shortfall, providing much-needed homes that will help to meet local demand and contribute to the Government's objective of significantly boosting the supply of housing.

6.13 It is recognised that the position of 1.89 years' worth of housing supply relates to a 2025-2030 five year period, now out of date. Having regard to an increased Local Housing Need (LHN) figure, now 1,931 dwellings per annum, based on the latest data, it is considered likely that the Council's position could have worsened having regard to the 2026-2031 period. The Appellant reserves the right to present evidence to the Inquiry should a new Housing Land Monitor Summary Report be published during the course of the appeal.

6.14 Whilst in Outline only, the development has the ability to deliver a varied mix of house types, sizes and tenures, ensuring that it meets the diverse needs of the community.

6.15 The inclusion of affordable housing will help to promote social inclusion and provide opportunities for a wider cross-section of society to access high-quality homes. Of the 110 no. proposed dwellings, the delivery of 30% (33 no. dwellings) as affordable is of very substantial weight. The affordable housing delivery is supported by the Council's Housing Policy Officer (comments of 30th July 2025) (CD3.06). The affordable housing provision will be secured through the S106 legal agreement. The scheme is compliant with policy SOC1 in this regard.

6.16 Supporting the application is a Planning and Affordable Housing Statement (CD1.05). Included at Appendix 2 is an Affordable Housing Statement. The Inspector is politely referred to this document where it is set out that the district is in the midst of an affordability crisis, under delivering on affordable homes and experiencing increased affordability issues.

6.17 Most recently, acknowledged within the 7th July Committee Report for Taylor Wimpey's application reference 25/02070/FUL, at paragraph 6.154 it is stated:

> *"6.154 The weight to be afforded to the affordable housing provision is further reinforced by the Council's latest monitoring data, which identifies a continuing shortfall in delivery. With 5,720 affordable dwellings competed against a requirement of 6,600 up to 2030, there remains a clear deficit across the borough. The proposal would directly contribute towards reducing this shortfall and therefore carries significant positive weight in the planning balance, delivering a policy-compliant level of affordable housing (30%)."*

6.18 The scheme incorporates high-quality, accessible and usable public open space (POS), designed to encourage social interaction, active lifestyles, and community cohesion. The provision of such well-planned green infrastructure will contribute positively to the creation of a healthy and inclusive community, in line with the aims of the NPPF to promote social well-being and sustainable development.

6.19 Having regard to the Play and Open Space response dated 1st September 2025 (CD 3.20/3.21) identifies a requirement for the following:

- Amenity open space (0.25ha)

- Play space for children aged 0-12 yrs (0.013 ha)
- Allotments (0.04ha)

6.20 The latest Development Framework (CD 2.02) confirms that the following can be accommodated onsite:

- Amenity Green Space including children's play space (0.35 ha)
- Natural/ Semi Natural Green Space (2.81ha)
- Allotments (0.05ha)

6.21 The onsite provision is therefore expected to deliver in excess of the policy requirements.

6.22 The Development Framework Plan (CD 2.02) and Design and Access Statement (CD1.06) demonstrate how the scheme seeks to incorporate green space throughout the development rather than a formal split between the built form. Due to the location of the development site, new residents will be able to take advantage of sports facilities within the town such as AFC Tattenhall Football and Tattenhall Sports Club.

6.23 The indicative Development Framework Plan (CD 2.02) highlights the potential layout of the proposed development, including the large areas of informal and formal open space throughout the development. As a result of this focus to providing a green infrastructure rich proposal, the proposal complies with Policy SOC3 and creates a new use for land that can be enjoyed by both new and existing residents.

6.24 In addition to the onsite provision the Council have also requested financial contributions to offsite provision, specifically for:

- Youth Play (£19,852)
- Park and Recreation (140,138.90)
- Sports Pitch sum (£59,021)
- Sports Pitch Maintenance sum (£77,140)
- Sports Pitch Changing Facility sum (£84,138)

6.25 The financial contributions and measures surrounding the maintenance and management of onsite provision are expected to be secured through S106 legal agreement.

6.26 Having regard to the education service consultation response dated 4th August 2025 (CD 3.10), it is confirmed that there are sufficient spaces in the local pre-schools, primary schools, secondary schools and sixth form to accommodate anticipated children generated by the development. The local education infrastructure can therefore accommodate the proposed development. A financial contribution of £170,320.00 has been requested in relation to the Special Educational Needs and/or Disabilities (SEND). This figure will be secured through S106 legal agreement.

6.27 Policy SOC 5 directs how the Council will meet the health and well-being needs of the residents through development proposals.

6.28 The submission includes a Health Impact Assessment (HIA) (CD1.21) that measures the wider impact upon healthy living and demands that are placed upon the capacity of health services and facilities arising from the development.

6.29 The HIA concludes that, overall, the proposed development is assessed to have a positive influence on health and wellbeing of prospective residents and the existing community. The provisions of policy SOC5 are met and it is demonstrated that there are significant social benefits to the proposal.

6.30 Policy STRAT11 of LP1 states that development should facilitate the timely provision of additional facilities, services and infrastructure to meet identified need arising from the development in locations that are appropriate and accessible. Policy 4 of the NP also requires net development to protect and support the village's local facilities by assessing its impact on services such as shops,

community buildings, utilities, health services and schools, and by demonstrating how any additional pressure will be addressed. The above demonstrates the S106 obligations arising as a result of the proposals. These will be secured via S106 legal agreement to be agreed with the Council.

Economic

6.31 The proposed development would achieve a breadth of economic benefits during the construction and operation phases of the development. During the construction phase the development would support direct and indirect construction jobs on-site and in the wider supply chain over the build programme, and contribute gross value added (GVA) to the economy through spend within the construction sector.

6.32 During the operational phase of the development, the development would increase the labour force and by association increase local expenditure and the demand for local services; thereby improving their vitality and viability. The Developer would provide monies to the local authority in the form of S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.

6.33 The Socio-Economic Report (CD 1.18) supporting the application sets out the economic benefits arising from the development in full, it is not considered to repeat them here. Where appropriate the Appellant's evidence will set these out.

6.34 It is the Appellant's case that the economic benefits associated with the scheme are considered to attract significant weight in the planning balance.

Environmental

6.35 It is the Appellant's case that the development proposals represent sustainable development having regard to the environmental strand. The appeal is supported by application documentation which demonstrates that the scheme is acceptable subject to the appropriately worded conditions.

6.36 It is the Appellant's intention to present evidence to the inquiry having particular regard to highways and ecology matters to address statutory consultee comments from the Council. This is set out in detail below.

Highways considerations

6.37 The Appellant will present evidence to the Inquiry to demonstrate that the development proposals are acceptable in highways terms and that there is no severe highways impact arising as a result from the detailed access arrangements proposed nor the provision of an additional 110 dwellings and the impact on the highway network.

6.38 At the point of initial application submission, a Transport Assessment (CD1.16) undertaken by Ashley Helme Associates, supported the application.

6.39 The Transport Assessment (CD 1.16) demonstrates that the site is in a sustainable and accessible location with an appropriate waking distance to key services and facilities within Tattenhall village centre. Bus stops are accessible from the site and ensure that future occupiers can have access to the public transport network. Policy STRAT10 demonstrates the Councils commitment to deliver a more sustainable transport network and increase the level of accessibility across the district. The policy further guides development to be located where it reduces the need for travel. The proposal site is located north of the settlement off the main through road (Tattenhall Road), making the proposed site accessible to/ from the village centre through walking and cycling.

6.40 Due to the location of the proposal site, the local bus network is an accessible and available sustainable mode of transport for new residents to settlements nearby including Malpas, Christleton,

Chester and Whitchurch. Sustainable transport modes are set out in more detail within the submitted Transport Assessment (CD1.16).

6.41 The application is supported by a Travel Plan (CD1.17), prepared by Ashley Helme Associates. The Travel Plan encourages the use of more sustainable modes of travel to reduce the reliance on the private car in line with local and national planning policy.

6.42 Policy STRAT 10 further states new development to be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated. Policy 5 of the NP also requires development to identify realistic levels of traffic generation, assess impacts on congestion, parking, road safety and active travel users and maximise opportunities to walk, cycle and support public transport. Such considerations are presented in the Transport Assessment.

6.43 Following review of the Transport Assessment (CD1.16), an initial Highways response from the Council (CD3.23) raised objection to the proposed access arrangements of the site:

> *"**Safe provision for access (inc. visibility splays, access to adopted highway, construction access, any mitigation required)***
>
> *The site access proposals as shown on drawing 1951/01 Rev A are not acceptable, an explanation is required for the single footway access on only one side of the road. The tracking on drawing 1952/SP/01 Rev A shows a significant over run onto the opposing carriageway lane. The junction layout should be altered to allow for vehicles to enter and exit the site without such significant encroachment on both the entry and the exit."*

6.44 It went on to state that further comment on off-site impacts would be provided once the access arrangements had been addressed.

6.45 In response to the Highways comments (CD 3.23) the Appellant provided further information in the form of a Highways Technical File Note (CD 2.03). The note includes a revised detailed access arrangement proposal (drawing no. 1952/01 Rev B). The revisions include a footway to the north of the carriageway to ensure that footway provision is now included on both sides.

6.46 The access arrangement geometry has also been revised including widening of the access road and increased corner radii. Revised refuse vehicle swept path analysis demonstrates that the vehicles can enter and exit the site without significant encroachment to the opposing carriageway.

6.47 At the time of lodging the appeal, the Appellant awaits Council comment on the revised access arrangements and has still not been afforded any comment or discussion in relation to the off-site highway considerations.

6.48 However, the Appellant notes the recent Taylor Wimpey application which was presented at Planning Committee as recently as 7th July 2026 with a recommendation for approval. The Highways Officer, responding to the Taylor Wimpey application confirms there are no significant capacity concerns within the offsite highway network, contributions are however requested towards mitigation measures to encourage trips by foot and improve the flow of traffic. The Appellant would welcome further discussion with the Council on this matter through the S106 and Statement of Common Ground.

6.49 The Appellant will present evidence to the Inquiry that a safe and suitable site access has been provided, that the development maximises on opportunities to encourage sustainable transport means to encourage walking and cycling to key services and facilities within Tattenhall or that the development's traffic generation would not give rise to an unacceptable highway safety or a severe residual cumulative impact. The requirements of policy STRAT10 of the LP1 and policy 5 of the NP are considered to have been met. There are no insurmountable highway considerations which cannot be overcome by appropriately worded condition or S106 planning obligation.

Ecological considerations

6.50 The appeal submission is supported by a Preliminary Ecological Assessment (PEA) (CD 1.08) undertaken by The Environment Partnership. A Biodiversity Net Gain (BNG) Feasibility Report (CD 1.09) and a BNG metric (CD 1.25) have also been provided.

6.51 The PEA (CD 1.08) confirms that the site is predominantly modified grassland with hedgerow and some tree cover on the boundaries. One ephemeral pond is located on site and the Keys Brook is situated to the southern boundary.

6.52 There are no statutory nor non-statutory ecological designations on site. It is acknowledged that the site is located within the SSSI Impact Risk Zone however the proposals is not of a type that would trigger the need for further consideration of a designated site. This is acknowledged by the Biodiveristy Team in comments dated 20th August 2025 (CD 3.15). The Biodiveristy team go on to state that it is considered reasonably unlikely that any protected sites will be impacted as a result of the development.

6.53 The Appellant will provide evidence to the Inquiry, through the provision of additional survey work that the proposal would not give rise to unacceptable ecological impact and that the proposals make provision for necessary mitigation which can be appropriately secured through condition or S106.

Having regard to the recommendations of the PEA (CD 1.08) and the comments from the Biodiveristy Team (CD 3.15) and Cheshire Wildlife Trust (25th July 2025) (CD3.04) the following survey work will be presented to the Inquiry:

- Water Vole Survey
- Otter Survey
- Badger Survey
- Bat Transect Survey and Bat Emergence Survey
- Updated BNG metric including water habitat units.

6.54 The Appellant would welcome opportunity to work with the Council in relation to these matters as part of the Statement of Common Ground.

6.55 Mitigation measures will ensure the protection of any potential protected species on site. The creation of green infrastructure including grassland scrub and the planting of trees and shrubs will provide improvements to the habitat diversity within the site and will benefit a number of fauna species.

6.56 The Cheshire West and Chester Local Plan requires that where possible developments should enhance biodiversity and geodiversity in Policy ENV 4.

6.57 The application proposes to improve and enhance the ecology on site through additional planting, inclusion of an attenuation basin, the relocation and enhancement of the existing pond and enhancement of the open space specifically along the Keys Brook watercourse south of the site.

6.58 The statutory BNG metric (CD 1.25) has been submitted to support the appeal. The metric concludes that the following total % net change can be achieved onsite through the development proposals:

- 49.08% Habitat Units
- 48.96% Hedgerow Units

6.59 It is the Appellant's case that the proposals deliver in excess of the statutory 10% net gain requirement. The delivery of units about statutory requirements weights significantly in the planning balance. It is anticipated that the BNG will be secured through the statutory BNG condition.

Flood Risk and Drainage considerations

6.60 It is the Appellant's case that there is no flood risk and drainage reason to refuse the application and that there are no insurmountable concerns in this regard which cannot be overcome through appropriately worded condition.

6.61 Policy ENV 1 of the adopted Local Plan established the Council's vision to direct strategic growth towards lower flood risk areas, such as Flood Zone 1.

6.62 The application is supported by a Flood Risk Assessment and Outline Drainage Strategy (CD1.12) by Enzygo.

6.63 The site is located predominantly in Flood Zone 1, the southern part of the sites sits in Flood Zone 2 and 3 along the Keys Brook watercourse. The application has due regard to its location adjacent Keys Brook on the southern boundary. The developable area sits north of the flood zone 2 and 3 and wholly within Flood Zone 1. The site therefore site passes the Sequential Test and does not require the Exception Test to be undertaken.

6.64 Following initial objection from Environment Agency (EA) dated 30th July (CD3,05), appropriate documentation has been submitted to support the application including a Flood Zones Off-Set Plan (CD 2.01) and an updated Development Framework Plan (CD2.02).

6.65 The EA have stated that they welcome the 600m offset from flood zones 2 and 3 and welcome the creation of semi natural open space along the brook with native tree planting opportunities for wildlife recreation. The EA objection has now been removed (CD3.21).

6.66 The Lead Local Flood Authority (LLFA) response dated 31st July 2025 (CD3.09) raises no objection however seeks further details at the detailed design stage to be secured through appropriately worded conditions. The Appellant agrees to the use of conditions and hopes to work with the Council through the Statement of Common Ground to agree these.

6.67 The developable areas of the site are at low risk from all sources of flooding and will not increase the risk of flooding elsewhere as a result of the development of the site. The proposed development and proposed surface water attenuation features will remain outside of any fluvial and pluvial flood risk areas.

6.68 The SuDS strategy includes the use of an attenuation basin, located within the south-western extent of the site, to which surface water runoff from the site will be conveyed towards in surface water pipes. This strategy shows feasibility that the site can be drained; however, at detailed design inclusion of further SuDS elements could be considered.

6.69 The proposals meet the provisions of policy ENV1.

Heritage considerations

Built Heritage

6.70 The NPPF aims to conserve and enhance heritage assets. Paragraph 207 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. In the adopted Local Plan Policy ENV 5 further sets out the that the development proposals should conserve and enhance heritage assets including archaeological interest.

6.71 The submission is supported by a Heritage Statement (CD1.11) prepared by Pegasus. The site does not contain any Listed Buildings and is not located within a Conservation Area. The Tattenhall Conservation Area is located within the site's wider 1km study area as set out in the Heritage Assessment.

6.72 The Heritage Assessment (CD1.11) has determined that there is no known historic association between the site and the Conservation Area with only limited long-distance glimpsed views of the site possible from one small part of the Conservation Area. The site is deemed to make no

contribution to the significance of the Conservation Area through setting. The proposed changes are deemed to cause no harm to the significance of the Conservation Area nor any other designated heritage asset.

6.73 An initial response from the Built Environment Officer (Conservation and Design) dated 11th August 2025 (CD3.16) found that "the proposal would result in a change to the setting of the conservation area but would not harm its significance."

6.74 A subsequent response from the statutory consultee dated 20th August 2025 (CD3.16) states *"we have assessed this application for OUT Planning Permission for a development of up to 110 dwellings on the north side of Tattenhall and have concluded that the proposed development is likely to result in no harm to any designated or undesignated heritage assets."*

6.75 The provisions of policy ENV5 have been met.

Below Ground Heritage

6.76 The Heritage Assessment (CD1.11) undertaken by Pegasus also deals with below ground heritage – archaeology.

6.77 The Assessment confirms that there is no previously recorded archaeological activity on the site. Having regard to the records in the wider study area, it is considered that the site has low potential for archaeological remains of Romano-British activity. It is recognised that there is medieval settlement activity evidence within the wider study area however at distance to the appeal site. Having regard to the recorded archaeological activity and the sustained agricultural use of the site, the site is also considered to have low potential for archaeological remains from the medieval and post-medieval periods.

6.78 The Officer's response from Cheshire Archaeology Planning Advisory Service (CD3.11), dated 5th August 2025 confirms that there is no justification in archaeology terms to refuse planning consent nor request further pre-determination works. However, a condition to secure a programme of archaeological mitigation is requested to be secured by condition. This is noted by the Appellant and we welcome the opportunity to work with the Council on this through the Statement of Common Ground.

Landscape considerations

6.79 Policy ENV2 in the adopted plan requires development to, wherever possible, enhance landscape character and local distinctiveness.

6.80 Policy 6 of the NP requires new development to respect local landscape character and important views identified in the Village Design Statement.

6.81 A Landscape and Visual Impact Assessment (LVIA) (CD1.07) prepared by TEP, submitted as part of the application, assesses the potential landscape and visual impacts of the proposed development. The Development Framework Plan (CD2.02) introduces and retains landscape features that reflect the landscape character of the site and its surrounding area.

6.82 The susceptibility of a landscape to change is dependent on the characteristics of the receiving landscape and the nature of the proposed development. The site and surrounding landscape are of community value with medium susceptibility to change and the overall sensitivity of the site and its immediate surroundings to the proposed development is low.

6.83 The site is not subject to nor within proximity to any landscape quality designations. The site, nor the immediate landscape, contains any rare or unusual landscape features and so it is concluded the site does not comprise a valued landscape.

6.84 The proposed development will have a landscape buffer north of the site in order to screen any views from the north overlooking the site and transition between the built form and wider open

countryside. Combined with new trees and hedgerow planting along the site boundaries and within areas of open space, it is considered that this approach would help integrate built form within its immediate landscape setting. Overall, at completion, there would be a moderate adverse landscape effect. Once planting has had the opportunity to establish, this would reduce to a minor adverse landscape effect.

6.85 The proposed development would create a high-quality residential development at the existing settlement edge of Tattenhall. Areas of existing residential development are located adjacent to the southern boundary of the application site.

6.86 Overall, it is considered that the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Tattenhall and could be accommodated within the site and local landscape with adequate mitigation measures without resulting in any unacceptable landscape or visual effects.

6.87 Policy ENV 3 states the Local Plan will support the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure. The development site adheres to Policy ENV 3 as it will include the maintenance and enhancement of existing green infrastructure with additional planting of trees and hedgerows.

6.88 There has been no landscape objection raised against the development proposals from statutory consultees. It is considered that the provisions of policy ENV2 and ENV3 of the LP1 and policy 6 of the NP are met.

Ground Conditions

6.89 The proposals are supported by a Preliminary Geo-Environmental Risk Assessment (CD1.13) undertaken by Enzygo. The Assessment confirms that there are no significant contamination risks at the site and that intrusive ground investigation is not considered necessary prior to grant of planning consent. The Council's Environmental Protection Team, response dated 31st July 2025 (CD3.08), raise no objection to the scheme subject to appropriate conditions to secure further site investigation and any necessary remediation required on site.

6.90 The suggested conditions are noted and we welcome the opportunity to work with the Council on this through the Statement of Common Ground.

7. Summary and Conclusion including Planning Balance

7.1 This Planning Appeal is submitted on behalf of the Appellant, Gladman, against the non-determination of planning application for up to 110 dwellings.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicated otherwise. The Cheshire West and Chester Local Plan is now over five years and has not been subject to recent review. It is recognised that, following changes to the national policy context, the spatial strategy of the Development Plan, including its adopted housing requirement, no longer conforms with the NPPF or the intention to meet LHN. For this reason, the Plan is out of date. In addition, the Council acknowledge it is unable to demonstrate a five-year housing land supply and as such the tilted balance at paragraph 11d is engaged. This Statement has demonstrated that the application of policies that protect areas or assets of particular importance which would provide a strong reason for refusing development, do not indicate that the proposal should be restricted. Consequently, the presumption in favour of sustainable development applies, and planning permission should be granted without delay.

7.3 This Statement acknowledges some, albeit limited, conflict with the development plan and the spatial strategy by virtue of its location outside of development limits and in the open countryside. However, in the context of only 1.89 years' worth of housing land supply and the engagement of the tilted balance, the harm arising from this conflict is therefore limited.

7.4 The Appellant's case is clear that the development proposals would constitute sustainable development and that there are no technical reasons which are not insurmountable through mitigation measures to be secured by way of appropriately worded condition or Section 106 legal agreement.

Planning Balance

7.5 This Statement has identified a number of benefits associated with the proposal. The list below summaries the benefits identified and attributes weight to each matter.

Benefits:

7.6 Very substantial weight to delivery of housing in the context of no five year-housing land supply on a site which is in a highly sustainable location.

7.7 Very substantial weight to the delivery of affordable housing in the context of historic affordable under delivery and an increasing affordability crisis.

7.8 Significant weight to delivery of Biodiversity Net Gains, in excess of 10%.

7.9 Significant weight should be afforded to the economic benefits of the proposal.

Harms:

7.10 In terms of adverse impacts, it is identified that the proposal will result in the development of a greenfield site. This carries very limited weight in the context of meeting the district's local housing need.

7.11 A degree of conflict with the development plan has been identified through the development of a site outside of development limits and within the open countryside. However, the planning harms that arise from this are limited. The acknowledged development plan conflicts should not weigh heavily against the proposal in the planning balance.

7.12 Whilst this is an appeal against non-determination, the Council's case is not yet known. However, it is acknowledged that there remain objections in relation to highways and ecology matters. This Statement and the supporting application documentation, in conjunction with the full evidence to be

presented at Inquiry all clearly demonstrate that the development proposals would make provision for a safe and suitable access arrangement and generate a level of traffic that would represent a non-material impact. The proposal would not give rise to unacceptable harm in ecology terms and mitigation measures can be appropriately secured through condition. As such no highways nor ecology harm arises as a result of this appeal proposal. These matters do not give rise to concern which either weigh negatively in the planning balance nor provide a strong reason for refusing the development proposal.

Overall Balance

7.13 Turning to the overall planning balancing exercise, the tilted balance is engaged. The limited harms identified would not significantly and demonstrably outweigh the benefits of the proposal. The balance is firmly in favour of a grant of planning permission. It is for these reasons the Appellant respectfully requests the Inspector allows this appeal.