ONH
Planning for Good

Summary of Case
on behalf of
Rule 6 Party Tattenhall and District Parish Council

Land West of Tattenhall Road, (Greenlands) Tattenhall, Cheshire

LPA ref: 25/01764/OUT & 26/00088/ND
Appeal ref: 6013490

September 2026

1. Introduction

1.1 This summary has been prepared by ONH on behalf of Tattenhall and District Parish Council (TPC), which has been granted Rule 6 party status in respect of the appeal by Gladman Developments Ltd against Cheshire West and Chester Council for non-determination of planning application 25/01764/OUT: 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 ONH is an independent planning consultancy engaged by TPC to support the Parish Council in its role as the Qualifying Body responsible for the preparation of the emerging Tattenhall and District Modified Neighbourhood Plan 2025–2045 (eTDNP2).

1.3 This summary is intended to inform the Case Management Conference on the 5th October 2026, and a full Statement of Case will be prepared in accordance with the appeal timetable.

1.4 TPC's case at the Inquiry will not duplicate the case advanced by Cheshire West and Chester Council. TPC's evidence will focus on the relationship between the appeal proposal and the eTDNP2, including:

a. the weight to be given to the eTDNP2, including as its statutory status changes following examination and any referendum.
b. prematurity, having regard to NPPF Policy DM4, including the cumulative effect of the appeal proposal alongside other development proposals.
c. the consequences for the neighbourhood plan at the referendum.
d. the national decision-making policies of the NPPF, as a material consideration, insofar as they relate to the Neighbourhood Plan.

1.5 TPC's case is deliberately narrow and does not extend to detailed technical matters relating to housing land supply, highways, ecology, or landscape and character.

2. Policy Context

2.1 The planning policy circumstances have changed materially since the application was submitted and during the period in which it remained undetermined.

2.2 The eTDNP2 has now progressed through Regulation 14 consultation (23 February - 13 April 2026) and Regulation 16 consultation (18th June – 30th July 2026) and is undergoing independent examination. The appointed examiner issued procedural matters and questions on 8 September 2026, to which responses were provided by both the LPA and TPC on 23 September 2026.

2.3 Once the eTDNP2 completes examination and the LPA decides that the Plan should proceed to referendum, there becomes a statutory duty to have regard to it as a "post-examination draft neighbourhood development plan, so far as material to the application" (section 70(2)(aza) of the Town and Country Planning Act 1990), for decision making purposes.

2.4 There has also been a significant change in national planning policy following publication of the National Planning Policy Framework in August 2026, including National Decision-Making Policy DM4 relating to emerging development plan proposals and prematurity.

2.5 TPC therefore considers that the policy circumstances to be assessed at the Inquiry are materially different from those which existed when the planning application was first submitted.

3. The Emerging Neighbourhood Plan

3.1 The eTDNP2 does not seek to prevent or unduly constrain housing growth at Tattenhall. Indeed, it positively plans for substantial growth, proposing an allocation for up to 600 dwellings to the north and south of Frog Lane, compared with an indicative housing requirement for Tattenhall of 526 dwellings provided by Cheshire West and Chester Council.

3.2 The allocation forms part of a wider spatial and infrastructure strategy. The Plan makes deliberate choices about the location and scale of development and seeks to coordinate housing delivery with infrastructure and community requirements.

3.3 It is TPC's considered view that allowing the appeal would be likely to prejudice the making of the eTDNP2.

3.4 Alternatively, if the eTDNP2 is approved at referendum before the appeal is determined, it will form part of the development plan and NPPF Policy S6 will be engaged.

3.5 TPC is particularly well placed to assist the Inspector in understanding the current stage of the eTDNP2, together with the reasons for the spatial strategy contained within the Plan, the relationship between the proposed housing allocation and the infrastructure required to support growth; and the consequences of allowing substantial development in a different location before the Plan has been subject to referendum.

4. The National Planning Policy Framework

4.1 TPC's considered view is that NPPF Policy DM4, in respect of prematurity, is a material consideration. TPC considers that the eTDNP2 has reached an advanced stage for the purposes of DM4 as it is currently undergoing independent examination.

4.2 The appeal proposal would provide up to 110 dwellings on a site located outside the spatial strategy selected through the emerging Neighbourhood Plan.

4.3 TPC considers that the proposal needs to be assessed cumulatively. There is a further appeal being determined by written representations, for 110 dwellings, on the adjoining site to the west at Chester Road (ref: 6014080). That site is also the subject of an application for 120 homes (26/02414/OUT) which has not yet been determined.

4.4 In addition, there is a further residential proposal for up to 130 homes on land immediately adjoining the Chester Road site. This is being actively promoted, currently undergoing pre-application community engagement and subject to an EIA Screening Request (ref 26/02732/SCR). The potential cumulative effect is therefore materially greater than that of the appeal proposal in isolation, with up to 360 homes across the three adjoining sites.

4.5 TPC's case will be that allowing substantial development in alternative locations at this stage risks predetermining decisions about the scale and location of development which are central to the emerging Neighbourhood Plan.

4.6 TPC will seek to demonstrate that the progression and content of the Neighbourhood Plan result in both limbs of NPPF Policy DM4(2) being satisfied.

4.7 Insofar as the proposal is located outside of the settlement boundary and will be considered under Policy S5, TPC will contend that the resulting prejudice to the plan-making process is a circumstance in which the benefits are likely to be substantially outweighed by the adverse effects (Policy S5(2)).

5. The Neighbourhood Plan Referendum

5.1 TPC will also address the practical consequences for the neighbourhood planning process.

5.2 The local community has been asked, through the eTDNP2 process, to consider how substantial additional growth should be accommodated at Tattenhall. The emerging Plan responds positively to that challenge by identifying a comprehensive spatial strategy and allocating sufficient land to meet and exceed the indicative housing requirement.

5.3 Following examination, the Plan is intended to proceed to referendum, subject to the statutory process.

5.4 TPC's case is that permitting a substantial alternative direction of growth before that process has concluded risks materially changing the proposition ultimately presented to the community and undermining confidence in the neighbourhood planning process.

6. Conclusion

6.1 In the materially changed circumstances now prevailing, TPC will invite the Inspector to conclude that both limbs of NPPF Policy DM4(2) are satisfied, and that the resulting prejudice to the neighbourhood plan process weighs materially against the proposal, including for the purposes of NPPF Policy S5.

6.2 As the eTDNP2 progresses beyond examination, TPC will also address the additional statutory weight it attracts and, should the referendum take place before the appeal is determined, the implications of the Plan forming part of the development plan.

6.3 TPC will develop these matters in its full Statement of Case and subsequent evidence in accordance with the timetable directed by the Inspector.