Planning Inspectorate

Appeal Decision

Site visit made on 1 July 2026

by C Evans MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2026

Appeal Ref: 6008560
Land off Shire Way, Tattenhall, Chester CH3 9RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
- The appeal is made by Mr Alex Wood of Lexwood Developments against Cheshire West and Chester Council.
- The application Ref is 26/00716/PIP.
- The development proposed is residential development up to 9 dwellings.

Decision

1. The appeal is dismissed and planning permission for residential development up to 9 dwellings is refused.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first ('permission in principle') stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.

3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

4. Subsequent to the decision made by the Council on the application to which this appeal relates, a revised version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties have had an opportunity to comment, and my decision has been made on the basis of the revised Framework.

5. The Council is in the process of preparing a new local plan and the Parish Council is in the process of preparing a new Neighbourhood Plan. The Neighbourhood Plan has been submitted for examination, and the new local plan is at an early stage of preparation. Emerging plans are a material consideration in my consideration of the appeal, but having regard to advice in Policy DM4 of the Framework, I cannot give them any significant weight.

6. The regulations state that the development should be expressed as a range. As no range is stated on the application form, I must state that the range is between 9 and

9 dwellings. The evidence submitted included a layout plan. As this is for permission in principle, I have considered this as indicative only.

Main Issue

7. The main issue is whether the site is suitable for residential development, in terms of its location, the proposed land use and the amount of development, with particular regard to:

   - the character and appearance of the area;
   - heritage assets; and
   - local policies concerning the location and accessibility of development.

Reasons

Character and appearance

8. The appeal site is part of an agricultural field on the edge of Tattenhall. It borders the dwellings fronting Shire Way on one side and open agricultural fields surround the other three sides. The northeastern boundary is not clearly defined by any existing feature. There is an access point from Shire Way. The site is seen as part of the open countryside and forms part of the rural setting of Tattenhall.

9. The development line along Shire Way, Harrison Close and part of Park Avenue provide a clear, linear edge to the settlement. The site would adjoin this development line and the settlement boundary along one side only. Development of the site would be an outwards extension and not rounding off. As a result, it would not relate well to the established, strong build line and would result in a discordant edge to the settlement.

10. Public Right of Ways (PRoW) pass near to the appeal site. I walked these routes during my site visit. Whilst various vegetation including trees and hedgerows screen the site, it is glimpsed in views from these PRoW. The appellant contends that the proposed dwellings would be perceived in the context of existing housing. Development of the site, however, would result in a visually intrusive extension of Tattenhall into the open countryside.

11. The site is not bound by existing landscape features to one side. Whilst new planting to define this boundary could be implemented and secured at later stages of the permission in principle process, there would be no guarantee that this would provide the desired level of screening.

12. The Cheshire West and Chester Landscape Strategy 2016 states that the management strategy for the area that the field is part of, is to conserve the regionally significant historic landscape comprising late medieval field systems and ridge and furrow. It provides guidelines for residential development; however, management guidelines also advise conserving the remaining areas of ridge and furrow by restricting use of fields to pasture.

13. Whilst the Landscape Strategy is not part of the development plan, and the land is not part of a statutory designation; it is material to this appeal. Development of this site would result in the loss of part of the medieval field systems and ridge and furrow. Consequently, the proposal would harm the historic landscape setting that forms part of the rural character of the area.

14. The appellant contends that the impact on landscape does not fall under the scope of the permission in principle process. The location of the site is part of the scope, however, and therefore the location of the site in the medieval field system is relevant in this case.

15. To conclude, the site would not be suitable for residential development, in terms of its location, the proposed land use and the amount of development, with particular regard to the character and appearance of the area. It would conflict with policies STRAT9, ENV2 and ENV6 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted 2015) (Local Plan Part 1), policies DM3 and GBC2 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 2019) (Local Plan Part 2) and Tattenhall Neighbourhood Plan Policy 2. Collectively, amongst other things, these policies seek to prevent harm to the character of the countryside, for developments to respect and contribute positively to the character of the area and for development to respect, protect and enhance landscape character.

Heritage assets

16. The appeal site is near to the Tattenhall Conservation Area (CA). The CA Appraisal (adopted 5 June 2013) states that the general key features of the CA include a strong rural and agricultural setting and busy shopping centre with traditional shops along High Street. These form part of the significance of the CA.

17. The Framework definition states that the significance of a heritage asset derives not only from a heritage asset's physical presence, but also from its setting. The appeal site is agricultural land and therefore forms part of the setting of the CA. Although vegetation and landscape features separate the site from the CA, the site contributes positively towards this setting, as it enhances the connection of the CA to the countryside. On this basis, the site contributes positively towards the significance of the CA, a designated heritage asset. Whilst the PPG limits matters under assessment at the permission in principle stage, the location of this site in the setting of the CA is relevant to my consideration.

18. There is visible evidence of archaeological features of medieval strip farming in the form of ridge and furrow across the majority of the appeal site. The site holds value as an archaeological feature, however, it also holds historic value through its role in local history and farming practices. As a result, the Council has identified it is a non-designated heritage asset. The significance derives in part from its age, archaeological, historical and landmark values.

19. The development of this site would result in the loss of an area of the ridge and furrow as an historic landscape feature. Other areas with ridge and furrow features near Tattenhall have been developed, and so the significance of the remaining features has been raised somewhat. The loss would therefore cause a moderate level of harm to the significance of the Tattenhall CA through development in its setting. The loss would also cause moderate harm to the significance of the non-designated heritage asset.

20. Policy HE6 of the Framework states that where a development proposal would harm the significance of a designated heritage asset, substantial weight should be given to the asset's conservation. This includes conservation areas and their setting. The Framework also states that any harm to a designated heritage asset will be a matter of considerable importance and weight. Where a development

proposal would harm the significance of a designated heritage asset, the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.

21. For non-designated heritage assets, Policy HE7 of the Framework states that harm to the significance should be weighed against the benefits of the proposal and a balanced judgement made.

22. The development would provide up to nine dwellings in an area where there is an identified shortfall of housing delivery. Both main parties agree that the Council cannot demonstrate a 5 year supply of housing land. The appellant contends that in 2025, there was a supply of 1.89 years and that this is likely to have worsened. The Council has not contested the figures; therefore, I have made my assessment on the basis that there is a substantial shortfall.

23. The appellant contends that the proposal would make provision for affordable housing, although this has not been secured at this stage. There would also be economic benefits during the construction phase and thereafter through support for local businesses from future occupiers of the development. The proposal would contribute towards small to medium site delivery; the Framework supports the provision of a diverse mix of sites. There would be environmental benefits as the site would deliver a biodiversity net gain.

24. Whilst I have taken account of the public benefits above, they would not outweigh the harm to the significance of the Tattenhall CA, a designated heritage asset, through development in its setting. The public benefits would not outweigh the substantial weight that should be given to the designated asset's conservation. In addition, the scheme's benefits would not outweigh the harm to the non-designated heritage asset.

25. I acknowledge the suggestion that the archaeological interest could be dealt with at a later stage of the permission in principle process through investigating, recording and mitigation. This does not, however, address the positive contribution that the site makes to the wider setting of the CA. Neither does it address the increased importance of the site due to the loss of similar features nearby, as a result of development.

26. The appellant has drawn my attention to other applications (25/02048/PIP and 25/02042/OUT), where there were heritage assets, but that the Council concluded there was no impact on these. Limited information regarding these cases has been provided to me and so I cannot be certain that these are comparable. My conclusions regarding the harm to heritage assets at this appeal site is based on the evidence before me and the location of the proposed development. On this basis, the harm is relevant to the permission in principle process.

27. The appellant has also made reference to various residential approvals within the CA. However, little information has been provided to me and so I cannot be certain that they are comparable in terms of their effect on the CA.

28. For the reasons highlighted above, the site would not be suitable for residential development, in terms of its location, the proposed land use and the amount of development, with particular regard to heritage assets. It would conflict with Local Plan Part 1 Policy ENV5 and Local Plan Part 2 Policy DM48 as well as the

Framework. Collectively these seek to protect heritage assets, including non-designated heritage assets.

29. Local Plan Part 2 Policy DM 46 is quoted on the Council's Decision Notice, but as this policy refers to parking and access, it is not determinative in this matter.

Location and accessibility

30. The site adjoins the settlement boundary of Tattenhall, a Key Service Centre as defined in Local Plan 1 Policy STRAT 8, but is located in the open countryside. Residential development is encouraged within the settlement boundary, but development outside is restricted. Local Plan Part 1 Policy STRAT 9 permits certain types of residential development in the open countryside. I have not been provided with evidence that this proposal would meet these exceptions.

31. The Tattenhall and District Neighbourhood Plan provides more flexibility, as Policy 1 allows proposals for up to 30 dwellings within or immediately adjacent to the settlement boundary, subject to certain criteria. These include that the proposal enhances the natural, built and historic environment. For the reasons detailed above, the proposal would not meet this criterion.

32. The site has been identified as having potential for residential development in the Councils Strategic Housing Land Availability Assessment and for potential housing in the emerging new Local Plan. Detailed assessments would be required for the site to be allocated, and the Council Statement states these have not yet taken place. As the emerging local plan is in the earlier stages of preparation, I cannot be certain that the plan and any site allocations will be adopted in its current form. I therefore give this limited weight.

33. Various facilities and services, including a bus service, are within walking distance of the site in the centre of Tattenhall. The route to access these has a pavement and is well lit for most parts. Whilst travel further afield would be required to access a wider range of services, the bus would provide an alternative to the private car.

34. To conclude, although the site is an accessible location, it would not be suitable for residential development, in terms of its location, the proposed land use and the amount of development, with particular regard to local policies, as it conflicts with Local Plan Part 1 policies STRAT 1, STRAT 2 and STRAT 9 and Local Plan Part 2 policies DM 19 and R 1. Collectively, amongst other things, these seek to restrict new residential development in the open countryside and require proposals to enhance the natural, built and historic environment.

Other Matters

35. My attention has been drawn to various Council and local appeal decisions (Refs: 25/02104/PIP, 25/01004/PIP, APP/A0665/W/25/3374108 and 24/03682/FUL). Based on the details provided, it seems that these sites have a different relationship with the existing built form when compared to the appeal site. On this basis, they are materially different.

36. My attention has also been drawn to several appeal decisions outside of the local planning authority area, which I have carefully reviewed. Whilst these are for sites outside of the settlement boundary, I have not been provided with any details to show how these relate to the existing built form. There is also no mention of harm to heritage assets, which attracts substantial weight. On this basis, this appeal site

is materially different to these previous decisions. Reference to the various Council and appeal decisions referred to by the appellant has therefore not altered my findings in relation to the appeal before me.

37. The comments regarding the Council's approach with consultees for other planning applications are noted. However, these are matters between the respective parties. My decision has focussed on the planning merits of the appeal proposal. I note that the Parish Council has not objected to the development, but their comments do not persuade me that the scheme is acceptable.

Planning Balance and Conclusion

38. For the reasons I have set out earlier, the proposal would harm the character and appearance of the area, heritage assets, would not meet local policy requirements for the location of development and would be a type of development that is not supported within the open countryside by the development plan. The proposal would therefore clearly be in conflict with the development plan as a whole.

39. Policy S5 (1) (j) of the Framework supports development outside of settlement boundaries where it would address an evidenced unmet need, which includes where a Council cannot demonstrate a 5 year supply of deliverable housing sites subject to certain criteria. These include where the development would be physically well-related to an existing settlement and be of a scale which can be accommodated.

40. The proposed development would be of a scale which can be accommodated, however, as detailed above, it would not be physically well-related to the settlement. Whilst Framework Policy HO7 states that substantial weight should be given to the housing benefit, Policy HE6 states that substantial weight should be given to the conservation of a designated heritage asset.

41. For the reasons given above, I give moderate weight to the harm to the non-designated heritage asset. I also give significant weight to the harm to the character and appearance of the area. On the other hand, the accessible location of the site attracts moderate weight in favour of the proposal. The public benefits highlighted above attract limited weight in its favour due to the modest size of the scheme. The appellant cites the absence of significant environmental, landscape, flood risk, highway or ecological constraints, however, the lack of harm is neutral in the planning balance.

42. The proposed development would not fall within any of the categories permitted under Policy S5 of the Framework for development outside settlement boundaries. Policy S5 (4) allows development in exceptional circumstances, however, this has not been demonstrated as the benefits of the scheme would not substantially outweigh the adverse effects.

43. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

C Evans

INSPECTOR