JohnsonMowat
Planning & Development Consultants

FAO Andy Mead
Examiner to Tattenhall and District Neighbourhood Plan

Sent via email c/o Cheshire West and Chester Local Planning Authority and Tattenhall Parish Council

Telephone 0113 8870120
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28 September 2026

Dear Mr Mead,

INDEPENDENT EXAMINATION OF THE TATTENHALL AND DISTRICT NEIGHBOURHOOD PLAN ON BEHALF OF GLADMAN DEVELOPMENTS LIMITED AND THEIR LAND INTEREST AT LAND AT GREENLANDS, TATTENHALL

I write on behalf of Gladman Developments Limited (Gladman) in relation to their land interest at Land at Greenlands, Tattenhall, Cheshire. Both Johnson Mowat and Gladman have made representations to the Neighbourhood Plan (NP) process at previous Regulation 14 and Regulation 16 stages. This letter is not intended to unduly repeat those representations made, the content of which is maintained, but is submitted to provide clarity on the current position of relevant applications and appeals within Tattenhall, including application 25/01764/OUT.

We make this submission having regard to the Examiner's Questions, in particular no. 21, as set out in the letter dated 8th September 2026. Whilst it is appreciated that the correspondence is directed towards Tattenhall Parish Council and Cheshire West and Chester Council, it is considered that the examination would also benefit from a direct up-date from Gladman in light of current ongoing appeal procedures. Further, as set out at the end of this letter, we request that the Inspector consults all relevant consultees on the new NPPF which is a material consideration for the examination.

Question 21. ***Omission Sites: Question to TPC and CWaCC.*** *I would be pleased to have comments about the reasons why (i) the land west of Tattenhall (Land at Greenlands), the subject of planning application 25/01764/OUT; (ii) Land at Chester Road, the subject of planning application 25/02070/OUT; (iii) Land off Shire Way (See representation from Lexwood); and (iv) land to the rear of Harrison Close (See representation 17185 from Mr A Topp) were omitted as allocations from the Plan. Should the Land of Park Avenue recently permitted on appeal for housing be included within the settlement boundary and, if so, please could an appropriate map be submitted (See representation from Lexwood)?*

Gladman's application 25/01764/OUT

The Examiner may be aware that application 25/01764/OUT for *Outline application for the erection of up to 110 dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved expect for access)* has now been submitted to the Planning Inspectorate as an appeal against non-determination.

The appeal is confirmed to proceed under the Inquiry procedure and the Inquiry dates are confirmed 24th – 27th November and 1 -3 December 2026. Having regard to the appeal timetable, the Planning Inspectorate has confirmed an appeal decision is expected to be issued on or before the 18th January 2027. The Examiner may wish to be mindful of these timescales.

On 24th September 2026, the Council's Statement of Case was submitted to the appeal which confirms that that there are just two putative reasons for refusal:

1. The failure to provide adequate information in respect of the ecological value of the site and proposed mitigation to be secured by the proposals together with a full and competent assessment in respect of measures in respect of biodiversity net gain. As such, the proposal is contrary to Policy N2 of the National Planning Policy Framework, the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended) where applicable, and Policies ENV4 of the Cheshire West and Chester Local Plan (Part One) and DM44 of the Cheshire West and Chester Local Plan (Part Two).

2. In the absence of a secured planning obligation under section 106 of the 1990 Act to provide for appropriate contributions, and affordable housing (without adequate justification for its absence), there would be an unacceptable impact on local infrastructure and under provision of affordable homes. The application would be contrary to policy STRAT11 and SOC1 of the Cheshire West and Chester Local Plan (Part One) and the NPPF.

The putative reasons for refusal identify no significant technical constraints to the delivery of development on this site nor do they identify any in principle reason why the scheme should not be granted. It is expected that each reason will likely fall away before the start of the Inquiry. For the Examiner's interest, the appeal documentation can be found publicly available at the following link :

25/01764/OUT Application Public Access

With regards to the first putative reason for refusal, the Gladman team are currently in the process of providing additional ecology survey work to the Inquiry. To date the results have raised no significant issue which cannot be addressed through appropriate site design and embedded mitigation to be secured through condition.

The second putative reason for refusal relates to the lack of an executed section 106 agreement.

It is highly relevant to note that the Council have raised no concern regarding capacity of the education provision subject to financial contributions. As identified within the previous Johnson Mowat NP representations, the capacity of the local Primary School is the only rationale given for the capping of any allocations in Tattenhall to 600 dwellings (paragraph 3.67 of Regulation 16 NP). It remains that insufficient evidence has been provided for this single most defining capacity constraint to growth levels within Tattenhall.

The statutory consultee response from Cheshire West and Chester Council's Education Officer (appended and dated 4th August 2025) confirms that sufficient capacity is available for pre-school, primary, secondary and sixth form aged pupils. Financial contributions are only requested for SEND provision. This is not disputed within the appeal proceedings and Gladman have committed to the payment.

Alongside the education financial contributions, the other matters requested by the Council to be secured by S106 are not disputed and a compliant S106 agreement will be submitted as part of the appeal papers at the appropriate time.

It is therefore the case that both Reasons for Refusal will be resolved removing any LPA objections.

It is further highly relevant that the only reason given for not allocating land west of Tattenhall Road in the SEA accompanying the NP was related to parts of the site being sited within flood zone 2/3. However, as was explained at part 4.2 of Gladman's representations on the Regulation 16 submission version of the NP, this is not a reason to prevent development of the site as the scheme does not include any development within flood zone 2 or 3. This is supported by the fact that flood risk has not formed any part of the Council's putative reasons for refusal.

Taylor Wimpey's application 25/02070/FUL

We also take this opportunity to update the examination on the latest position of the Taylor Wimpey application at Land at Chester Road, Tattenhall.

The Examiner may be aware that application 25/02070/FUL on behalf of Taylor Wimpey was refused at planning committee. The decision notice was released on the 20th July 2026.

An Officer's recommendation for approval was overturned by Members and the application refused on a single reason for refusal relating to housing mix.

It is understood that Taylor Wimpey has now submitted an appeal which is proceeding under the written representations procedure. For the Examiner's interest, the appeal documentation can be found publicly available at the following link :

25/02070/FUL Application Public Access

As far as Gladman are aware no other technical issues were raised and again primary school education capacity was not cited as a point of concern nor identified as experiencing capacity issues.

Provision for 600 homes

As set out above, the allocation of only 600 homes has not been justified through the purported primary school capacity. Furthermore, in so far as that figure is said to be justified through the provision of an indicative housing number provided by Cheshire West and Chester Council that number cannot carry any weight.

The Council's *Indicative Housing Requirements for Tattenhall*, May 2026, made clear that the figures provided were indicative only. The Council expressly stated that the figures took no account of policy or other matters which may impact the level of housebuilding. It also recognised that housing requirements provided in advance of the new Local Plan are at risk of changing.

Of particular relevance, the Council expressly acknowledged that the indicative figures may be "*wrong*", because they have necessarily been produced at a time when the Council does not have an up-to-date Local Plan. It further stated that the new Local Plan may ultimately identify **"***significantly higher or lower requirements***"**, depending upon the future strategy affecting individual settlements. The Council concluded that final housing requirements for individual areas will only be known once the new Local Plan has reached an advanced stage.

Accordingly, the May 2026 indicative figure cannot properly be treated as establishing either a fixed housing requirement for Tattenhall or a maximum level of development which the NP should seek to accommodate.

The indicative figure has not taken into account the sustainability of Tattenhall and its capacity to sustainably accommodate new development. This includes the fact that, unlike other key areas of the borough, Tattenhall is not constrained by green belt and therefore development of sites within and adjoining Tattenhall will not require green-belt release. This simple factor demonstrates the fallacy and irrationality of an indicative figure which simply seeks proportionally to scale up existing local plan requirements in accordance with an updated OAN (as the 525 figure appears to

do). Rather, any robust figure will be required to consider the needs of the entirety of the district and then to assess the capacity of each area to make provision for that development. That exercise has simply not been done either by Cheshire West and Chester Council or by the Parish Council.

The sustainability of Tattenhall has been strongly demonstrated by the fact that the Council agrees that there are no in-principle reasons why at least two other sites should not be developed in Tattenhall. The failure of the 600 figure to take account of Tattenhall's sustainability as a settlement (particularly where other areas of the district are constrained) in the context of the Council's dire housing need is a significant and material failing.

Further the figure has given no consideration to the significant need for affordable housing both across the district and in the local area. Even if the 600 homes which are proposed to be allocated were built that amounts to only 30 homes per year and even if those homes provided a policy-compliant amount of affordable housing that would amount to only c10 affordable homes per year. In the face of overwhelming need, the failure to robustly justify the amount of housing allocated is a significant and material failing.

Ultimately, there is not sufficient planning evidence to support or justify the 600 home figure which falls to be tested through this NP examination.

The new NPPF

Since the submission of the NP, the new NPPF has been published. This represents a material change in policy. The NP itself refers in a number of places to the consultation draft of the NPPF and has expressly sought to have regard to that document as part of its development. Thus, the new NPPF is patently a relevant material consideration. In light of this material change of circumstances, we request that the Inspector consults all relevant consultees on the new NPPF and would request a four week period in which to respond.

Summary

It remains the case that there are significant concerns regarding the suggested cap to growth within Tattenhall resulting in identified allocations for 600 dwellings within the NP area. As previously expressed in representations, the number appears unjustified with only a brief mention towards primary education capacity, a matter which is unevidenced within the NP papers. Any reliance upon the indicative housing number is also unsound in light of current material considerations.

Currently subject to live appeals are both applications 25/01764/OUT and 25/02070/FUL. To date, within the documentation there has been no significant technical constraint or in principle reason

identified which should preclude either development form coming forward. In both cases, primary education capacity is agreed by the Local Planning Authority as acceptable.

We request that the Examiner is mindful of these ongoing appeals during the examination of the NP.

Yours sincerely,



Becky Richmond
Joint Managing Director

Cheshire West & Chester Council

Consultee Response to Planning Application

Site Location: Land At Grid Ref 348876 359298 Greenlands Tattenhall Chester

Planning Application Reference: 25/01764/OUT

Proposal: 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).(Full Flood Risk Assessment available online)

Consultee: Education service, Cheshire West and Chester Council

Date: 4 August 2025

The Education service use a pupil yield calculation based on bedroom numbers to determine how many pre-school aged pupils, primary aged pupils, secondary aged pupils, Sixth Form aged pupils and pupils with Special Educational Needs and/or Disabilities (SEND) are likely to be generated from a new housing development. Retirement units and one bedroom dwellings are not included in the calculation.

In the absence of a breakdown of bedrooms numbers for a development an average is used.

Education has reviewed the application and offer the following comments.

The application states 110 number of dwellings.

No breakdown of bedroom numbers has been provided within the application so an average has been used.

The development is expected to generate:

9 pre-school aged pupils. There are currently sufficient places so there will be no claim.

23 primary aged pupils. There are currently sufficient places so there will be no claim.

19 secondary aged pupils. There are currently sufficient places so there will be no claim.

9 sixth form aged pupils. There are currently sufficient places so there will be no claim.

2 SEND pupils. There are insufficient places, this claim is for 2 pupils.

The following contributions would be required:

Age Phase	Contribution
Mainstream Pre-school	£0
Mainstream Primary	£0
Mainstream Secondary	£0
Mainstream Sixth Form	£0
SEND	£170,320.00
TOTAL	£170,320.00

The costs per pupil place for each phase noted above are based on the Department for Education's (DfE) scorecard published June 2022. DfE guidance recommends that pre-school costs are assumed the same as primary school costs, and similarly sixth form are the same as secondary school costs. SEND costs are calculated using the DfE recommended guidance of using four times the cost of mainstream places.

In conclusion, without mitigation, the proposed development would have a detrimental impact upon the following education provision:

- SEND

Subject to a developer contribution of £170,320.00, excluding indexation, the Education service will not raise an objection to the application.

Indexation will be applied in line with the Council's policies and procedures.

This response will be revised as necessary in the event of subsequent applications, amendments or upon the receipt of further detail.