ONH
Planning for Good

TATTENHALL AND DISTRICT PARISH COUNCIL

Rule 6 Party

NOTE OF APPEAL DECISIONS

Leah Coney MA (Oxon) MRTPI CiLCA

ONH Planning for Good

Appeal reference: 6013490

Land at Tattenhall Road (Greenlands), Tattenhall

Application reference: 25/01764/OUT

Appeal against the non-determination by Cheshire West and Chester Council of an outline application for up to 110 residential dwellings, including affordable housing, together with structural planting and landscaping, public open space, sustainable urban drainage and associated works, with all matters reserved except access.

3 November 2026

Introduction

This note responds to paragraph 26 of the Inspector's note of the Case Management Conference. It lists the appeal decisions referred to in my proof of evidence for the Rule 6 Party, Tattenhall and District Parish Council (TPC), with a summary of their relevance to this appeal.

Appeal decisions referred to

Decision	Findings relied on	Relevance to this appeal
Land off Shire Way, Tattenhall 6008560, 9 October 2026 Permission in principle, up to 9 dwellings; dismissed August 2026 Framework Appendix N	Emerging plans, including the eTDNP2 as then submitted for examination, could not be given significant weight under DM4 (para 5). The site adjoined the settlement along one side only and would be an outward extension, not rounding off. It was not physically well related, so S5(1)(j) did not apply, although the scale could be accommodated (paras 9 and 40). Conflict with made Policy 2 and with the development plan as a whole (paras 15 and 38). An accessible location (para 34), given moderate weight in favour (para 41). Outside the S5 categories; exceptional circumstances under S5(4) were not shown, because the benefits would not substantially outweigh the adverse effects (para 42).	Same settlement, current Framework. Supports the stepped approach to the eTDNP2's weight; the approach to physical relationship and S5(4); the conflict with made Policy 2; and the weight given to location.
Land south of Ellison Close, Stanstead Road, Hunsdon 6008063, 6 October 2026 Outline, up to 7 dwellings; dismissed August 2026 Framework Appendix P	Physical relationship, access to services and infrastructure considered separately under S5(1)(j) (para 11). Conflict with a neighbourhood plan policy broadly consistent with DP3 weighed substantially against the proposal (para 20) and engaged S5(2) (para 36). A later change in local housing need did not disapply S6, and it is not the function of an appeal to reconsider an examined housing requirement (paras 37 and 38).	Applies S5, Annex A paragraph 2, DP3 and S6 under the current Framework. Relied on for not re-running the examined housing figure; made Policy 2; the distinction between physical relationship and access; and S6.

Decision	Findings relied on	Relevance to this appeal
Land west of 21 Hemsby Road, Martham 6009413, 24 August 2026 Industrial unit; dismissed August 2026 Framework Appendix O	Applying DM4, moderate weight to an emerging local plan policy at an advanced stage but still at examination, with outstanding objections (para 3).	Cited only on the DM4(1) weight of an emerging plan during examination. The eTDNP2 has gone further, because its examination is complete.
Land north west of Twelve Houses, Sowbrook Lane, Stanton by Dale APP/N1025/W/23/3319160, 31 January 2024 Outline, up to 196 dwellings; dismissed after inquiry December 2023 Framework Appendix Q	Rejected the argument that the appeal homes would simply add to the emerging plan's allocations: permitting a strategic-sized site outside them would undermine the spatial strategy and increase the potential for further speculative proposals (paras 116 and 117). The emerging plan was given significant weight (para 157) and, separately, the prematurity harm substantial weight (para 160). The harms were weighed individually and cumulatively, against the totality of harm (para 162). Policy-compliant affordable housing was given significant weight (para 148).	Relied on for the approach to prematurity: its weight, its separation from the conflict with emerging policies, and weighing the harms together. Decided under an earlier Framework, with market housing given moderate weight (para 145). It is not relied on as a comparable balance.
Land on the south and south east side of Harts Lane, Burghclere APP/H1705/W/20/3248187, 22 December 2020 Outline, up to 35 dwellings; dismissed February 2019 Framework SoC Appendix D	An examined neighbourhood plan with a Regulation 18 decision statement was given significant weight, citing PPG paragraph 107 (para 13). The conflict with the scale and location of housing in the emerging plan, and the prejudice to the plan-making process, were weighed as adverse impacts (para 63).	Supports the step to significant weight after the Regulation 18 decision, and the treatment of the conflict with the plan and the prejudice to plan-making as separate harms.
Land off Rosemary Lane, Thorpe APP/Q3630/W/20/3253944, 21 October 2020 Outline, up to 83 dwellings; dismissed February 2019 Framework SoC Appendix C	The importance of the community retaining confidence in neighbourhood planning (para 5). A neighbourhood plan that had completed Regulation 16 publicity but not examination was at an advanced stage, and the scale and cumulative effect of the proposal would undermine the plan-making process by predetermining decisions (para 8).	Supports the stage at which a neighbourhood plan is advanced, and the harm to community confidence. The plan was at an earlier stage than the eTDNP2.

Decision	Findings relied on	Relevance to this appeal
Land rear of 15–38 Greenlands, Tattenhall (the appeal site) APP/A0665/A/12/2185667, Secretary of State, 21 April 2017 Outline, up to 137 dwellings; dismissed, with two linked sites on Chester Road 2012 Framework CD 8.11	With a five-year supply then demonstrated, housing policies carried full weight (DL 24, 25 and 39). The proposal conflicted with the development plan, including made NP Policies 1 and 2, and the conflict with the made neighbourhood plan was given significant weight (DL 39 and 40).	Cited only to show that pressure for growth in this direction is long-standing. The policy context has changed, including the five-year supply position, and I do not rely on its balance.
Land west of Tattenhall Road, Tattenhall (part appeal site) APP/A0665/W/18/3202053, 3 December 2018 Outline residential development of up to 30 dwellings, public open space, access and associated works. Dismissed 2018 Framework Appendix V	Five-year supply demonstrated. The site did not constitute an appropriate location for housing, having particular regard to the effect on the character and appearance of the countryside. Conflicted with Policies ENV2 and ENV6 of the CWCLP, and NP Policy 1 and Policy 2	Cited only to show conflict with development plan and in particular NP Policy 2 in this location was relevant under that version of the Framework at that time. The policy context has changed, including the five-year supply position, and I do not rely on its balance.

Use of artificial intelligence

In line with the Planning Inspectorate's guidance on the use of artificial intelligence in casework evidence, I used an AI system, Claude (Anthropic), to help compile the decisions listed and to check paragraph references. I have checked each summary and reference against the decision itself and take full responsibility for the content.