ONH
Planning for Good

TATTENHALL AND DISTRICT PARISH COUNCIL

Rule 6 Party

SUMMARY PROOF OF EVIDENCE: PLANNING

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

1. Introduction

1.1 I am Leah Coney, Planning Director at ONH Planning for Good and a Chartered Member of the Royal Town Planning Institute. I give planning evidence for Tattenhall and District Parish Council (TPC), a Rule 6 party. This is a summary of my proof of evidence. It introduces no new evidence, and paragraph references are to my proof.

1.2 TPC has deliberately narrowed its case to the relationship between the appeal proposal and the emerging Modified Tattenhall and District Neighbourhood Plan 2025–2045 (the eTDNP2), and to the overall planning balance: main issues (c) and (d). TPC raises no technical objection.

2. The eTDNP2 and its weight

2.1 The eTDNP2 plans positively for growth. It provides for about 600 homes, more than the Council's indicative requirement of 526, through a phased allocation north and south of Frog Lane tied to settlement-wide infrastructure. The Examiner's report of 22 October 2026 (SoC Appendix J) found that the plan, as modified, meets the Basic Conditions, and agreed with the reasons for not allocating the omission sites, including the appeal site (paras 3.2 and 3.3).

2.2 The plan's weight rises in statutory steps (para 2.3). It merits moderate weight now. Once the Council makes its Regulation 18 decision, due on or before 26 November 2026, section 70(2)(aza) of the 1990 Act requires the decision-maker to have regard to it, and the Planning Practice Guidance advises that it can be given significant weight. After a successful referendum it becomes part of the development plan, and Policy S6 of the NPPF (Framework) applies.

2.3 No objection to the relevant policies remains unresolved through examination, and those policies show a high degree of compliance with the Framework's plan-making policies (Sections 3 and 4). The housing figure has been examined and should not be re-run here (para 5.2), and Phase 1 of the allocation is being brought forward now (Section 6).

3. Prematurity: DM4(2)

3.1 Both limbs of DM4(2) are met. The eTDNP2 is at an advanced stage and is not yet part of the development plan (para 7.4). The proposal would be so significant that granting permission would undermine the plan-making process by predetermining decisions central to the plan (paras 7.6 to 7.13):

- **Scale:** up to 110 homes, about 21% of the indicative requirement;

- **Location:** outside the settlement boundary, on the opposite side of the village from the Frog Lane allocation, establishing a separate major direction of growth on a site the Examiner has just considered;
- **Phasing:** ahead of and outside Policy 7's phasing and the infrastructure tied to it; and
- **Cumulative effect:** with the other live proposals, about 350 to 360 homes outside the strategy, about two-thirds of the indicative requirement.

3.2 As DM4(3) requires, I have explained how granting permission would prejudice the plan: it would predetermine the location, scale and phasing of growth, and decide through an appeal where Tattenhall grows (para 7.14).

3.3 The harm is the predetermination itself, not a forecast of the referendum. Allowing the appeal would change, through an appeal decision rather than through the plan, the proposition the community is asked to support: about 600 homes in the location the plan has chosen would in effect become about 710, and about 950 with the other proposals (para 8.2). Deciding by appeal where Tattenhall grows would undermine confidence in the plan-led process (paras 8.1 to 8.4).

4. Infrastructure

4.1 TPC does not dispute that the scheme's own infrastructure needs can be addressed through the planning obligation. But an obligation cannot secure the settlement-wide outcomes eTDNP2 is designed to deliver (Section 9 and Table 2). Healthcare and education provide two examples to illustrate how the plan has addressed infrastructure (para 9.4). The ICB has found that the existing surgeries cannot absorb additional residents, so new premises are needed, and the eTDNP2 plans for that through the scale and phasing of growth, with land safeguarded at Frog Lane should it be required (paras 9.5 and 9.6). Significant growth outside the plan would draw on the school places the allocation relies upon, predetermining decisions about the phasing of new development (paras 9.7 and 9.8). I treat infrastructure as part of the DM4(2) harm, not as a separate objection (para 9.9).

5. The planning balance

5.1 The proposal conflicts with STRAT 9, the Local Plan's spatial strategy and made Policy 1, which the appellant acknowledges. That conflict carries very limited weight if S5(1)(j) applies, but substantial weight if it does not, because STRAT 9 is then consistent with national policy (paras 10.1 to 10.3 and Table 3).

5.2 TPC does not accept that S5(1)(j) is engaged. The site adjoins the built-up area only along its southern boundary, across Keys Brook. In Shire Way, a site on the edge of Tattenhall that

adjoined the settlement along one side only was found not to be physically well related, and S5(1)(j) did not apply. If it does not apply here, S5(4) allows the proposal only in exceptional circumstances (para 10.6). Being well located for services is a different question, and the site's location attracts no more than limited weight (paras 10.7 to 10.9).

5.3 I give substantial weight to the housing benefit of the appeal site and significant weight to the affordable housing. Against them, the prejudice to the plan-making process carries substantial weight and, with the conflict with eTDNP2 Policies 1 and 7, very substantial weight once the Regulation 18 decision is made (Table 3 and para 10.14). If the Inspector finds a conflict with made Neighbourhood Plan Policy 2, which protects the gap between Tattenhall and Newton-by-Tattenhall, that would also carry substantial weight in addition (paras 10.4, 10.5 and 10.16).

5.4 The balance is a judgement, not a sum (para 10.15). Until a successful referendum, the proposal is premature under DM4(2) whether or not S5(1)(j) applies:

- **If S5(1)(j) is not engaged,** S5(4) requires the benefits to substantially outweigh the adverse effects, and in my opinion they do not.
- **If S5(1)(j) is engaged,** DM4(2) identifies the limited circumstances in which refusal on grounds of prematurity is justified, and neither of its limbs depends on the state of housing supply. If the housing benefits of a proposal outside the plan were always enough to outweigh that prejudice where supply is short, DM4(2) would have no work to do in the very circumstances in which such proposals arise. In my opinion the benefits are substantially outweighed, as S5(2) indicates is likely.
- **If the plan is approved at referendum before the decision,** the proposal conflicts with the development plan, and Policy S6 indicates that the benefits are likely to be substantially outweighed.

6. Conclusion

6.1 Prematurity is central to this decision. In Tattenhall, the community has planned for more homes than the Council's indicative figure, chosen where they should go, and had that choice tested through examination. Granting permission would decide through an appeal what the plan has just decided (paras 11.1 and 11.2).

6.2 Whether or not S5(1)(j) applies, Policy S5 does not support the proposal, because it is premature under DM4(2) and its benefits are substantially outweighed by its adverse effects. The material considerations, including the Framework, do not indicate a decision other than in accordance with the development plan, and the eTDNP2 points the same way (para 11.4).

6.3 For these reasons, I respectfully ask that the appeal be dismissed.

7. 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 prepare this summary from my proof and to check its paragraph references against the proof. I have checked the content and take full responsibility for it.