JohnsonMowat
Planning & Development Consultants

Gladman Developments Ltd.

Land West of Tattenhall Road, Tattenhall

Outline application for the erection of up to 110 residential dwellings

SUMMARY Planning Proof of Evidence

Mark Johnson – Johnson Mowat Planning Ltd
Appeal Reference: 6013490

3/11/2026

Johnson Mowat References

Client	Gladman Developments Ltd.
Site	Land West of Tattenhall Road, Tattenhall
Development	Outline application for the erection of up to 110 residential dwellings
Local Planning Authority	Cheshire West and Chester
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Contents

1. Introduction 1
2. Proposed Development 2
3. Planning History 2
4. Statutory policy context and other relevant policies 3
5. The Appellant's Case 3

1. Introduction

Personal Statement

1.1 My name is Mark Thomas Johnson, I have been appointed to represent the appellants in respect of Land to the West of Tattenhall Road, Tattenhall. I was appointed by the Appellants, Gladman Developments Ltd (Gladman) on the 30th March 2026 to act as planning consultant.

1.2 I am a member of both the Royal Institution of Chartered Surveyors and the Royal Town Planning Institute. I have a university degree in the economic recovery of minerals. I have 45 years' experience in the mineral surveying, contract management and planning policy sectors.

1.3 The evidence which I have prepared and provided for this appeal in this proof of evidence is true and has been prepared and is given in accordance with professional standards. I confirm that the opinions expressed are true and professional opinions. In providing expert evidence to the inquiry, I am fully aware that my duty is to the inquiry and I provide my honestly held professional view, irrespective of by whom I am employed.

The Appeal

1.4 This SUMMARY Planning Proof of Evidence is prepared on behalf of Gladman Developments Ltd. (Gladman) in relation to land at Land West of Tattenhall Road, Tattenhall. This Appeal relates to the non-determination of application reference 25/01764/OUT by Cheshire West and Chester Local Planning Authority for 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).

1.5 The Outline Planning Application was submitted to the Council on 6th June 2025 and subsequently validated on 9th July 2025. The application was due to be determined by the 8th October 2025. Since this time a number of Extension of Time (EoT) agreements were made between the Appellant and the Council, the latest EoT was agreed to the 10th July 2026.

1.6 Although this appeal is an appeal against the non-determination of the application by the Council, the Appellants and the Local Planning Authority (LPA) have maintained a good working relationship in the appeal period and have now substantially narrowed any outstanding matters of dispute. This is set out in the Statements of Common Ground (SoCG) between the LPA and the Appellant. The same is true of Tattenhall Parish Council (TPC), which is a Rule 6 party and the remaining limited areas of dispute are addressed in the SoCG between TPC and the Appellant.

Main Issues in this Appeal

1.7 The Main Issues between the parties were until recently largely unknown. However, in recent weeks, the production of putative reasons for refusal by the LPA and introduction of the Parish Council as a Rule 6 Party has now clarified this.

1.8 The Case Management Conference Note (CMC 5th October 2026) when combined with each party's Statement of Case allowed the Inspector to summarise the Main Issues for the Inquiry as follows:

a. The effect of the proposal on on-site ecology;

b. Whether the proposal would make appropriate provision for affordable housing and local infrastructure;

c. Whether the scale and location of proposed development would be acceptable, having regard to the emerging neighbourhood plan; and

d. The overall planning balance.

2. Proposed Development

2.1 The details of the development proposals are set out within the application documentation. To avoid unnecessary repetition only a summary is presented below.

2.2 The appeal relates to Outline proposals, with all matters reserved except for access. The application proposal includes the following:

- Up to 110 residential dwellings (including 30% affordable housing);
- Vehicular access 'T junction' onto Tattenhall Road including footway on both sides within the development;
- Pedestrian crossing on Tattenhall Road with dropped kerb and tactile paving to connect to existing footway which allows onward travel south into the village centre, enhancing connectivity between the site and Tattenhall;
- Structural landscape planting and the retention and positive management of key landscape features;
- 3.21 ha of formal and informal open space comprising a new children's play area, a surface water attenuation basin, structural planting, and landscaping; and,
- The Sustainable Urban Drainage system (SuDS) will be situated at the lowest point of the site (south of the site), to manage the flow of surface water during periods of heavy and persistent rainfall. The attenuation basin will also provide habitat creation.

2.3 In addition, the S106 Agreement that accompanies the Appeal contains Community Infrastructure provisions as follows:

- Healthcare Funding
- Youth Play
- Park and Recreation
- Sports Pitch sum
- Sports Pitch Maintenance sum
- Sports Pitch Changing Facility sum
- Special Educational Needs and/or Disabilities (SEND)
- Ecological Management Monitoring

2.4 The above provisions are provided at the request of the LPA and supported by the LPA's CIL Reg 122 Justification Report.

3. Planning History

3.1 The relevant planning history is briefly set out below.

Site History

3.2 The Appeal site has been subject to two refused Outline applications, both of which were subsequently dismissed at appeal.

Other Relevant Applications/ Appeals

3.3 There are two other relevant applications in the locality of the appeal site which are noted below. These will be referenced, where appropriate, within the case.

- **Taylor Wimpey** (TW): Application Reference 25/02070/FUL : Erection of 110 dwellings, provision of associated access and infrastructure works including roads, drainage infrastructure, car parking, public open space, landscaping and associated works.

3.4 The above application was submitted on behalf of Taylor Wimpey and relates to the land to the south west of the appeal site. The application was validated in August 2025.

3.5 The TW Appeal remains undetermined. TW have submitted a second planning application on the same site (LPA ref: 26/02414/OUT) for 120 dwellings with a more complaint mix. This application remains with the LPA.

- **Bolesworth Estate**: Application Reference 26/00486/OUT : Outline planning application with all matters reserved (except for principal means of access), for development comprising up to 400 no. dwellings (Use Class C3) and new Medical Centre (Use Class E), with associated open space, landscaping, allotments and other associated worked including earthworks and drainage.

3.6 The above application was submitted on behalf of Bolesworth Estate Company Limited and was validated in March 2026. The Bolesworth application remains with the LPA. I note there are reservations from the Council's Conservation Team in relation to the heritage harm caused by that application.

4. Statutory policy context and other relevant policies

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

4.2 At the time of writing the current development plan comprises the:

- Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted July 2015); and,
- Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted July 2019).
- Tattenhall Neighbourhood Plan 2014

The Tattenhall and District Modified Neighbourhood Plan (2026)

4.3 Given the age of the made NP, the Parish Council - the relevant qualifying body - are currently in the process of preparing a modified NP which will cover the period from 2025 to 2045. This Tattenhall Neighbourhood Plan (the 2026 NP) (CD6.05) will contain housing allocations for 600 dwellings.

4.4 Notably, none of the above policies set the 600 dwellings as a maximum. None of the policies restrict development to inside the 2026 TNP settlement boundary. While the Appellants continue to object to the making of this emerging Neighbourhood Plan, I find no conflict with its policies.

5. The Appellant's Case

5.1 The LPA's position now appears to be one of generally no objection, subject to a S106 being signed.

5.2 Tattenhall Parish Council's (TPC) position as a Rule 6 Party is objecting but not on any technical point. This is confirmed in:-

- TPC's September 2026 Summary Statement of Case – para 1.5
- The TPC October 2026 detailed Statement of Case which contains no technical objection to the Appeal proposals.

5.3 Since the CMC Note, TPC have published their detailed Statement of Case (21 October 2026). In that statement, TPC's case was entirely limited to the location of the appeal site in relation to the emerging TNP. It did not allege that there is any other type of harm which should lead to a refusal of

planning permission. This includes any impacts upon the landscape, highways, flooding, heritage, and ecology.

5.4 On 2nd November, the TPC position was updated to additionally inform of their concerns relating to GP and Primary School capacity. Given the lateness of those points, the Appellant reserves the right to respond on these matters once seen in the TPCs evidence.

Conclusion and Overall Planning Balance

5.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicated otherwise. The Cheshire West and Chester Local Plan is now over five years and has not been subject to recent review.

5.6 I have identified some limited conflicts with the Development Plan in relation to STRAT9 of LP1 and GB2 and DM19 of LP2 given these two policies hang from Policy STRAT9. However, I have explained that the spatial strategy of the Development Plan is now considerably out of date. Not only does the spatial strategy plan for a level of housing which has been significantly overtaken by latest housing requirements, the borough's five-year housing land supply is only 1.6 years with delivery rates on a downward trend.

5.7 As such, I have given any conflict with the spatial strategy should be given very limited weight. Further, in the event that limited landscape impact is considered as conflicting with development plan policies, then I consider that conflict should also be given limited weight as such a policy provision is inconsistent with the approach taken by the NPPF.

5.8 I note that conflict with one or two policies does necessarily mean that there is conflict with the development plan. When considered as a whole, I consider that the proposal does comply with the Development Plan overall. If there is a conflict with the Development Plan then this is minor and limited.

5.9 I have explained that there is also no conflict with the emerging TNP. In light of this, together with the fact that allowing the Appeal proposals will not prevent the TNP from proceeding there is no credible basis for arguing that the Appeal proposals are premature, applying policy DM4.

5.10 The Appeal proposals fall to be considered under policy S5(1)(j). There is no dispute between the parties that S5.1.(i) applies. In such circumstances the issue is whether the adverse effects of the proposal would substantially outweigh the benefits.

5.11 It my opinion the Appeal proposals are in accordance with the development plan when read as a whole and this includes the 2026 TNP should it be made in the decision-making period of this appeal.

5.12 It is my opinion the development proposals would constitute sustainable development and that there are no technical reasons which are not insurmountable through mitigation measures to be secured by way of appropriately worded condition or Section 106 legal agreement.

5.13 This Proof has identified a number of benefits and harms associated with the appeal proposal. The table below summarises those topics.

Benefits			**Harms**	
Topic	Level of Benefit		Topic	Level of Harm
Market Housing	Substantial		Agricultural Land	Limited
Affordable Housing	Substantial		Landscape	Limited
Economic Benefits	Substantial		Heritage if Greaves Farm considered a NDH asset	Limited
Sustainable Location	Substantial		Countryside location	Limited
Greenspace Provision	Moderate			
BNG	Moderate			

5.14 It is clear to me that the benefits of the proposal are not substantially outweighed by the adverse impacts. In fact, the reverse is true.

5.15 I have also considered the position if the emerging TNP were to be adopted. I do not consider that this changes the analysis of Development Plan compliance. The proposal does not conflict with any of the emerging policies in the TNP. Significantly, the location of the appeal site outside of the settlement boundary is not in conflict with the emerging TNP.

5.16 Even if there were to be considered technical conflict and Policy S6 of the NPPF were to apply, I consider that this would not tip the balance in favour of a refusal. I have explained that it is necessary to consider all circumstances when considering S6.

5.17 Here, the Borough has one of the worst five-year housing land supplies in the Country and there is a significant need for affordable housing.

5.18 There are serious question marks over the indicative housing figure which was used to form the basis for allocations in the emerging TNP and these have not been tested in the NP Examination. Ultimately Tattenhall is one of only a handful of sustainable settlements in Cheshire West which are located outside of the Green Belt. The proposal would also give rise to a number of other benefits which I have set out above.

5.19 Therefore, even if the emerging TNP were adopted and even if the Appeal proposals were found to conflict with it, the balance would still remain in favour of a grant of consent. I consider that the planning balance weighs heavily in favour of a grant of permission whether or not the emerging TNP is adopted.