JohnsonMowat
Planning & Development Consultants

Gladman Developments Ltd and Cheshire West and Chester Council

Land West of Tattenhall Road, Tattenhall

Outline application for the erection of up to 110 residential dwellings

Planning Statement of Common Ground

Appeal Reference: 6013490

LPA Application Reference: 25/01764/OUT

Johnson Mowat References

Appellant	Gladman Developments Ltd and Cheshire West and Chester Council
Appeal Reference	APP/Z4718/W/25/3375000
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 Council
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1. Introduction

1.1 This Planning Statement of Common Ground has been prepared by Gladman Developments Ltd and Cheshire West and Chester Council, the Appellant and the Local Planning Authority (LPA) in respect of an appeal against the non-determination of an Outline application for the residential development (LPA Ref: 25/01764/OUT) on land west of Tattenhall Road, Tattenhall.

1.2 The document sets out the matters on which there is agreement and those which remain in dispute.

1.3 The Appellant submitted an Outline Planning Application on 6th June 2025. The application was validated on the 9th July 2025. The application description is as follows -

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).

1.4 It is agreed that the application description has not changed through the course of the application.

1.5 It is agreed that the proposals do not constitute Environmental Impact Assessment (EIA) development and an Environmental Statement was not required to support the application.

1.6 The original application determination date was the 8th October 2025. It is agreed that a number of Extensions of Time (EoT) were agreed between the LPA and the Appellant following that date.

1.7 It is agreed that the most recent EoT was agreed to the 30th June2026. It is agreed between the parties that at the point of submission there was no further EoT in place.

1.8 A full list of application documentation submitted to the Council at the point of appeal is provided below. The list is agreed between the Council and Appellant.

Plan/Document	Reference	Date received
Cover Letter and Certificates	Dated 5th June 2025	06.06.25
Location Plan	D100797.001	06.06.25
Development Framework Plans	PS10797/002 Rev D	21.04.26
Flood Zone Offset	SHF1132307-ENZ-XX-XX-DR-Y-0009 P03	21.04.26
Proposed Access Arrangements	1952-01 Rev B	15.05.26
Planning and Affordable Housing Statement	June 2025	06.06.25
Design and Access Statement	IN10797.001 May 2025	06.06.25
Landscape and Visual Appraisal	10797.01.001 April 2025	06.06.25
Preliminary Ecological Appraisal	10797.03.002 version 1.1	06.06.25
BNG Feasibility Report	10797.03.003 version 2.0	06.06.25
Arboricultural Impact Assessment	10797.02.001 version 1.0	06.06.25
Heritage Statement	P24-2708 April 2025	06.06.25
Flood Risk Assessment and Outline Drainage Strategy	SHF.1132.307.HY.R.001.A	06.06.25
Preliminary Geo-environmental Risk Assessment	SHF.1132.307.GE.R.001.A	06.06.25
Air Quality Assessment	February 2025	06.06.25
Noise Assessment	April 2025	06.06.25
Transport Assessment	April 2025	06.06.25
Travel Plan	March 2025	06.06.25
Highways Technical Note 2	Dated 22nd January 2026	15.05.26
Socio-Economic Report	June 2025	06.06.25
Waste Management and Minimisation Strategy	June 2025	06.06.25
Sustainable Construction Checklist	Dated 9th May 2025	06.06.25

Health Impact Statement	Dated 15th May 2025	06.06.25
Utilities Statement	June 2025	06.06.25
Mineral Resource Assessment	May 2025	06.06.25
Topographical Survey	2023-030_Topo_01_2d	06.06.25
Biodiversity Metric v2	X10797.03.002	06.06.25
Application Form	Dated 5th June 2025	06.06.25
Swept path Analysis: Refuse Vehicle 1952/SP/01 Rev A		

2. Site Location and Description

2.1 The following description of the Appeal site is agreed between the parties.

2.2 The application site is approximately 6.3 hectares of greenfield land located to the north of Tattenhall.

2.3 The site is generally flat but with a slope towards Keys Brook to the south.

2.4 The main body of the site is generally clear of trees and hedgerows with any such coverage limited to the field boundaries.

2.5 The site is free from built form save for a small area of hardstanding upon which sit a number of small structures adjacent to Tattenhall Road at the eastern boundary of the site.

2.6 There are no Public Rights of Way (PROW) crossing the site although PROWs are located approximately 380 metres to the west and 526 metres to the east.

3. The Appeal Proposal

3.1 The proposed development is for the residential development of land to the west of Tattenhall Road, Tattenhall.

3.2 The Development Framework Plan Rev D (CD2.02) and accompanying Design and Access Statement (CD1.06) demonstrate how the site can be brought forward for the residential development of up to 110 dwellings.

4. Planning Policy Context

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.

Adopted Development Plan

4.2 The Adopted Development Plan for this site is as follows:

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

Cheshire West and Chester Local Plan (Part One) Strategic Policies

4.3 The Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) was adopted in January 2015 and sets the overarching strategy for growth and development across the authority area over the plan period 2010-2030. The Plan makes provision for 22,000 (net) new dwellings to be delivered over the plan period, equating to an average of 1,100 dwellings per annum (dpa).

4.4 Under Local Plan Regulations a review of the Local Plan must be completed every five years. A review of the Local Plan Part 1 was undertaken and reported on the 20th January 2020. It was found that the Local Plan did not need updating. . Between June 2021 and September 2021 the Council undertook consultation to determine whether the Local Plan should be updated and the scope of any potential update. In April 2022 it was decided in response to this consultation, the Council committed to an update of the Local Plan (Part One) and where required amend or replace policies in the Local Plan (Part Two). The Council undertook a Regulations 18 Issues and Options consultation from 4 July 2025 to 29 August 2025That review was now some six years ago and a further review has not yet taken place. Given the Local Plan is now over five years old, policies should be assessed for conformity with national policy.

4.5 The policies of the Local Plan Part 1 that are of relevance to this appeal are as follows:

- STRAT 1 – Sustainable Development
- STRAT 2 – Strategic Development
- STRAT 8 – Rural Area
- STRAT 9 – Green Belt and Countryside
- STRAT10 – Trasport and Accessibility
- STRAT 11 - Infrastructure
- SOC1 – Delivering affordable housing
- SOC3 – Housing mix and type
- SOC5 – Health and wellbeing
- SOC6 – Open space, sport and recreation
- ENV1 – Flood risk and water management
- ENV2 – Landscape
- ENV3 – Green Infrastructure
- ENV4 – Biodiversity and geodiversity
- ENV5 – Historic environment
- ENV6- High quality design and sustainable construction
- ENV9-Minerals supply and safeguarding

Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies

4.6 The Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) was originally adopted on 19th July 2019, in line with national policy, and reviewed in July 2024. The review highlighted some areas where changes to national planning controls at the national level mean some policies are not operating as intended. Those policies are anticipated to be fully reassessed as part of the new plan making system. Given the Local Plan is now over five years old, policies should be assessed for conformity with national policy.

4.7 The policies of the Local Plan Part 2 of relevance are set out below:

- GBC2 – Protection of landscape
- T5 – Parking and access
- DM2 – Impact on residential amenity
- DM3- Design, character and visual amenity
- DM19 – Proposals for residential development
- DM20 – Mix and type of new housing development
- DM23 – Delivering affordable housing
- DM29 – Health impacts of new development
- DM30 - Noise
- DM31 – Air Quality
- DM32 – Land contamination and instability
- DM35 – Open space and new development
- DM36 – Provision for sport and recreation
- DM40 – Development and flood risk
- DM43 – Water quality, supply and treatment
- DM44 – Protecting and enhancing the natural environment
- DM45 – Trees, woodland and hedgerows
- DM46 – Development in conservation areas
- DM47 – Listed Buildings
- DM50 – Archaeology
- M2- Mineral Safeguarding areas
- GBC2 – Protection of landscape

Tattenhall and District Neighbourhood Plan (2014)

4.8 The Tattenhall and District Neighbourhood Plan (NP) was made in June 2014 and therefore forms part of the Development Plan for Cheshire West and Chester. It must be given consideration when determining planning applications. It is confirmed that the appeal site falls within the designated Neighbourhood Plan Area for Tattenhall.

4.9 The relevant policies of the NP are as follows:

- Policy 1 – Housing Growth
- Policy 2 – Design, character and landscape
- Policy 4 – Local Facilities
- Policy 5 – Transport and Communications
- Policy 6 – Landscape and Environment

4.10 The made NP does not identify specific housing allocations or development sites nor does it identify a specific housing requirement for the NP area.

The Tattenhall and District Modified Neighbourhood Plan

4.11 Given the age of the NP, the Town Council - the relevant qualifying body, are currently in the process of examining a modified NP which will cover the period from 2025 to 2045.

Emerging Local Plan

4.12 The Council have committed to progressing a new Local Plan under the Town and Country (Local Planning) (England) Regulations 2026. The Council published the *Notice of Intention to Commence Local Plan Preparation* on the 12th June 2026. It is anticipated that the Council will start the 30 month plan preparation process on 16th October 2026. . Part 2, Regulation 6 of this legislation requires the Council to update the timetable monthly (if necessary) and at specific stages of the Local Plan. The timetable was updated on 16 October 2026 that states the Council will publish Gateway 1 starting the 30 month plan preparation process on 9 November 2026. The Council has also set out in this timetable that the six weeks Local Plan content and evidence consultation will commence 7 December 2026.

4.13 In preparation for Gateway 1, the Council undertook the statutory Local Plan Scoping Consultation between 7 September 2026 and 28 September 2026.

4.14 The emerging Local Plan is in its infancy and can be afforded no weight in the determination of this appeal.

Material Considerations

4.15 Relevant national policy and guidance for this application includes:

- National Planning Policy Framework 2026
- National Planning Practice Guidance
- National Design Guide 2021

4.16 Each party will add any additional documents through the Statement of Case and Proofs of Evidence.

Five Year Housing Supply

4.17 The Housing Land Monitor Summary Report 2026 (1st April 2025 to 31st March 2026) sets out the latest five year housing land supply position from the authority. At a base date of 1st April 2026, the Council are only able to demonstrate a 1.6 years' worth of housing land. This falls significantly short of the requisite five years as required by paragraph 78 of the NPPF.

4.18 It is agreed between the parties that a five-year housing land supply cannot be demonstrated by the authority.

5. Matters of Agreement

5.1 The matters of agreement between the parties are as follows:

Principle of Development

5.2 In the context of the Council's lack of five-year housing land supply it is agreed that the presumption in favour of development is engaged. In particular, policy S5(1)(j) of the NPPF is engaged.

5.3 It is agreed that any identified conflict with LP1 policy STRAT9, the wider spatial strategy of the Local Plan and Policy 1 of the made Neighbourhood Plan would attract very limited weight in the planning balance.

5.4 It is agreed that the site is physically well related to the settlement overall. It is agreed that the site is in a location which would enable, where it can support sustainable patterns of movement taking into account the site's location on the edge of a settlement.

5.5 It is further agreed that the appeal proposal (which includes the planning obligation) is of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

5.6 It is agreed that as S5(1)(j) of the NPPF is engaged the appeal proposal should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in this Framework.

Housing

5.7 It is agreed that the site can physically accommodate up to 110 residential dwellings.

5.8 It is agreed the proposed quantum of affordable housing, 30% equating to up to 33 no. units is acceptable and compliant with LP1 policy SOC1. This is subject to an appropriate tenure split and a cascade mechanism being proposed and secured via a Section 106 agreement.

5.9 Whilst the application does not propose a detailed housing mix at this stage, the indicative layout demonstrates that a range of dwelling types and sizes could be accommodated within the site. It is therefore considered that an acceptable housing mix, consistent with the requirements of the development plan and identified housing needs, could be achieved and assessed at the Reserved Matters Stage. On this basis, in respect of affordable housing, there is compliance with SOC1 of LP1, DM23 of LP2, NPPF DM Policy HO8, Policy 1 of the made Tattenhall Neighbourhood Plan and draft Policy 1 of the emerging Tattenhall Neighbourhood Plan.

General Layout/ Development Framework Plan

5.10 It is agreed that the application is in Outline with the matter of layout reserved for a later date.

5.11 It is agreed that the Development Framework Plan Rev D (CD2.02) identifies how the site could be laid out to accommodate 110 dwellings and the associated infrastructure without having a detrimental effect on the amenity of existing nearby residents. The proposal complies with Policy SOC5 and ENV6 of LP1. The development is capable of complying with NPPF DM Policy L3.

5.12 With regards to design, the parties agree that the proposal demonstrates that a scheme could be brought forward at reserved matters stage which accords with policy ENV6 of LP1, DM3 of LP2, policies 2 and 6 of theTattenhall Neighbourhood plan alongside the Village Design Statement, Design Code and the NPPF.

Access and Highways

5.13 It is agreed that the site is in an accessible location and that the site is accessible by public transport. The development site would offer a genuine choice of transport modes for residents and users and is considered to be a sustainable location for new housing development.

5.14 A single point of vehicular access is proposed from Tattenhall Road. The proposed site access arrangements are provided on the Proposed Site Access Arrangements plan (drawing no. 1952/01 Rev B) which was submitted to the Council as part of the Highways Technical Note 2 (CD2.03). The proposed site access arrangements would provide for suitable and safe vehicle, cycle and pedestrian access and egress to the site.

5.15 It is agreed that subject to conditions, the development would not give rise to unacceptable impact in terms of highway safety, nor would the residual cumulative impacts on the road network, following mitigation, would be severe.

5.16 It is agreed that the proposals accord with LP1 policy STRAT1 and STRAT10 and Policy T5 of LP2 and Policy 5 of the made Tattenhall Neighbourhood Plan as well as NPPF DM Policy TR3 and TR6 and draft Policy 5 of the emerging Tattenhall Neighbourhood Plan.

Ecology matters

5.17 A separate Statement of Common Ground deals with Ecology matters.

5.18 It is agreed all outstanding matters of ecology report updates and the provision of a District Level Licence for protected species are now resolved. Ecology no longer forms any reason for refusal in this case.

Other matters

Flood Risk and Drainage

5.19 It is agreed that the site is predominantly located in Flood Zone 1. An area within the south of the site, adjacent to Keys Brook, is identified in Flood Zone 2 and 3. The proposals do not include any built development in this area.

5.20 It is agreed that the proposals would not give rise to increased risk of flooding on or off site from any source including fluvial, surface water or groundwater.

5.21 The proposed approach to flood risk and drainage is supported by the Lead Local Flood Authority, subject to appropriately worded conditions, as set out in the agreed list of draft conditions.

5.22 It is agreed that the proposal to discharge attenuated surface water to Keys Brook in the south of the site is acceptable, subject to suitably worded conditions or Section 106 obligations to secure the detailed drainage proposal and future maintenance of the drainage system. It is agreed that the approach follows the drainage hierarchy.

5.23 It is agreed that Welsh Water (Dŵr Cymru) has advised that insufficient capacity currently exists within the public sewerage network to accommodate foul water flows arising from the proposed development of 110 dwellings without appropriate mitigation. It is further agreed that a detailed foul drainage strategy has not been submitted at this outline stage. Notwithstanding this, the parties agree that the matter can be appropriately addressed through the imposition of a Grampian-style planning condition requiring the submission and approval of a foul drainage scheme, in consultation with Welsh Water (Dŵr Cymru), prior to the commencement of development. Subject to compliance with such a condition, it is agreed that the issue of foul drainage capacity would not form a reason for refusal.

5.24 It is agreed that, subject to the aforementioned conditions being imposed, matters relating to flood risk and drainage are not capable of forming a reason for refusal and that the proposals meet the aims and objectives of LP1 Policy ENV1 and policies DM40 and 43 of LP2 as well as NPPF DM Policies F5 and F7, Policy 4 of the made Tattenhall Neighbourhood Plan and draft Policy 4 of the emerging Tattenhall Neighbourhood Plan.

Landscape and Trees

5.25 It is agreed that the site is not subject to nor within proximity to any national or local landscape quality designations. Neither the site, nor the immediate landscape, contain any rare or unusual landscape features.

5.26 It is agreed that the extent of landscape harm arising from the proposed development is limited.

5.27 The Appellant considers that the proposal complies with ENV2 of LP1, Policy GBC 2 of LP2, Policy 6 of the made Tattenhall Neighbourhood Plan, NPPF DM Policy N2, and draft Policy 6 of the emerging Tattenhall Neighbourhood Plan.

5.28 With regards to trees, the appeal proposal complies with DM45 of LP2 and NPPF N3.

Noise

5.29 It is agreed that there would be no significant impact on the nearest noise sensitive receptors. It is agreed that subject to acoustic design at reserved matters stage, the site would not give rise to any adverse noise harm, subject to appropriate mitigation.

5.30 Noise is not a matter capable of forming a reason for refusal.

Air Quality

5.31 There would be no unacceptable impact on air quality. The impact of the proposed development is agreed to be not significant subject to appropriate mitigation.

Heritage

5.32 It is agreed the Council's Conservation officer has identified Greaves Farm as a potential non-designated heritage asset. The Conservation Officer considers that this matter can be addressed more fully at the reserved matters stage and does not object to the outline application.

5.33 It is agreed that there is no justification in archaeology terms to refuse the planning consent nor request further pre-determination works. It is agreed that a condition to secure a programme of archaeological mitigation can be secured.

5.34 It is agreed that matters relating to heritage are not capable of forming a reason for refusal and that the proposals accord with policies ENV5 of LP1, DM46 and DM50 of LP2, NPPF Dm Policy HE4 and satisfies the statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ground Conditions

5.35 It is agreed that suitable conditions can be agreed to ensure no significant risks arise from ground conditions.

Planning Obligation/ Drafts Heads of Terms

5.36 The following Draft Heads of Terms are agreed and will be provided in a full Section 106 legal agreement between the parties.

5.37 Delivery of 30% Affordable Housing with the tenure split, cascade mechanism and mix to be discussed with the Council.

5.38 Financial contributions towards other forms of off-site POS:

- £1,312.64 towards parks and recreation grounds (per dwelling)
- £185.96 towards play space youth (per dwelling)
- £81.23 towards cricket (per dwelling) (capital pitch sum)
- £32.26 towards hockey (per dwelling) (capital pitch sum)
- £425.09 towards football (per dwelling) (maintenance sum 10 years)

5.39 A financial contribution towards Special Education Needs and/or Disabilities (SEND) education provision.

5.40 A financial contribution for the BNG Regulation and Reporting Fee of £15,458.39

5.41 A financial contribution towards healthcare, on the below basis;

Infrastructure typology	Assumed Occupancy	Developer contribution
1 bed unit	1.4 persons	£737
2 bed unit	2.0 persons	£1,052
3 bed unit	2.8 persons	£1,473
4 bed unit	3.5 persons	£1,842
5 bed unit	4.8 persons	£2,526

5.42 Monitoring fees (to be calculated upon approval of the last Reserved Matters).

5.43 In securing the above heads of terms, it is agreed that the proposals meet the requirements of LP1 policy STRAT11 and Policy 4 of the NP.

Conditions

5.44 A draft list of conditions is to be agreed between the parties in advance of the Public Inquiry and will be submitted under separate cover.

6. Matters of Dispute

6.1 It is agreed that there are no longer matters of dispute between the LPA and the Appellants in respect of the substantive issues as outlined in the Councils draft Decision Notice (Appendix B of the LPA's Appeal Statement).

7. Signatures

On behalf of the Appellant

Mark Johnson

Mark Johnson, Senior Planning Consultant, Johnson Mowat Planning Ltd

Date: 3 November 2026

On behalf of the Council

Jo Redmond

Jo Redmond, Senior Planning Officer, Cheshire West and Chester Council

Date: