JohnsonMowat
Planning & Development Consultants

Gladman Developments Ltd and Tattenhall and District Parish Council (TPC)

Land West of Tattenhall Road, Tattenhall

Outline application for the erection of up to 110 residential dwellings

Statement of Common Ground - Appellant and Parish Council (Rule 6 Party)

Appeal Reference: 6013490

LPA Application Reference: 25/01764/OUT

Johnson Mowat References

Parties	Gladman Developments Ltd and Tattenhall and District Parish Council (TPC)
Appeal Reference	6013490
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
Document Type	Statement of Common Ground - Appellant and Parish Council
Document Status	DRAFT
Issue / Revision Date	02 November 2026

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1. Introduction

1.1 This Statement of Common Ground - Appellant and Parish Council has been prepared by Gladman Developments Ltd and Tattenhall and District Parish Council (TPC), 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 A full list of application documentation submitted to the Council at the point of appeal is provided in the SoCG between the LPA and the Appellant and as such is not reproduced here.

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. It is agreed the site is in agricultural use, shown as Grade 3a agricultural land on DEFRA's 2026 Predictive Agricultural Land Classification Map for England. This grade applies to all agricultural land surrounding Tattenhall including the areas proposed as allocations in the emerging Neighbourhood Plan.

2.3 The site is generally flat with a gentle 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 temporary 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.

Planning History

2.7 An appeal for outline planning permission for up to 30 dwellings on land west of Tattenhall Road, Tattenhall (APP/A0665/W/18/3202053) was dismissed on 3 December 2018. Previously an appeal for outline planning permission for 137 homes (APP/A0665/A/12/2185667) on the same site was dismissed on 21st April 2017.

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 At the time of agreeing this SoCG, 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

4.3 It is agreed the policies of the two Cheshire West and Chester Local Plan documents are outlined in the Planning SoCG between the Appellant and the LPA and are therefore not reproduced here.

Tattenhall and District Neighbourhood Plan

4.4 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.

4.5 It is agreed the relevant policies of the NP are as follows:

- Policy 1 – Housing Growth
- Policy 2 – Local Character
- Policy 4 – Local Facilities
- Policy 5 – Transport and Communications
- Policy 6 – Landscape and Environment

4.6 It is agreed the made 2014 NP does not identify specific housing allocations or development sites nor does it identify a specific housing requirement for the NP area.

4.7 TPC's position on the made Neighbourhood Plan is set out in Section 6.

Emerging Policy

The Tattenhall and District Modified Neighbourhood Plan

4.8 It is agreed that the emerging Tattenhall and District Modified Neighbourhood Plan (eTDNP2) covering the 20 year period from 2025 – 2045, has now concluded its independent examination, with the examiners report issued on the 22nd October 2026. The Examiner concluded that, subject to modifications, the Plan meets the Basic Conditions and should proceed to referendum.

4.9 It is agreed that the appeal site lies outside the settlement boundary proposed by eTDNP2 Policy 1 and is not allocated for development in the eTDNP2. eTDNP2 Policy 7 allocates land to the north and south of Frog Lane for a phased, residential-led development of up to 600 dwellings.

4.10 The neighbourhood plan does not set 600 dwellings as a maximum number of homes to be provided in Tattenhall.

4.11 The weight to be attached to the eTDNP2 will be for each party to present in this appeal.

Emerging Cheshire West and Chester Local Plan

4.12 The LPA 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.

4.13 It is agreed the emerging Local Plan is in its infancy and its content (which is not yet known) can be afforded no weight in the determination of this appeal.

Other Development Proposals

4.14 It is agreed that the following planning applications in Tattenhall are live at the date of this SoCG:

(a) application 26/00486/OUT, land north and south of Frog Lane (Phase 1 of eTDNP2 Policy 7), for up to 400 dwellings and a new medical centre, pending determination;

(b) Land at Chester Road, appeal 6014080 (application 25/02070/FUL, 110 dwellings), and application 26/02414/OUT (120 dwellings) on the same land.

Material Considerations

4.15 Relevant national policy and guidance for this application includes:

- National Planning Policy Framework (August 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.

5. Matters of Agreement

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

Principle of Development

5.2 The LPAs 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. TPC is not in a position to dispute the supply figure agreed between the Appellant and the LPA, and accepts that the Council cannot currently demonstrate a five-year supply of deliverable housing sites (NPPF Annex D, paragraph 8).

5.3 It is agreed that the proposal would deliver up to 110 dwellings, of which 30% would be affordable.

General Layout/ Development Framework Plan

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

5.5 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.

Access and Highways

5.6 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).

5.7 TPC states it is not in a position to comment on whether the development would give rise to unacceptable impact in terms of highway safety, nor whether the residual cumulative impacts on the road network, following mitigation would be severe.

Ecology matters

5.8 It is agreed that the application is supported by a Preliminary Ecological Appraisal.

5.9 It is agreed that the further recommended survey work has been submitted, a matter raised between all parties in the Case Management Conference on 5th October 2026 where that material was admitted into the inquiry.

5.10 It is agreed that Ecology matters are subject to a separate SoCG . TPC starts it is not in a position to comment on whether there are ecological reasons why permission should be refused.

Flood Risk and Drainage

5.11 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 3. The proposals do not include any built development in this area.

5.12 TPC states it is not in a position to comment on whether the proposals would give rise to increased risk of flooding on or off site from any source including fluvial, surface water or groundwater.

Landscape

5.13 It is agreed that the site is not subject to nor within proximity to any landscape quality designations. Neither the site, nor the immediate landscape, contain any rare or unusual landscape features and so TPC does not contend that the site is a valued landscape.

5.14 TPC notes that the Appellant and the LPA agree that the extent of landscape harm arising from the proposed development is limited (Appellant–LPA SoCG, paragraph 6.3). TPC does not present landscape evidence.

Noise

5.15 It is agreed that TPC considers that it is not in a position to comment on whether there would be any significant impact on the nearest noise sensitive receptors.

Air Quality

5.16 It is agreed that the appeal site is not located within an Air Quality Management Area. TPC states it is not in a position to comment on whether there would be any unacceptable impact on air quality.

Heritage

5.17 It is agreed that TPC considers that it is not in a position to comment on whether the appeal proposals would have any adverse impact on any designated heritage asset or non-designated heritage asset.

5.18 It is agreed that TPC considers that it is not in a position to comment on archaeological matters, including whether further pre-determination works or a condition securing a programme of archaeological mitigation are required.

Ground Conditions

5.19 TPC considers it is not in a position to confirm whether suitable conditions can be agreed to ensure no significant risks arise from ground conditions.

Planning Obligations

It is agreed that the draft heads of terms for a planning obligation are set out in the Statement of Common Ground between the Appellant and the LPA. These include affordable housing, off-site open space and sports contributions, SEND education, healthcare, the BNG fee, and the ongoing maintenance and management of drainage infrastructure and public open space. The LPA records that the planning obligation, including compliance with LP1 Policy STRAT11, Policy 4 of the made Neighbourhood Plan and the infrastructure requirement of NPPF Policy S5(1)(j)(i), remains under discussion (Appellant–LPA SoCG, paragraph 9.3). TPC does not comment on the adequacy of the obligation for the development itself.

Sustainability

5.20 It is agreed that the proposal would bring economic, social and environmental benefits. Whether the proposal represents sustainable development overall, having regard in particular to its effect on the emerging Neighbourhood Plan, is a matter of dispute (see Section 6).

Summary

5.21 It is agreed that TPC raises no technical objection to the appeal proposals. TPC's case is focused on the made and emerging Neighbourhood Plans, the interaction between NPPF Policies DM4 and S5, and the planning balance, as set out in its Statement of Case (paras 1.2 and 1.3) and Section 6.

6. Matters of Dispute

6.1 It is agreed that the matters of dispute will be a matter for evidence at the Public Inquiry.

The Appellants Case

6.2 It is the Appellants case the proposals comply with the development plan when considered as a whole and material considerations also indicate that permission should be granted. The proposal is strongly supported by key paragraphs in the recently published NPPF.

6.3 It is the Appellant's Case the appeal proposals do not undermine or prejudice the making of the 2026 TPC NP.

6.4 The Appellant notes the TPC update position on other matters in para 6.9 below. The Appellant does not accept that all of these issues which TPC now states it does not agree were addressed in its Statement of Case.

The Parish Council's Case

6.5 TPC has deliberately narrowed its Rule 6 case to the materially changed neighbourhood plan position as well as the national policy context, and in particular to the relationship between the appeal proposal and the emerging Modified Tattenhall and District Neighbourhood Plan 2025-2045 (eTDNP2). This reflects paragraph 1.2 of TPC's Statement of Case.

6.6 That national policy context includes reference to the primacy of the development plan. The made Neighbourhood Plan forms part of the statutory development plan alongside the adopted Local Plan and the national decision-making policies "are a material consideration… read alongside the policies in the development plan". (para 3 of the NPPF).

6.7 TPC's focused case is that the eTDNP2 is sufficiently advanced to satisfy Policy DM4(2)(b), and that the proposal, alone and cumulatively with other live proposals, would predetermine decisions about the scale, location and phasing of development central to the eTDNP2, satisfying DM4(2)(a). Both limbs of DM4(2) are therefore met.

6.8 Those circumstances, together with any conflict with the made Neighbourhood Plan that the Inspector may find, are circumstances which engage Policy S5(2).

6.9 On the 2nd November, the TPC additionally informed:-

- TPC does not agree that the site is physically well related to the settlement. This is a matter of planning judgement under NPPF Policy S5(1)(j), which TPC will address in its planning evidence (TPC SoC paras 1.3 and 6.1 to 6.3). TPC does not present technical evidence on this matter.

- TPC does not dispute that the scheme's own infrastructure needs can be addressed through the planning obligation (TPC SoC 6.2). TPC's planning evidence refers to school and GP capacity, drawn from published data and consultee responses, to show why the eTDNP2 plans infrastructure for the settlement as a whole. It does not challenge the adequacy of the obligation for this scheme.

- Whether the site is in a sustainable location is a matter of planning judgement for the planning balance. TPC does not present technical evidence on accessibility.

7. Signatures

On behalf of the Appellant

Mark Johnson

Mark Johnson, MRICS, MRTPI

Senior Consultant, Johnson Mowat Planning Ltd

2nd November 2026

On behalf of the Rule 6 Party



Ann Wright.

Clerk to Tattenhall and District Parish Council

3rd November 2026.