



Appeal Decision

Site visit made on 1 October 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/A0665/W/25/3370497

Huntsman House, Barton Road, Clutton, Cheshire CH3 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Mr Stephen Morgan CBE against Cheshire West and Chester Council.
 - The application Ref is 25/01433/PIP.
 - The development proposed is demolition of existing cottage and construction of new dwelling.
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Decision

1. The appeal is dismissed and permission in principle for demolition of existing cottage and construction of new dwelling is refused.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters would be considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. Therefore, whilst a plan has been submitted indicating floor layouts and elevations, these have not been taken into account at this stage.
4. The Council failed to determine the application but has indicated that had it done so it would have refused permission in principle. This would have been on the grounds that the site is outside an identified settlement, it does not require a countryside location and would be in a location where there would not be good access to public transport nor is it located within reasonable walking distance of local services and facilities along a safe route. This, the Council state would conflict with cited development plan policies and the National Planning Policy Framework (the Framework).

¹PPG Paragraph: 012 Reference ID: 58-012-20180615.

5. Huntsman House is referred to as Huntsman House and Huntsman's House or Huntsmans House on various documents. For consistency I shall refer to it as Huntsman House as stated on the application form.

Main Issue

6. The main issue is whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site comprises a detached building that is linked via a Section 106 legal agreement to Huntsman House. The latter is a new dwelling having been built pursuant to a planning application for the demolition of the existing dwelling and garage and erection of a replacement dwelling and garage and associated landscaping works². The effect of the legal agreement is that the appeal building should remain as a residential annexe to Huntsman House, used only as ancillary residential accommodation and not as a separate unit of accommodation. The appellant states that the Section 106 was signed under duress in order to obtain planning permission for the replacement house. However, the fact remains that a legally executed Section 106 exists.
8. No evidence has been submitted regarding the previous use of the appeal building and there is no evidence that it has ever been used as a separate dwelling, notwithstanding that it is at times referred to as The Cottage. The appellant states it is functionally a dwelling but there is no evidence to support that it has or can be occupied as anything other than ancillary accommodation to Huntsman House. Whilst the appellant describes it as a separate planning unit, there is no substantive evidence to qualify this. The appellant points out that the appeal building has its own independent separate access, which I observed on my site visit. I also note that landscaping has physically separated it from Huntsman House. However, this physical separation seems to have arisen as part of the redevelopment of Huntsman House.
9. Whilst the appeal building is part of the group of buildings including Huntsman House and two other residential properties, The Forge and Carden Smithy, it is accessed from a long roughly surfaced track from Barton Road (A534). Most of the built-up settlement of Clutton is on the other side of Barton Road. I noted that other than a school, this comprised mostly of residential properties. The Council state that the nearest shop is more than 2.5 kilometres away, along the A534 with no street lighting or pavements. Furthermore, bus stops are approximately 160 metres from the site but I have no information about the bus service other than being informed that there are limited services. The appellant has not contradicted this. Therefore, the appeal site is in a rural area, outside a settlement and therefore falls to be considered against the appropriate development plan policies and the National Planning Policy Framework for development in the countryside.
10. The amount of development is not a disputed matter but due to the location of the appeal site, the proposed development would not meet the criteria set out in the development plan. In particular, it would not meet the criteria set out in Local Plan (Part One)³ Policies STRAT 1, STRAT 2 or SRAT 9 or Local Plan (Part Two)⁴

² Planning Application Ref: 23/02961/FUL.

³ Cheshire West & Chester Local Plan Part One: Strategic Policies, adopted January 2015.

⁴ Cheshire West & Chester Local Plan (Part Two) Land Allocations and Detailed Policies, adopted July 2019.

Policy R 1. Collectively these promote sustainable development where new housing has good accessibility to existing or proposed local shops, community facilities and primary schools and good connections to local transport. Also, development is required to follow a settlement strategy which ranges from the City of Chester to smaller rural settlements or is within an identified local service centre. In keeping with the Framework, Policy STRAT 9 requires the intrinsic character and beauty of the Cheshire Countryside to be protected by restricting development to that which requires a countryside location and cannot be accommodated within the identified settlements.

11. Furthermore, whilst Local Plan (Part Two) Policy DM 21 allows for replacement dwellings, the appeal building is not a dwelling and therefore this policy is not relevant. Local Plan (Part Two) Policy DM 19 allows for the replacement of buildings on previously developed land subject to there being good access to public transport; it is located within reasonable walking distance of local services and facilities along a safe route, amongst other things. The parties disagree whether or not the site is previously developed land but either way, as I have described above, the appeal site is not within easy access to local services and facilities.
12. Consequently, for the above reasons, the site is not suitable for residential development having regard to its location and the proposed land use. This would conflict with Local Plan Policy (Part One) STRAT 1, STRAT 2, STRAT 9 and Local Plan (Part Two) DM 19 and R1.

Other Matters

13. The Council cannot demonstrate a five year supply of housing land as required by the National Planning Policy Framework. The shortfall is not quoted by either of the main parties. Nevertheless, paragraph 11 d) of the Framework is engaged. Under paragraph 11 d) (ii) this means that sustainable development should be approved unless any adverse effects of doings so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. The proposal would have short term economic benefits associated with the demolition of the existing building and the construction of a new dwelling. It would also have social benefits in terms of providing a home and the potential social and economic benefits future occupiers could bring to the area. However, the Framework recognises the intrinsic character and beauty of the countryside and although it supports significantly boosting the supply of homes, it seeks to promote sustainable development in rural area encouraging housing where it would enhance or maintain the vitality of rural communities. No substantive evidence has been submitted that would suggest that this would be achieved.
15. Reference is made by the appellant to 'Regulation 18 Local Plan Issues and Options' which the appellant states recognises that the challenges accommodating a large increase in housing will inevitably mean development on land within the countryside. Whilst the Council may need to look to the countryside to meet its housing needs, the primary aim of the Framework is for sustainable development and the location of the appeal site would fail in this regard. In any event, I can afford this document little weight as it has not been submitted and is apparently only at a consultation stage.

16. The addition of one dwelling would contribute to the shortfall in housing land supply, albeit that contribution would be small. Nevertheless, this is a benefit that carries moderate weight. However, the harm I have identified in terms of the suitability of the site for the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the above reasons, the appeal should be dismissed.

J D Clark

INSPECTOR