
Appeal Decision

Site visit made on 13 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/R0660/W/25/3371771

Land off Bridge Street, Wybunbury CW5 7NA

- 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 Martin & Simon Poole against Cheshire East Council.
 - The application Ref is 25/2024/PIP.
 - The development proposed is construction of up to six new dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of up to six new dwellings at Land off Bridge Street, Wybunbury CW5 7NA in accordance with the terms of the application, Ref 25/2024/PIP.

Applications for costs

2. An application for costs was made by Mr Martin & Simon Poole against Cheshire East Council. That application is subject to a separate decision.

Preliminary Matters

3. 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.
4. 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.
5. The Council failed to determine the application. However, since the appeal has been lodged, the Council's Planning Committee resolved that it would have approved permission in principle. Notwithstanding this, a number of objections have been received and so I shall address them as appropriate for this type of application.

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

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 an area of land outside the settlement boundary and outside the Wybunbury Conservation Area. It is within open countryside with the land rising in height from the road. There are residential properties on the opposite side of the road, to the west fronting Bridge Street and in Tower View Close. There are also residential properties to the south. There are trees to the site's boundaries to the south-east and to the north-east which are covered by a Tree Preservation Order (TPO). Wybunbury Brook is close by but not within the site and is classified as a main river. However, the appeal site is described as being in Flood Zone 1. There is a bus stop within the pavement near to the site's boundary with Bridge Street.
8. As the site is outside the settlement boundary, the development plan restricts development to that set out in Local Plan² Policy PG 6 and Policy H1 of the Wybunbury Combined Parishes Neighbourhood Plan³ including cited exceptions. The proposal would not fall within any of these and therefore not comply with these policies. However, it is in an accessible location on the edge of the village and the Council accept that the proposal would be sustainably located. I agree with this assessment.
9. The Council cannot demonstrate a five year supply of housing land as required by the National Planning Policy Framework. The shortfall quoted by the Council is considerable with only 3.8 year supply being identified. I note that the Neighbourhood Plan is under revision and the Parish Council, Ward Councillors, the Neighbourhood Plan Steering Group and the Residents Group consider that with the planned delivery of homes in the Parish and windfall sites that paragraph 11 d) of the National Planning Policy Framework (the Framework) is not engaged. However, I have little evidence as to when this review will be concluded and the situation as it stands is reflected by the Planning Committee's resolution.
10. Therefore, in accordance with the Framework, paragraph 11 d) (ii) is engaged and the presumption is in favour of sustainable development and permission should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing the policies in the Framework taken as a whole.
11. The proposal would enable the development of up to six new dwellings located very close to the existing settlement boundary. The economic benefits during the construction phase and the social benefits arising from the contribution future occupiers would be able to make to the community and the local economy would be modest due to the size of the development. Nevertheless, it would be a worthwhile contribution and the adverse impacts of allowing the development on this site would not significantly and demonstrably outweigh these benefits.

² Cheshire East Local Plan – Local Plan Strategy 2010 – 2030 July 2017.

³ Wybunbury Combined Parishes Neighbourhood Plan, Plan Period 2010 – 2030 – The Neighbourhood Planning (General Regulations 2012) Referendum Plan.

Other Matters

12. I have taken into account the statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and to Section 72(1) of the same Act which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Given the location of the site in relation to the Listed Buildings referred to (the Moated Site 300m south-east of St Chads Church; the Church of St Chad; and Hall Bank Moated Site) and the Wybunbury Conservation Area, I am satisfied that details of design would be addressed at the second TDC stage. As would matters relating to landscape character; a sense of place; the character of the settlement and how this development would relate to it and the transition between the built environment and the surrounding rural area.
13. Matters of ecology, including Biodiversity Net Gain (BNG) would also be dealt with at the TDC stage. As would matters of flooding, access, parking and highway matters and any other matter that fell outside the principle issues of location, land use and the amount of development.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

J D Clark

INSPECTOR