
Appeal Decision

Site visit made on 5 January 2026 by S Manson DipTP MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal Ref: APP/A0665/W/25/3374436

Land at Longacre, Mill Lane, Huxley, Cheshire CH3 7RQ

- 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 Mrs Katherine Hewson against Cheshire West and Chester Council.
 - The application Ref is 25/01502/PIP.
 - The development proposed is the erection of 1 no. self-build dwelling and associated infrastructure works.
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Decision

1. The appeal is dismissed and permission in principle is refused.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters and Main Issue

3. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing led development. The permission in principle consent route has 2 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 2 stages. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appeal is submitted on the grounds that the Council failed to give notice of its decision within the appropriate time period. It has since been confirmed that the scheme would have been refused and have given reasons therefore. These reasons have informed the main issue, which is whether the site is suitable for the proposals, having regard to its location and land use.

Reasons for the Recommendation

5. The appeal site comprises a grassed parcel of land situated within open countryside, beyond the established hamlets of Hargrave and Huxley. Although a lawful development certificate identifies it as domestic garden land, its physical characteristics do not reflect such a use. At my site visit, the land appeared as an

- open field, with no features typically associated with a domestic garden, such as ornamental planting, structures, or garden paraphernalia.
6. The site is enclosed on three sides by established hedgerows and accessed via a field gate off Mill Lane along its eastern boundary. While it lies adjacent a bungalow to the south, it is visually and physically separated from any substantial built development by intervening open fields. As such, it does not form part of any wider settlement pattern. In its current undeveloped state, the appeal site reads as part of the rural landscape and does not display the attributes ordinarily expected of previously developed land.
 7. Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015) (LPP1), all seek to ensure new development occurs in the most sustainable locations while safeguarding the intrinsic character and beauty of the Cheshire countryside. To achieve this, Policy STRAT 2 seeks to direct new housing to identified settlements whilst Policy STRAT 8 states that within the rural area, the Council will support development that serves local needs in the most accessible and sustainable locations. Policy STRAT 9 restricts development in the countryside to proposals that require such a location and cannot be accommodated within settlements.
 8. The LPP1 does not impose housing targets in smaller settlements that act as local service centres as it considers local communities are best placed to understand the needs of its communities through neighbourhood plans. The appeal site falls within the Neighbourhood Area of the Central Gowy (South) Neighbourhood Development Plan (2018) (NP). Policy 1 of the NP permits development only where it accords with Policy STRAT 9 or involves the conversion or replacement of existing buildings. Policy DM 19 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (2019) (LPP2) reinforces this approach, directing development primarily to identified settlements and allowing only a limited number of exceptions for new housing in the countryside. The proposed development would not meet any of these exceptions.
 9. In terms of accessibility, the site occupies a remote rural location with no bus stops in close proximity and no public footpaths providing a direct route to the nearest identified settlement of Tattenhall or to the hamlets of Hargrave and Huxley. Sustainability appraisals for the NP identified both hamlets as having low scores indicating that they were not sustainable locations for development. Access on foot to any settlement would require walking across open fields or along unlit rural roads subject to the national speed limit and lacking footways, which would present significant safety concerns. As a result, future occupiers would be heavily reliant on private motor vehicles for day-to-day needs. This is the least sustainable travel option. While cycling would theoretically be possible, the local network offers limited attractiveness or practicality for most users, particularly those who are less able.
 10. Although the proposal may fall under the definition of previously developed land for the Framework, the development plan contains a clear and deliberate spatial strategy that restricts new dwellings in the open countryside unless they satisfy defined criteria. The introduction of residential development on this site would result in a dwelling unrelated to any settlement pattern, eroding the quality of the openness and rural character of the landscape. It would also promote an unsustainable pattern of development that is heavily reliant on private car travel,

contrary to the aims of reducing the need to travel and promoting sustainable transport choices.

11. There is nothing to indicate that the proposal would constitute appropriate development within the countryside under Policy DM 19 of the LPP2 or meet the requirements of Policies STRAT 8 or STRAT 9 of the LPP1. The proposal would run counter to the development plan's spatial strategy by introducing new housing in an isolated, and unsustainable location. It would therefore conflict with Policies STRAT 1, STRAT 2, STRAT 8, and STRAT 9 of the LPP1, Policy DM 19 of the LPP2 and Policy 1 of the NP, and the relevant paragraphs of the National Planning Policy Framework (Framework). These, amongst other things, seek to secure sustainable development in suitable locations and protect the countryside from inappropriate development.

Other Matters

12. Many of the examples cited by the appellant were determined prior to the adoption of the current development plan and before the introduction of the permission in principle regime. Moreover, the information provided for these, and others, is insufficient to demonstrate that the material circumstances were the same or closely analogous.
13. Appeal 3140690 concerned an outline mixed-use scheme where the Inspector considered the proposals would replace existing buildings, within a sustainable location, without harming the purposes of including land within the Green Belt. Reference 3155442 involved the replacement of a building in the countryside, a form of development expressly supported by Policy STRAT 9, with the Inspector concluding that the scheme would improve the appearance of the site. 3224970 was for the conversion of an existing building on previously developed land and found to be acceptable under the same policy framework. Two additional cases, 3232921 and 3316910, related to sites that all parties accepted constituted previously developed land, with the principal issue being whether the proposals amounted to inappropriate development in the Green Belt. In two further examples, 3302865 and 3343139, the Inspectors considered that the sites in those cases lay within settlements.
14. Consequently, the cited decisions are not directly comparable to the appeal before me. They turn on materially different facts and contexts, whether because they involved replacement or conversion of existing buildings, development on previously developed land, or locations within settlements. Nor do they concern proposals for permission in principle. In contrast, the appeal before me is an open undeveloped site that lies outside any built settlement. As such, whilst consistency in decision making is important, the circumstances of those cases cited are sufficiently different such that they do not alter my reasoning.
15. The appellant contends that Policy STRAT 9, of the LPP1 and Policy DM 19 of the LPP2 are out of date because the Council cannot currently demonstrate a five-year supply of deliverable housing sites. However, the absence of a five-year supply does not render these policies irrelevant. Nor does it diminish the weight to be given to Policies STRAT 1, STRAT 2 and STRAT 8 of LPP1. These policies set out the spatial strategy for the district and seek to ensure that development is directed to sustainable locations while safeguarding the intrinsic character and beauty of the countryside. The objectives remain consistent with the core principles of the

Framework, which emphasise sustainable development and the protection of valued landscapes.

16. The scope of considerations for a permission in principle appeal is strictly limited. Matters relating to design, layout, access, infrastructure, and other detailed issues, fall to be assessed at the technical details consent stage. To be considered a self-build dwelling, there must be an effective mechanism through which it could be secured as such and none has been provided. Consequently, this matter carries very limited weight.

Paragraph 11 of the Framework

17. The Council cannot currently demonstrate the supply of housing sites as required by the Framework. In such circumstances, paragraph 11(d)(ii) indicates that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
18. In this case, the location and land use of the proposal would encourage unsustainable patterns of development and harm the character and appearance of the rural area. These would be significant and enduring, and I therefore afford them substantial weight. The benefits of the scheme, including the addition of one unit and associated economic activity during construction and occupation, would be limited in scale and largely temporary. While the shortfall in housing supply is acknowledged and attracts moderate weight, the contribution of one dwelling would make only a minimal difference to addressing that deficit.
19. The appeal site does not occupy a sustainable location and would be located within the open countryside. The scheme would therefore be contrary to the spatial strategy for the location of housing and the principles of the Framework in the same regards. The proposal would not deliver affordable housing and would result in the identified harm. When assessed against the Framework as a whole, these adverse impacts would significantly and demonstrably outweigh the limited benefits of the development. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion and Recommendation

20. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Manson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR