
Appeal Decision

Site visit made on 13 January 2026

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/A0665/W/25/3374698

Land at Glenbrittle Kennels, Chester High Road, Neston, Cheshire CH64 8TE

- 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 [outline] planning permission
 - The appeal is made by Mr & Ms Jack and Jade Weaver against Cheshire West and Chester Council.
 - The application Ref is 25/01595/PIP.
 - The development proposed is Erection of 2 no. self-build dwellings and associated infrastructure works.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The Council failed to determine the proposal within the statutory timeframe and therefore the appellant proceeded to appeal it as a non-determination appeal. The Council responded by way of a statement of case and concluded that had they determined the application, they would have refused the proposal on two grounds. This is on the basis of the proposal amounting to inappropriate development in the Green Belt with no very special circumstances arising to outweigh the harm to the Green Belt. They also site the location of the development within the countryside which would not be safeguarded from encroachment.
3. The proposal is for permission in principle (PIP) for two self-build houses on the private residential garden area associated with the main dwelling house. 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 stage ('technical details consent') 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 permitted. All other matters are considered as part of a subsequent Stage 2 Technical Details Consent application if permission in principle is granted.
5. I have therefore determined the appeal accordingly. The land use would introduce residential development upon private garden land, and the amount of development is limited to two dwellings as illustrated on a submitted plan. Therefore, the area I shall consider relates to location as this is in contention between the parties.

Main Issue

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

Reasons

Location

7. The appeal site is located within the Green Belt and open countryside and consists of a dog kennels and cattery business. It is not located within an identified settlement and is positioned amongst other residential dwellings accessed off a heavily trafficked dual carriageway of Chester High Road.

Whether a sustainable location

8. In terms of the location of the site and access to public transport, bus stops are located close to the appeal site by crossing the main road. From the information before me including the previous appeal decision¹ that proposed complete residential development at the site, these serve an hourly service travelling towards Chester but the return service travelling from Chester is more limited. There is nothing before me to come to a different view than the previous Inspector on this matter.
9. The Gordale Service Station and Garden and Home Centre is a short walk to the appeal site although this would only be safe for pedestrians via the footway on the other side of the main road and would require crossing the dual carriageway to access it in both directions. This road serves as a physiological barrier to accessing the footway with the flow of traffic along the road great at the time of my visit and at 60mph speeds.
10. The closest train stations located in Hooton and Neston are some distance from the site and therefore the reliance on the private car would be a reasonable expectation for the future occupants of the development. Even the closest village to the site at Willaston is a reasonable walking distance from the site and not a particularly circuitous route and involves crossing Chester High Road, along narrow footways largely unlit.
11. The use of bicycles to access local services and amenities is an option for future occupants. However, as this would involve cyclists being combined with vehicles on busy roads with a fast speed limit, this would be highly likely to encourage the use of the private car.
12. These things considered, the appeal site is not located within reasonable or safe walking or cycling distance and is poorly related to public transport services.
13. The appellants bring to my attention a number of appeal decisions for new homes where Inspectors have arrived at a favourable decision in terms of the sustainability of the site. They seek to compare the proposal to these in terms of their location, access to local services and amenities where Inspectors reached a conclusion that on balance, for the reasons specified, the appeal sites could be regarded as sustainable. Be that as it may, the appeal site before me is located elsewhere with its own specific set of circumstances. I am not convinced that the same

¹ Appeal reference APP/A0665/W/21/3278664

circumstances can be compared to the proposal before me. In any event, each proposal must be considered on a case-by-case basis.

Green Belt considerations

14. The site is located within the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and is a key characteristic of the Green Belt.
15. Turning to the issue of the land within the designated Green Belt, Paragraph 154 of the National Planning Policy Framework (the Framework) identifies seven exceptions for built development that may, in certain circumstances, be regarded as being not inappropriate in the Green Belt. The seventh exception (g) under paragraph 154 concerns 'complete redevelopment of previously developed land'.
16. The appellant is of the view the land is previously developed land (PDL). I note the previous Inspector agreed the redevelopment of a much greater area of the appellant's land to be that of PDL.
17. In this case the site refers to a small portion of the appellants' larger ownership they consider to be PDL. I have referred to the definition contained within the glossary of the Framework. With regards to this, the land in question is residential garden land located in a position close to other houses with a continuous built-up frontage to this side of the road. To my mind as it is not precisely the same circumstances as the complete redevelopment of the much larger site previously refused permission. I consider it should be regarded as land in a built-up area and on this basis it is not PDL.
18. The proposal meets none of the exceptions within paragraph 154 of the Framework and is therefore by definition inappropriate development within the Green Belt.

- Grey belt land

19. The Framework informs that development within the Green Belt is not regarded as inappropriate development in other circumstances where it follows the definition of grey belt land within the Framework and meets the exceptions of paragraph 155 of the Framework. The appellant contends that the appeal proposal benefits from grey belt land exemption.
20. More precisely, the Framework at paragraph 143 defines grey belt land as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any purposes (a (to check unrestricted sprawl of large built-up areas), (b) (to prevent neighbouring towns merging into one another), or (d) (to preserve the setting and special character of historic towns)). At paragraph 155 of the Framework, it explains that 'homes...in the Green Belt should not be regarded as inappropriate where:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and

- d. Where applicable the development proposed meets the Golden Rules.
21. With regards to the Framework 143 a), b), or d), from my assessment on the ground and the evidence before me, the site is positioned within a well contained and defined area and identifies with the wider context of the site as both residential and commercial in character.
22. Based on the evidence before me that I must take into account, its definite containment would present limited risk of potential creep further into the Green Belt, with no characteristics of merging into the next settlement. I am not aware from the evidence presented that this particular part of the Green Belt acts to preserve the setting and special character of historic towns.
23. These things considered, I find that this land in the Green Belt does not strongly contribute to any of the purposes a), b) or d) of paragraph 143. Therefore, I must go on to consider the criteria of paragraph 155 a, b and c of the Framework. Paragraph 155 d does not apply in this case.
24. Based on the evidence before me, there is nothing that leads me to conclude that the development of two houses in this location would fundamentally undermine the remaining Green Belt across the area of the plan when considered under the Framework in accordance with paragraph 155 a of the Framework.
25. In terms of paragraph 155 b, there is a demonstrable unmet need for this type of development as the appellant argues the Council's housing delivery figures are now out of date as they cannot demonstrate a 5 year housing land supply (HLS). The Council's Statement of Case confirms the same.
26. I have concluded earlier, the site is not located within a sustainable location and therefore fails to accord with 155 c of the Framework. Therefore, the site is not regarded as grey belt land.

- Effect on openness of Green Belt

27. Turning to assessing the Green Belt site in terms of effect on its openness, openness has both a spatial and visual dimension to it. The site currently contains the metal frame of what appears to be the skeleton frame of a large marque style structure and small outbuilding, laid on the grassed lawn. Other minor garden effects were noted. Due to my assessment of the land on the ground, I consider visually and spatially these effects only a very limited effect upon the openness of the Green Belt.
28. Based on the information before me at Stage 1 including the position and design of the houses as far as presented, they would inevitably reduce the spatial aspect of the Green Belt's openness to some degree. In visual terms, at present the existing structures have a permeability to them or low level effect and hidden from view from outside the site. This effect would change to a much more visually large form of development as the site would be developed for two dwellings. The precise technical details of the dwellings would be explored at Stage 2. Nevertheless, the submitted illustration provides an indication of the amount of development proposed. This would consist of two dwellings of a significantly more permanent form of development built from traditional construction. It would inevitably have a significantly greater visual impact on the openness of the Green Belt than the existing structures on the ground.

29. As Stage 1 of a PIP, I have limited information at this stage. Nevertheless, from my own assessment and further to the limited information submitted by the appellant, it has not been demonstrated there would be no adverse impact on the openness of the Green Belt to indicate that the principle of development in this location would be acceptable. Therefore, I am not convinced that the openness and the permanence of the Green Belt would be protected. I must bear in mind that the Framework places substantial weight to any harm to the Green Belt.

- Other considerations

30. The appellant draws on the benefits of the proposal and other attributes they consider to be important, as material considerations. The social benefit in providing extra housing units and the economic advantages that would also arise from the construction industry, although in a short-term capacity; I recognise these all although its contribution as two dwellings and to local housing supply would be very limited. I afford this little weight.

31. How the dwellings can be delivered quickly is not explained to me as a benefit and is ascribed no weight. Detailed design would also not be considered until Stage 2 and therefore its relationships with local context and proportionality with the site together with consideration of 'high-quality living', cannot be given more than limited weight at this stage. The proposed dwelling would be for self-build and increase the local supply of these types of houses. As a very limited number, I can only apportion very moderate weight to this as a benefit. The appellant would control the design and build stage with utilities capable of being accessed. This is however not a benefit to the scheme I can apply any reasonable degree of weight to as a benefit. The appellants would reside in one dwelling which they comment would support them in their operation of the Glenbrittle Kennels business. There is limited information on how this can be considered as a benefit and is afforded no weight in my consideration.

32. All these things in their totality lead me to conclude they only amount to a very limited benefit.

- Very Special circumstances

33. I have concluded that the cumulative weight of these benefits in this case is only limited in their totality. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Therefore, all things considered, as a whole, it would not clearly outweigh the harm to the openness of the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

34. The proposal would therefore be contrary to policies STRAT 1, STRAT 2 and STRAT 9 of the Cheshire West and Chester Local Plan Part 1 and policies DM19 and R1 of the local plan Part 2 as it would not meet the policy expectations to achieve sustainable and strategic development or the Framework in its same objectives.

Other Matters

35. The appellant argues that the Council cannot demonstrate a 5 year housing land supply and 11d is therefore engaged and the presumption in favour of sustainable development weighs in favour of the proposal. The Council agree they cannot demonstrate a 5 year housing land supply. As I have identified and concluded earlier, the site is not located within a sustainable location and weighs significantly against the proposal, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
36. Even where the appellant has submitted appeal decisions where the 5year HLS has been engaged, I have had due regard to their circumstances. However, in this situation which I must consider on a case by case basis, I am not persuaded to directly compare the circumstances of those situations to the one before me.
37. The appellant's Statement of Case considers that the relevant policies of the development plan most important for determining the appeal, are out of date due to the age of the Local Plan.
38. Policy STRAT 1 is a broad sustainable development policy and is consistent with the Framework. Policy STRAT 2 relates to strategic development and whilst it should not be given full weight with regards to housing figures, nevertheless its overall embodiment is broadly consistent with the Framework as it defines the settlement hierarchy to direct development. Policy STRAT 9 may be more restrictive than the Framework and is therefore not given full weight. Policy DM19 is also not entirely consistent with the Framework due to its reliance on other policies. However, the policy is considered to be broadly consistent with the Framework in other respects. Consequently, I apply moderate weight to this policy. On this basis, taken as a whole, I conclude that these development plan policies remain relevant and up to date for the determination of this appeal.

Overall balance and Conclusion

39. I have considered the relevant matters in relation to this appeal. The site is located outside a settlement within the Green Belt and given there would be a harmful impact on the openness of the Green Belt, this harm carries significant weight. It would not meet the tests of grey belt land. There would be benefits associated with the proposal although these would be small as a whole. No very special circumstances to justify the development exists. Even when the Council cannot demonstrate a 5 year housing land supply, the development cannot be considered as sustainable development.
40. This leads me to conclude in the final balance that the proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed, and a PIP is not granted for the development.

Alison Scott

INSPECTOR