



Appeal Decision

Site visit made on 27 January 2026

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/A0665/W/25/3376451

Monarchy Hall Farm, Tirley Lane, Utkinton, Tarporley CW6 0JZ

- 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 & Mrs J Norris against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/03132/PIP.
 - The development proposed is single self-build dwelling and associated development.
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Decision

1. The appeal is dismissed and planning permission for a single self-build dwelling and associated development 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 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.
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 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 follows the Council's failure to determine the respective planning application. The Council has not raised concerns regarding the proposed land use or the amount of development when responding to the appeal and there is nothing before me that would lead me to reach a different conclusion on such matters. Therefore, the main issue, below, focuses on the matter in contention between the main parties, namely whether the site is a suitable location for the proposal.

Main Issue

5. The main issue is whether the site is a suitable location for residential development, having regard to local and national policy.

¹ PPG Permission in Principle Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. Policies STRAT 1 and STRAT 2 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (LP1), adopted 29 January 2015, set out the Council's spatial strategy. Policy STRAT 1 seeks to ensure, amongst other things, that new development is located so it is accessible to local services and facilities. To achieve this, Policy STRAT 2 directs new housing to within or on the edge of larger settlements, identified key service centres and smaller rural settlements.
7. Where development is in the countryside, as in this case, Policy STRAT 9 states that the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. No robust evidence has been provided that would lead me to conclude that the appeal proposal meets this criterion. Furthermore, the proposal does not fall within any of the types of development that Policy STRAT 9 lists as being permissible within the countryside.
8. Policy R1 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), adopted 18 July 2019, states that development proposals in the rural area will be supported in key service centres and local service centres where they meet the relevant policy criteria. The appeal site is separated from the built-up area of Utkinton, which is identified as a local service centre, by some distance and is, therefore, outside of that settlement.
9. LP2 Policy DM19 specifically relates to proposals for residential development. In relation to proposals in the countryside, outside of identified settlements, LP2 Policy DM19 sets out residential development will only be supported where it is necessary to meet minimum levels of new housing or where the proposal is one of seven listed exceptions. The proposal fails to meet any of these exceptions.
10. Utkinton and the facilities, services and any employment opportunities it contains is accessed along Tirley Lane which is narrow, unlit, has no footway and is subject to the national speed limit for much of the route from the appeal site. Taking such factors into consideration, in my judgement, it is unlikely that the occupants of the proposal would walk to Utkinton, particularly during times of darkness and inclement weather, even if the distance is within the range where research indicates people would typically walk. Furthermore, there is no evidence before me to suggest that the occupants of the proposal could access Utkinton by using public rights of way and avoiding the road.
11. The speed of vehicles along the route, and the narrowness of the carriageway, would also be likely to be off-putting for all but the most competent and confident cyclists. Therefore, unlike in the appeal decision provided by the appellant at Over Alderley, access to any nearby settlement by bicycle would not be realistic.
12. I note the appellant's assertion that Tirley Lane is extremely lightly trafficked by vehicles, however this is not supported by any robust evidence, such as a traffic survey. On my visit I noted several vehicles using that route and whilst I acknowledge that was a snapshot in time there is no compelling evidence before me to suggest that was unusual. I am not persuaded, therefore, that the level of vehicular use of Tirley Lane is so low that the occupants of the proposal would be prepared to walk or cycle to Utkinton or beyond to access facilities, services or employment.

13. The evidence before me is that, in addition to a school bus, there is a community bus which can be accessed from Utkinton. However, it offers an extremely limited service on two weekdays. Moreover, for the above reasons it is unlikely that people would walk to the bus stops to access that service. My attention has been drawn to the Tarporley Area Community Car Service which, I assume, would pick up from the appeal site. Nonetheless, as this operates on three weekdays, it is also a very limited service. I therefore find that the occupants would not have access to a realistic alternative mode of transport from the site.
14. Consequently, the future occupants of the proposal would be highly dependent on the use of private cars for most of their day-to-day needs. I acknowledge that it is a requirement that new houses are supplied with electric vehicle charging capabilities, thus providing opportunities to utilise a more sustainable mode of transport. However, as it could not be guaranteed that the occupants would use electric vehicles to access the services and facilities in Utkinton, Tarporley or Kelsall, this does not change my findings regarding the accessibility of the appeal site.
15. At paragraph 83, the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. The Framework recognises, at paragraph 110, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, paragraph 110 also states that the planning system should actively manage patterns of growth in support of the objectives set out at paragraph 109, which include identifying and pursuing opportunities to promote walking, cycling and public transport use. Paragraph 115 of the Framework indicates that it should be ensured that, amongst other things, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
16. In view of the accessibility concerns I have identified, the benefits of the proposal, due to the support it would give to services in Utkinton or any other nearby settlement, would be limited. In addition, given the small scale of the proposal it would not promote or prioritise sustainable transport, walking or cycling.
17. In this case, the proposal would be located near to several dwellings. Such a group, however, do not form a coherent and readily identifiable rural community or settlement. Therefore, in my judgement, the proposed dwelling would be isolated for the purposes of paragraph 84 of the Framework. There is no compelling evidence before me to suggest that the proposal would fall within any of the circumstances that are set out at paragraph 84 where isolated dwellings are supported.
18. In conclusion, having regard to the spatial strategy as set out in the development plan, and the poor accessibility of the site to services and facilities, I find that the appeal site would not be a suitable location for residential development and would conflict with LP1 policies STRAT 1, STRAT 2 and STRAT 9 and LP2 policies DM19 and R1. It would also be contrary to the relevant sections of the Framework which promote sustainable development in rural areas.

Other Considerations

19. The appellant states that the housing land supply is 1.89 years which is not disputed by the Council. As the Council cannot currently demonstrate a five-year

supply of housing land as required by the Framework, the balance in paragraph 11 d) ii) is engaged.

Planning Balance

20. The proposal would provide a self-build dwelling on previously developed land, and would, thus, make a contribution towards the Council's land supply and the Government's aims of boosting the supply of housing. Associated economic and social benefits resulting from the construction and occupation of the dwelling would arise. However, given the scale of the scheme, such benefits would be small. For that reason, and due to the accessibility concerns set out above, any support it would give to services in Utkinton and other nearby rural settlements would also be small.
21. I have found that the appeal site is an unsuitable location for residential development due to the conflict with the development plan and its poor accessibility to services and facilities. As the planning system should be genuinely plan-led, and sustainable transport is not promoted in line with the Framework, these are matters to which I afford significant weight against the proposal.
22. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
24. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR