



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: 20 February 2026

Appeal Ref: APP/A0665/W/25/3374108

Land adjacent to Leawood, Mudhouse Lane, Burton, Cheshire CH64 5TS

- 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 and Mrs R Lyon against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/02524/PIP.
 - The development proposed is erection of 1 no. self-build dwelling and detached garage, and associated infrastructure works.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising the erection of 1 self-build dwelling and detached garage at land adjacent to Leawood, Mudhouse Lane, Burton, Cheshire CH64 5TS in accordance with the terms of the application, 25/02524/PIP, dated 7 August 2025.

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 application. The Council has not raised concerns regarding the proposed land use or the amount of development when responding to the appeal. Furthermore, the main parties agree that the proposal would not be inappropriate development in the Green Belt, which was the conclusion of the Inspector in the most recent appeal on the site. 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.

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

5. I have been provided with copies of appeal decisions² relating to residential development on this site, to which I have had regard in reaching my decision.

Main Issue

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

Reasons

7. 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 to be identified as local service centres in the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (LP2), adopted 18 July 2019. LP1 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.
8. The appeal site is not within one of the larger settlements identified in LP1 Policy STRAT 2 and is not identified as a key service centre in LP1 policies STRAT 1 and STRAT 8. In addition, based on the evidence before me, it is not within a local service centre as identified in LP2, nor would the proposal serve an identified local need.
9. Where development is in the countryside, 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.
10. LP2 Policy DM19 specifically relates to proposals for residential development. In relation to proposals in the countryside, outside of identified settlements as in this case, it 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.
11. The appeal site is within Burton which contains a primary school, church, village hall, a cafe and a decorative goods shop. For much of the way between the appeal site and such facilities there are no footpaths, limited streetlighting, and vehicles parked within the highway that restrict the carriageway width. Whilst, for such reasons, the route would not be attractive to all, based on my observations and taking into consideration the numerous driveways along the route, which would provide a temporary refuge for walkers, I am satisfied that some of the journeys to Burton's facilities would be possible on foot. Nonetheless, due to the limited nature of the village facilities, the future occupiers of the proposed dwelling would be required to travel elsewhere for most of their day-to-day needs.

² Ref APP/A0665/W/16/3144762, APP/A0665/W/17/3172630 & APP/A0665/W/25/3359890

12. A full range of services and facilities are provided in the nearby settlements of Neston and Little Neston but are not reasonably accessible on foot. Additionally, there are narrow country lanes between Burton and these settlements and there is no evidence of any dedicated cycle lanes, thereby making cycling an unattractive option for day-to-day family needs.
13. Evidence has been provided of a two hourly bus service on Monday to Saturday, that links Burton and Neston, which has a train station. The distance from the appeal site to the bus stops on Dunstan Lane is short and, whilst there are no footpaths, I find, for the same reasons set out above, that the route would be unlikely to deter the occupants of the proposal from utilising the available bus service. Therefore, I consider that future residents of the proposal would have a viable option to access more sustainable modes of transport.
14. The National Planning Policy Framework recognises, at paragraph 110, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. My findings above do not necessarily mean that future occupants of the proposal would choose not to have a car. However, the site's location would offer a choice for the carrying out of day-to-day activities, thereby reducing the reliance on the private car. In this regard the circumstances in which the Inspectors determined the previous appeals on the site differ from those before me, when either no, or a very limited, bus service was available.
15. In conclusion, for the reasons set out above, the future occupiers of the proposed development would not be wholly reliant on the use of a private vehicle. Nonetheless, having regard to the identified conflict with LP1 policies STRAT 1, STRAT 2 and STRAT 8 and LP2 Policies DM19, the site is not a suitable location for residential development.

Other Considerations

16. The appellant states that the current housing land supply is 2.09 years, at best, which is not disputed by the Council. Accordingly, the balance in paragraph 11 d) ii) is engaged.
17. There would be economic benefits arising from the construction and occupation of the proposal.

Other Matters

18. I have had regard to the previous appeal decisions, relating to sites elsewhere within the borough, that the Council has drawn to my attention. However, I note that in those cases the Inspector's referred to a poor bus service and/or an unsafe route to the bus stop, or found there to be a reasonable degree of access from the appeal site to some services but dismissed the appeal for other reasons. Therefore, the circumstances that led to such decisions differ from those before me and, consequently do not alter my findings above.

Planning Balance

19. The proposal would conflict with the spatial strategy set out in the development plan. Furthermore, it does not require a countryside location and does not fall within any of the types of development that are considered to be permissible within the countryside.

20. In its favour, the proposed development would make a small contribution to the supply of housing in a location with access to sustainable transport modes. Given the significant shortfall in the 5YHLS at this time, I afford this substantial weight. In addition, the economic benefits of the proposal weigh in its favour, albeit the weight that I afford to such benefits is limited given the small scale of the development.
21. The adverse impact I have identified, arising from the conflict with the spatial strategy, would not, therefore, significantly and demonstrably outweigh such benefits. Consequently, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

Conclusion

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

Elaine Moulton

INSPECTOR