



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: 23rd February 2026

Appeal Ref: APP/A0665/W/25/3375287

Land at Linnards Lane, Higher Wincham, Cheshire, CW9 6ED

- 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 planning permission
 - The appeal is made by Mr Chris Hewitt against Cheshire West and Chester Council.
 - The application Ref is 25/02260/PIP.
 - The development proposed is Erection of up to 3 no. 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 three self-build houses on agricultural land outside the settlement of Higher Wincham. 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 agricultural 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 on agricultural land within the North Cheshire Green Belt and open countryside outside the identified settlement boundary of Higher Wincham to the west of the site. Both parties agree that the land is agricultural land and there is nothing before me to contradict this.

Whether a sustainable location

8. The appeal site has a wide frontage between the detached bungalow dwellings of Rose Lawn and Oakes. The current field gate is set back from the wide grass verge. There are no pedestrian footpaths flanking the road here until the very start of the built-up settlement to the west of the site. Nor are there any streetlamps along this part of Linnards Lane. The site takes on a typical rural character of an undeveloped parcel of agricultural land set amongst sporadic dwellings scattered along this side of Linnards Lane outside the settlement.
9. I could see that the grass verges in front of some dwellings along this side of the road were well tended to and wide, and would allow the pedestrian a safer walking route partway into the settlement across these verges. However, for the most part the highway verge is overgrown and narrows and the pedestrian would inevitably walk on the road alongside vehicles travelling at 40mph. No bus stops were apparent to me in close quarters of the appeal site.
10. The site may not be located more than a short distance away from the settlement of Higher Wincham with its services and amenities that would attract future occupiers. However, given the lack of footways and streetlamps, 40MPH speed limit of road, I am not convinced that the site is located within a sustainable location.
11. The appellant brings 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 particular reasons, 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 situation 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

12. 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.
13. Turning to the issue of the appeal site located 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. There is nothing before me to suggest that the proposal meets any of the exceptions. As the proposal meets none of the exceptions within paragraph 154 of the Framework, it is therefore by definition inappropriate development within the Green Belt.

- *Effect on openness of Green Belt*

14. Openness has both a spatial and visual dimension to it. The site is currently undeveloped green fields. It contains very limited structures and physical containment akin to that seen in a typical rural environment. The houses would be spatially located outside the village of Higher Wincham which is very tightly contained within its boundaries with a clear distinction between where the settlement ends and the countryside begins. The land would change spatially from that experienced as a rural character, to one of residential development.
15. The appeal site would be broadly speaking, bookended by two other dwellings, and given the expanse of land to be developed, a long linear form of development would arise if these proposed houses were allowed. Consequently, it would spread built residential development out of the settlement confines, encroaching into the Green Belt. As there are low level bungalows and garages adjacent to the site, by filling in the land with more dwellings would have the effect of creating a greater built-up edge to the settlement and causing the effect of sprawl. They would considerably reduce the spatial aspect of the Green Belt's openness.
16. Based on the information before me at Stage 1 including the position and design of the houses as far as presented, the precise technical details of the dwellings would be explored at Stage 2 of this process. Nevertheless, the submitted illustration provides an indication of three substantial houses set in large plots in a row. They would visually remove the openness and permanence of the Green Belt.
17. The paraphernalia associated with domestic living such as cars, garden furniture, washing lines and the likes of play equipment that would be reasonably expected to be seen at the houses as these would be family sized homes, would harm the openness of the Green Belt. Therefore, based on the evidence before me, it would result in unrestricted sprawl.
18. 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 as required of the PIP process. Therefore, I am not convinced that the openness and the permanence of the Green Belt would be preserved. I must bear in mind that the Framework places substantial weight to any harm to the Green Belt.

- *Grey belt land*

19. The appellant contends that the appeal proposal benefits from grey belt land exemption. 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 is of the view that the land should be regarded as 'other land' in accordance with the Framework's definition of grey belt land.

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 'the development of 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. The appellant is of the view that the land does not strongly contribute to any of the purposes of (a), (b) or (d) within paragraph 143 of the Framework. These things considered, I find that for the reasons explained earlier, this land in the Green Belt does strongly contribute to the purposes of a) of paragraph 143 of the Framework to check the unrestricted sprawl of large built-up areas. It therefore cannot be regarded as grey belt land.

- *Other considerations*

22. The appellant draws on the benefits of the proposal and other attributes they consider to be important, as material considerations. This includes it would improve upon the Council's housing supply by building self-build family homes; it would be built out quickly; it would create employment opportunities and support and sustain the rural economy including the local primary school. The design would reflect local character and of a scale proportionate to the size of the land and built to a high standard.

23. 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 three dwellings and to local housing supply would be very limited. Self-build houses would increase the local supply but only as a very limited number. I can only apportion very moderate weight to these things as a benefit.

24. 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. Family houses would support the local primary school although this would be in a limited capacity and there is nothing before me to indicate the school is struggling with pupil numbers.

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

- *Very Special circumstances*

26. 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.
27. 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

28. 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.
29. 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.
30. 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.
31. 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

32. 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 exists to justify the development. Even when the Council cannot demonstrate a 5 year housing land supply, the development cannot be considered as sustainable development.

33. 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