

Minutes of Tattenhall & District Parish Council Meeting Held 7th September 2026 at the Barbour Institute.

PRESENT

Councillors

Chairman – J. Kershaw

J. Bailey

P. Black

R. Carden

C. Dzelzainis

I. Keeping

P. Kerr

N. Matthews

L. Morris

K. Williams

B. Wilson

Clerk – Ann Wright

CW&C Cllr Mike Jones

Public – 34

Apologies

C. Elliott – Family commitment

R. Norris – Family commitment

A. Scarratt – Family commitment

Declaration of Interests

The following interests were declared:

Cllrs Carden, Dzelzainis, Williams and Wilson declared pecuniary interest in agenda items relating to applications 26/02414/OUT and 25/02070/FUL as they live adjacent to the site and will leave the meeting and take no part in the discussions.

Public Participation

High School Transport

Residents wished to raise awareness that almost all the children who have moved to the Bishop Heber this term from Tattenhall Park Primary School have not been granted free school transport by CW&C.

It was reported that today there was no spaces on the public A41 service and it was reported that 15 to 30 children had to stand up on the bus as it travelled along the A41. Due to the bus being full it did not stop at Milton Green.

At the same time 15 empty seats were counted on the free school bus which goes through Tattenhall.

It was noted this situation is likely to worsen in future years as the birthrate has fallen and it is likely there will be more spaces available at the 'closest schools' to which free transport is provided which include Tarporley and Christleton in most cases not Bishop Heber.

It was agreed the Parish Council would raise this with CW&C and request the situation is reviewed by the scrutiny committee.

Planning Applications & Appeals

Concern was raised that residents are confused and fatigued by the flow of planning applications, appeals and inquiries.

Concern was voiced about the short length of time people had to respond to planning applications; it was noted this are set by government legislation.

It was agreed the Parish Council would seek to publicise the difference between the different applications along with postal and email addresses.

The following explanations were provided:

26/02414/OUT – Outline planning application (with all matters reserved other than access) for the development of up to 120 dwellings, public open space and landscaping – Land North of Chester Road, Tattenhall.

This is a new application; comments need to be submitted as they will not be transferred from the previous application.

25/02070/FUL, Erection of 110 dwellings, asso. access & infrastructure works inc. roads, drainage infrastructure, car parking, public open space, landscaping & asso. works, land at Chester Road, Tattenhall.

This application was refused at CW&C planning committee and has now gone to appeal. Comments previously submitted to CW&C on this application will be forwarded to the planning inspection and additional comments can be submitted directly to the inspector.

25/01764/OUT, Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access), Land At Grid Ref 348876 359298 Greenlands Tattenhall Chester

This application has now gone to appeal because CW&C has not decided the application yet (non-determination). Comments previously submitted to CW&C on this application will be forwarded to the planning inspection and additional comments can be submitted directly to the inspector. This appeal will include a public inquiry where people will have an opportunity to speak, the is expected to start in the 24th November 2026.

Bus Shelter Repairs

Concern was raised regarding the amount of time it is taking to repair the bus shelter and the impact of the cones and traffic lights.

Emergency Chemist

Concern was voiced that during the recent event at Bolesworth a lady had spoken to residents trying to find an emergency chemist as she had no phone signal. It was requested that something is done to address the lack of phone signal while large scale events are taking place.

Planning

1) 26/02414/OUT – Outline planning application (with all matters reserved other than access) for the development of up to 120 dwellings, public open space and landscaping – Land North of Chester Road, Tattenhall.

Cllrs Carden, Dzelzainis, Williams and Wilson left the meeting and took no part in the following discussion.

RESOLVED 26/045 –That the Council delegate authority to the Clerk to submit comments based on those previously submitted, culminative impact of the proposed development on facilities including education and the current status of the neighbourhood plan. ¹

2) 25/02070/FUL, Erection of 110 dwellings, asso. access & infrastructure works inc. roads, drainage infrastructure, car parking, public open space, landscaping & asso. works, land at Chester Road, Tattenhall.

¹ Copy attached, from page 39 of the Minutes.

RESOLVED 26/046 –That the Council delegate authority to the Clerk to submit comments prepared by ONH.

Cllrs Carden, Dzelzainis, Williams and Wilson rejoined the meeting.

3) 25/01764/OUT, Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access), Land At Grid Ref 348876 359298 Greenlands Tattenhall Chester

RESOLVED 26/047 – That the Council delegate authority to the Clerk to submit comments based on the previous appeal refusal for the site and the current status of the neighbourhood plan.

It was discussed whether the Parish Council would apply for Rule 6 status at the inquiry, it confirmed this can be considered at the Council's October meeting.

4) Planning Register

Councillors confirmed the planning register as circulated, pages 218 to 223 noting a comment of support has been submitted for application 26/02513/FUL 4 lodges and an objection to tree works application 26/02530/CAT at The Rookery.

5) Planning Applications

No further applications received however the Parish Council had been notified that Muller Property Group will be consulting on a proposal to develop for 130 homes land adjacent to the proposed Taylor Wimpey site off Chester Road.

6) Lead Planners

The following lead planners were noted until the July meeting, Cllrs Morris, Scarratt & Wilson.

CW&C Local Plan

RESOLVED 26/048 –That the Council submit comments provide by ONH confirming the status of the Neighbourhood Plan.

Minutes

RESOLVED 26/049 –That the Council approve the minutes of the meeting held on the 6th July and the extraordinary meeting held on the 20th July 2026.

Accounts & Payments

1) Accounts & Payments

RESOLVED 26/050 –That the Council approve the accounts, payments and bank reconciliation as circulated, page 37 of the Cashbook including the following payments:

Unity Bank	Debit Interest	0.02
PJ Hellmers Ltd	Maint, Trees & watering	2353.18
A. Wright	Salary - July	1241.49
SSE	Memorial Power	96.24
Nest	Pension contribution	92.81
PKF	Audit 2025-2026	378.00
PJ Hellmers Ltd	Bus shelter accident support	210.00
Japanese Knotweed Solutions	JK Treatment 1	968.34

Elson Electrical Ltd	Replacement memorial lights	288.00
ONH	Planning support	570.00
Unity Bank	Bank charge	7.00
PEST	Bus stop wasp nest	102.00
Play Inspection Company	Play area inspection	216.00
PJ Hellmers Ltd	Watering & orchard mow	726.00
HMRC	PAYE/NI - July	230.46

2) Additional Invoices

RESOLVED 26/051 – That the Council approve the following payments:

A. Wright	Salary – August	1241.69
Nest	Pension contribution - August	92.81
HMRC	PAYE/NI - July	230.46

3) Outcome 2025-2026 Audit

It was reported the Council had received a clean audit, the only issue raised was that the AGAR had not accurately completed before submission and had been amended. This came about as while preparing the audit a mistake was identified in the previous year's accounts, this was explained in the audit information but not on the AGAR form.

Date of Next Meeting

It was agreed to hold an extraordinary meeting on Monday 5th October to consider matters deferred from this evening's meeting.

Part B

RESOLVED 26/052 – That the Council move into private session to discuss the remaining agenda items and request all press and public leave the meeting.

Barnfield Adverse Possession Claim

It was agreed the Clerk contact Land Registry to provide them with an update.

The meeting closed at 8.40pm.

Ann Wright
09/09/2026.

Next scheduled Parish Council Meeting

Monday 5th October 2026 at 7.30pm
Billiard Room, Barbour Institute.

26/02414/OUT – Outline planning application (with all matters reserved other than access) for the development of up to 120 dwellings, public open space and landscaping – Land North of Chester Road, Tattenhall.

Comments submitted:

Tattenhall & District Parish Council strongly objects to this planning application on the below grounds:

This application has been made purely as a result of the CW&C housing number position; it does not meet the needs of the community or provide much needed infrastructure or services for Tattenhall.

Detrimental Impact on Character & Landscape

The proposed development is in the open countryside and will have a significantly detrimental impact on the character and landscape of the area. Creating a sprawling urban mass in the open countryside and creating an urbanised edge to the village at a key visual gateway to Tattenhall and is in conflict with Policies 1 & 2 Tattenhall & District Neighbourhood Plan (TDNP).

The proposed development will dominate the skyline and views into and out of Tattenhall.

The proposed development will unacceptably erode the separation between Tattenhall and the settlement of Gatesheath and is therefore in conflict with Policy 2 TDNP.

Loss of Amenity

The development will result in a significant loss of amenity to existing adjacent properties resulting from overshadowing and loss of privacy.

Loss of Agricultural Land

The proposed development will result in the loss of good agricultural land. Contrary to the statement made by the developer, this agricultural land is currently still in use.

The site also contains a number of natural ponds which are havens for natural biodiversity which will be lost as a result of this development.

Highways Matters

The proposed development of 120 residential dwellings will result in a significant increase in traffic and traffic movements on Chester Road, an already busy road which is better described as a country lane with bends and dips.

The proposed development shows a single narrow site access off Chester Road which raises concerns regarding site access should this be blocked by roadworks, or an accident in the future.

Traffic exiting the development site turning left will travel to the junctions with Tattenhall Road and the High Street. These are heavily congested junctions with vehicular roadside parking reducing visibility. In addition, these junctions are in close proximity to The Park Primary School with young children and families crossing the road adding to concerns about road capacity and safety.

Vehicles joining Tattenhall Road will cross the Newton Lane junction. This junction is heavily used with traffic going to and from the Ice Cream Farm and is the location of frequent road traffic accidents.

Vehicles exiting the site turning right to access the A41 will need to negotiate the junction of Newton Lane at Gatesheath. The junction again is not of a standard to accommodate additional traffic and is on a blind corner.

The roads which make up the main routes into and out of Tattenhall are all narrow country lanes that are at capacity with vehicles of all sizes including agricultural vehicles reflecting the predominantly agricultural nature of the area.

Rocky Lane provides the main route out of Tattenhall in a southerly direction; the narrow lane is well below the standard required of any road used by the number and type of vehicles that use it daily with vehicles overrunning verges to pass. Frog Lane does not provide a viable alternative to Rocky Lane.

The junction of Chester Road with the A41 is already heavily congested, particularly at peak times resulting in queues of traffic on Chester Road. This junction is the site of frequent serious traffic accidents.

Lack of Sustainable Travel Methods

The location of the proposed development site is away from the centre of Tattenhall and its services including the shop, public houses, which will result in the majority of residents relying on vehicles to access these services. In addition to increasing traffic and congestion this will result in parking issues in the village.

The bus service in Tattenhall is extremely limited and does not provide a viable alternative to the use of cars for those looking to use public transport to reach work and is therefore in conflict with Policy 5 TDNP.

Conflict with Climate Emergency

The reliance on vehicles by residents on the proposed site is in conflict with CW&C Climate Emergency Plan and will result in increased pollution as a result of additional traffic movements and congestion.

Lack of Health Services

It is widely acknowledged the medical practice is at capacity as is the health centre itself.

The only dental practice in the village is private as such any residents seeing an NHS dentist will need to travel out of Tattenhall.

Sewerage Treatment at Capacity

Tattenhall's sewage treatment facilities are at capacity and are already frequently discharging into the Brook, as such any additional development will worsen this situation for both existing and new residents.

Flooding

Tattenhall is severely impacted by flooding. The proposed development is on flood zones and will increase the risk of flooding on and also off site.

No account has been taken of the fact the field currently regularly floods and has standing water on it, which results in the flooding of adjacent gardens.

Tattenhall suffers not only from the flooding of residential, business and agricultural properties but also of the roads. On frequent occasions during the winter and heavy rain all roads into Tattenhall become impassable due to flooding.

Boundary Dispute

The Parish Council has been made aware that there is a boundary dispute regarding the ownership of the ditch.

Planning Applications

Tattenhall and District Parish Council is aware that a number of large planning applications will be submitted over a very short period of time and asks that these are considered together due to the detrimental cumulative impact they will have on our community, environment, highways, education and other services and infrastructure.

Status of Tattenhall & District Modified Neighbourhood Plan

The Regulation 16 publicity period ended on 30 July 2026. Cheshire West and Chester Council (CW&C) has appointed Mr Andrew Mead BSc (Hons) MRTPI MIQ as independent examiner. The Modified Neighbourhood Plan is therefore now at Regulation 17 examination.

The Modified Neighbourhood Plan does not seek in any way to constrain housing growth. Indeed, it has taken a very pragmatic approach, allocating land for up to 600 homes within Tattenhall, comfortably in excess of the (upper) indicative housing requirement figure of 526 homes provided by CW&C in May 2026. The modified Neighbourhood Plan has therefore been positively prepared in response to the borough-wide housing land supply shortfall and development pressure.

Policy 1 in the modified Neighbourhood Plan defines a revised settlement boundary which incorporates the land proposed for the new allocation. Policy 7 allocates land to the north and south of Frog Lane as a single, comprehensive, phased mixed-use residential-led development of up to 600 dwellings, with approximately 400 homes in Phase 1 and approximately 200 homes in Phase 2, alongside infrastructure and community requirements. Policy 8 safeguards land for a new flood management scheme to provide future resilience to climate change and flood risk, which has been an historic issue in the village.

The supporting text sets out how the allocation policy is a deliberate, plan-led response to the absence of a demonstrable five-year housing land supply. The Neighbourhood Plan deliberately proposes the figure of 600 homes to secure a number of community benefits which can only be delivered at this scale, notably land and contributions for a new village doctors' surgery, opportunities for the create of new active travel connections to the school and village centre, a connecting road between Frog Lane and Chester Road to reduce pressure on the congested village centre and enable access to and from the strategic highway network for new residents without passing through the village centre. It also offers space for new sports pitches and additional burial ground capacity. This housing figure also sits at the upper end of theoretical capacity for the existing Tattenhall Park Primary School with its PAN restored to 45.

Tattenhall Park Primary School currently has capacity for 218 pupils, with 184 pupils on roll, leaving theoretical capacity for a further 34 pupils, or 162 additional homes using a cautious assumption of 0.21 primary-age pupils per dwelling. However, the school's PAN has recently been reduced from 45 to 30 pupils per year. Restoring the former PAN of 45 would return the school to its previous capacity of approximately 315 pupils. Against the current roll of 184, this would provide capacity for around 131 additional pupils, or 623 homes. This reinforces the importance of coordinating housing and education infrastructure through the plan-led process. 3 3.9

The modified Neighbourhood Plan is clear about the purpose of the strategy. It seeks to identify the most sustainable location for growth, avoid unplanned speculative development, coordinate infrastructure and ensure that local influence is retained over the location, scale and form of development. These are the central spatial decisions that Policy DM4 is intended to protect while an advanced plan completes its statutory process.

Whilst CW&C's Regulation 16 representation raises a number of drafting and implementation matters for examination, its Strategic Housing Team expressly welcomes the allocation of

specific sites to meet housing needs. This demonstrates support in principle from the Council's Strategic Housing Team for the Plan's approach of positively allocating land to meet Tattenhall's housing requirement, although detailed matters remain for the Examiner.

There are however sustained objections to the modified Neighbourhood Plan, notably from the appellant, other land interests whose sites have not been included within the modified Neighbourhood Plan and a small number of residents. On the whole, whilst a minority of residents have objected, many in the community have supported the approach taken by the Plan, understanding the difficult decisions which the Parish Council and the Neighbourhood Plan have had to take in order to re-establish a measure of control in terms of planning for and managing sustainable growth in the current backdrop of speculative applications.

The 120 dwellings sought by the appellant is equivalent to approximately 23% of the Council's indicative 526-home requirement. The proposal is therefore not a small or incidental windfall and allowing the application would undermine the modified Neighbourhood Plan spatial approach and create a real risk on the success of the referendum.

Prematurity – NPPF Policy DM4

The August 2026 NPPF states at the outset that the planning system should be “genuinely plan-led”. Its national decision-making policies are material considerations in determining planning applications and are to be read alongside the development plan.

Policy DM4(1) provides that relevant policies in emerging development plans may be given weight according to the stage of preparation, the extent of unresolved objections and their compliance with the plan-making policies. These matters require a planning judgement. The Parish Council accepts that examination may result in modifications, but the plan's present Regulation 17 status is substantially advanced.

Refusal on prematurity grounds is confined to cases where both limbs of the policy are satisfied: first, the proposal must be sufficiently substantial, or cumulatively significant, that permission would undermine plan-making by predetermining decisions about the scale, location or phasing of development central to the emerging plan; and secondly, the emerging plan must be at an advanced stage but not yet formally part of the development plan.

The second limb is now engaged. The specific circumstance identified by DM4(2)(b) as normally indicating that a neighbourhood plan is not yet advanced no longer applies: the Regulation 16 publicity period has ended and the Plan has subsequently progressed to Regulation 17 examination, with an independent examiner appointed. The Parish Council therefore submits that the Plan is now at an advanced stage for the purposes of DM4(2)(b)

The first limb is also engaged. The Modified Neighbourhood Plan has made a central choice to accommodate the parish's identified housing requirement through a comprehensive allocation of up to 600 homes at Frog Lane, delivered in two coordinated phases. It does so after considering alternative growth scenarios and expressly to avoid unplanned speculative growth.

The application seeks 120 dwellings on a separate, non-allocated countryside site outside the settlement boundary. Approval of the application would make a substantial decision about both the scale and location of Tattenhall's housing growth before the independent examination has concluded. If the Policy 7 allocation proceeds at the proposed 600 homes, the application would increase the combined quantum to approximately 720 homes. That would be around 37% above the Council's indicative 526-home figure and would establish a second major direction of growth outside the spatial choice presently being examined.

However, the combined quantum may not be the final figure; the risk of allowing the application and undermining the Neighbourhood Plan process would put the outcome of the referendum at risk. The community may lose confidence in the ability of the process to allow the community to manage its own plan led growth. The unintended consequence of this is the prolonged policy vacuum until a new Local Plan is in place and yet further speculative applications.

A prematurity reason can also be stated with the clarity required by DM4(3): granting permission for 120 dwellings would prejudice the outcome of the neighbourhood plan process by establishing a substantial alternative location and additional quantum of housing growth before examination has resolved the Plan's chosen settlement boundary, site allocation, scale and phasing strategy.

This is not an attempt to use prematurity as a general moratorium on development. The Parish Council relies on it because the proposal is major development, because the emerging plan is now at examination, and because the application goes directly to the same decisions on scale and location that the Plan is making. Those are precisely the limited circumstances identified by DM4(2).

Development Outside Settlements – NPPF Policy S5

Policy S3 of the 2026 NPPF directs decision-makers to Policy S5 for development outside settlements. The application site is outside the adopted settlement boundary and is identified by the Council as countryside. The Parish Council therefore agrees that S5 is directly relevant to this application.

S5(1)(j) includes development addressing an evidenced unmet need, expressly including housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, provided the development is physically well-related to an existing settlement and is of a scale which can be accommodated having regard to infrastructure. The Council's housing supply position means that the application may fall within this qualifying category, subject to those criteria.

However, S5(1) clearly states that the listed forms of development should be approved unless the benefits would be substantially outweighed by adverse effects when assessed against the NDMPs. S5 therefore replaces the previous NPPF §11d "tilted balance" approach with a location-specific policy that still requires the proposal to be assessed against the national decision-making framework as a whole.

Policy S5(2) identifies circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects. These expressly include, but are not restricted to, cases where a proposal fails to comply with a national decision-making policy which directs refusal in specified circumstances. S5(2) therefore gives particular significance to adverse effects which national policy itself regards as capable of justifying refusal.

DM4 is directly relevant here. It provides that development should not be refused as premature other than in the limited circumstances where both tests in DM4(2) are met. Where those tests are satisfied, the national policy restriction on refusing permission for prematurity falls away because the proposal is sufficiently substantial to undermine an advanced plan-making process by predetermining central decisions on the scale, location or phasing of development.

In practical terms, the combined operation of S5 and DM4 forms the critical constraint on the outside settlement presumption in this case. It would be inconsistent to read S5(1)(j) as requiring permission irrespective of DM4, where the qualifying tests are met. The Parish Council contends that Policy DM4(2) therefore falls within the non-exhaustive circumstances

contemplated by S5(2) in which the benefits of approving development are likely to be substantially outweighed by its adverse effects.

The Parish Council draws your attention to two appeal decisions which applied the previous NPPF prematurity provisions in circumstances which closely resemble this case. Whilst each appeal turns on its own facts, we consider them to be relevant and significant because the operative wording now contained in DM4(2) follows the same core test: an advanced plan and a proposal of such scale or cumulative significance that it would predetermine central decisions about development.

Thorpe – APP/Q3630/W/20/3253944, Land off Rosemary Lane, Thorpe²

Burghclere – APP/H1705/W/20/3248187, Land south and east of Harts Lane, Burghclere³

Conclusion

For the above reasons the Parish Council requests that this application is refused.

DRAFT

² <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3253944>

³ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3248187>