

REGULATION 16 REPRESENTATIONS

Tattenhall and District Modified Neighbourhood Plan 2025–2045

(Submission Version 4, May 2026)



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Regulation 16 Consultation

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**Lexwood
Land**

EXECUTIVE SUMMARY

Tattenhall and District Modified Neighbourhood Plan 2025–2045

ES1 Introduction and overall position

These representations are submitted on behalf of Lexwood Land in response to the Regulation 16 consultation on the Tattenhall and District Modified Neighbourhood Plan 2025–2045.

Lexwood supports the preparation of an updated Neighbourhood Plan, supports the principle of plan-led housing growth at Tattenhall and does not object to the allocation of land north and south of Frog Lane under Policy 7.

These representations do not seek to prevent the Plan from proceeding. But they do seek focused modifications which would allow the Plan to proceed while avoiding an unduly restrictive housing strategy over the twenty-year Plan period.

Lexwood's position is distinct from an objection seeking to stop or restart the Plan. The concern is that the submitted strategy should not operate as a moratorium on otherwise sustainable and deliverable small and medium-sized sites while the strategic allocation progresses through its lead-in and delivery stages.

ES2 The national objective of significantly boosting housing supply

The National Planning Policy Framework places the significant boosting of housing supply at the centre of national housing policy. That objective requires not only sufficient overall capacity, but also an appropriate amount and variety of land capable of coming forward where it is needed and without unnecessary delay.

The submitted Plan identifies substantial longer-term capacity through the allocation of up to 600 homes at Frog Lane. However, allocation capacity is not the same as housing delivery. A strategic allocation of this scale will require master planning, technical assessment, infrastructure planning, planning approval and phased implementation before material completions can occur.

At the same time, the Plan removes the made Neighbourhood Plan's positive policy route for schemes of up to 30 homes within or immediately adjacent to the built-up part of Tattenhall and provides no equivalent route for complementary small and medium-sized sites.

As drafted, the Plan may provide substantial long-term capacity, but it does not provide a balanced framework for boosting actual housing delivery across the Plan period. The practical effect of the submitted Plan is to suppress housing delivery in Tattenhall for the first four to five years of its period, by removing an established small-sites route before the strategic allocation is capable of making a material contribution.

ES3 The quantified early-years shortfall

The practical consequence can be stated transparently. CWaC's current indicative requirement of 526 homes over the 2025–2045 Plan period equates to a straight-line benchmark of approximately 26.3 dwellings per annum. The Plan's 'up to 600 homes' allocation capacity equates to 30 dwellings per annum. Neither figure is an annual delivery requirement or an assumption of even delivery; both provide useful comparators for assessing the effect of the strategic site's lead-in period (CWaC, Report for Neighbourhood Development Areas: Indicative Housing Requirements – Tattenhall, May 2026, section 6.6 and paragraphs 8.1–8.2).

On a realistic assessment of the Frog Lane pathway, informed by Lichfields' 'Start to Finish' (third edition, March 2024), first completion is unlikely before 2029–2030. Lichfields identifies land control, the promoter-to-housebuilder step and the number of sales outlets as important determinants of lead-in and build-out (Executive Summary and key figures, pp. 1–3; Figure 3.1 and Table 3.1, pp. 8–9; Table 5.2 and Figure 5.6, pp. 20–21).

Frog Lane is promoted by the Bolesworth Estate, a landowner rather than a housebuilder, and no housebuilder partnership has been announced. A four-to-five-year lead-in therefore indicates an early-period gap of approximately 105–150 homes across the two benchmarks. Lexwood's central assessment remains approximately 100–150 homes.

As a downside sensitivity rather than a forecast, a seven-year period before first completion, reflecting local experience at the consented Portico House site, which has produced no completed dwelling for more than seven years would equate to approximately 184 homes against the 526 home benchmark and 210 homes against the full 600-home allocation-capacity benchmark. The Plan contains no operative small-site, reserve-site or equivalent route capable of absorbing any part of that gap.

Small and medium-sized sites have materially shorter consenting and mobilisation pathways. Park Avenue benefits from Permission in Principle and requires Technical Details Consent; Shire Way has an immediate nine-home proposition and a wider opportunity for up to approximately 30 homes, with no strategic infrastructure requirement. The submitted Plan therefore fails Basic Conditions (a) and (d) and raises a substantial additional issue under the new housing Basic Condition. An effective positive route, direct allocation, an operative Policy 1(C), or a combination of both is required. Monitoring and review are necessary complements, but do not themselves create that route.

The early-delivery concern is also social, not merely numerical. The available evidence identifies an estimated shortfall of 12 affordable rented homes per annum—60 over five years—an affordability ratio of 10.5 in Tattenhall Ward compared with 6.83 across CWaC, and historic delivery below the 30% affordable-housing target. Policy 7 requires 30% affordable housing, but the Plan contains no published phasing or milestone demonstrating when any affordable homes will be completed (Tattenhall Housing Needs Report, December 2023; Tattenhall Neighbourhood Plan Review 2024, paragraphs 5.6–5.8; Bolesworth Regulation 14 representations (2025), paragraphs 1.90–1.91).

ES4 The central concern and proportionate remedy

Lexwood does not contend that Frog Lane is incapable of delivery and does not seek its deletion. The concern is that a twenty-year housing strategy should not depend exclusively upon one strategic allocation while excluding suitable smaller sites which could deliver independently, diversify supply and contribute earlier.

The submitted strategy presently:

- relies upon one strategic allocation as the sole planned source of general housing growth;
- removes the made Plan's positive route for schemes of up to 30 homes;
- provides no equivalent policy for complementary small and medium-sized sites;
- contains no clear delivery trajectory or effective contingency mechanism; and
- extends to 2045 while the borough-wide strategic housing position remains under review.

These matters can be addressed without delaying the Plan or prejudicing Frog Lane. The proportionate remedy is a complementary delivery framework which retains Frog Lane as the principal allocation, allows suitable smaller sites to contribute to supply, and introduces monitoring, contingency and early review.

ES5 Principal modifications sought

1. Policy 1 — small and medium-sized sites: Insert a controlled, criteria-based policy supporting suitable residential proposals of up to 30 dwellings within or immediately adjoining the Tattenhall settlement boundary.

- 2. Policy 7 — delivery monitoring and contingency:** Require the Frog Lane allocation to be monitored against an indicative trajectory with milestones for planning permission, infrastructure, commencement and completions, and a policy response where material delay or under-delivery occurs.
- 3. Park Avenue and Shire Way:** Allocate Park Avenue for up to seven dwellings (Permission in Principle granted on appeal). Allocate Shire Way as Lexwood's primary site-specific remedy; alternatively identify it as a complementary or reserve opportunity, confirm eligibility under Policy 1(C), or require focused assessment through an early review.
- 4. Housing requirement and early review:** State the source and status of the indicative requirement and commit to an early review when the emerging CWaC Local Plan establishes the final strategic position.
- 5. Policy clarity:** Amend absolute Design Code compliance requirements and references to draft national policy so that policies are clear and capable of consistent application.

ES6 Role of Park Avenue and Shire Way

Lexwood is promoting two modest residential sites which demonstrate that the concern is practical rather than theoretical.

Land off Park Avenue immediately adjoins the settlement boundary and benefits from Permission in Principle, granted on appeal, for up to seven dwellings. Lexwood seeks its allocation or, at minimum, its express recognition as a committed or complementary housing site.

Land off Shire Way has an immediate proposition for nine dwellings and wider potential for up to approximately 30 homes. A written, subject-to-contract acquisition offer from Your Housing Group dated 3 June 2026 confirms genuine Registered Provider interest in the 30-plot proposition, although the offer remains conditional upon planning, technical due diligence, grant funding and board approval. Lexwood's primary request is direct allocation. If the Examiner does not recommend allocation, the alternatives are: identification as a safeguarded or reserve site capable of coming forward through Policy 1(C); express confirmation in Policy 1(C) of eligibility; or mandatory assessment through an early focused review. Each alternative depends upon an operative positive policy route.

Both sites are capable of delivery independently of Frog Lane. They illustrate how modest sites can diversify supply, support earlier delivery and advance the national objective of significantly boosting housing supply without undermining the strategic allocation.

ES7 Overall conclusion

Lexwood supports the Plan proceeding to referendum, subject to focused modifications.

The requested changes would not remove, delay or prejudice the Frog Lane allocation. They would retain a controlled route for suitable small and medium-sized sites, introduce effective monitoring and review, and ensure that an appropriate amount and variety of land is capable of contributing to housing supply in practice.

With those modifications, the Plan would better advance the national objective of significantly boosting housing supply and would provide a more flexible, resilient and deliverable housing strategy for Tattenhall.

Lexwood's position : the Plan should proceed with Frog Lane retained, but it must be modified so that it does not suppress early housing delivery. Complementary private and affordable housing must be allowed to boost early-years supply. With those modifications, the Plan is capable of meeting the Basic Conditions.

1. Introduction and overall position

- 1.1 These representations are submitted by Lexwood Land in response to the Regulation 16 consultation on the Tattenhall and District Modified Neighbourhood Plan 2025–2045 (the "TNPR" or "Plan"), submitted in May 2026.
- 1.2 Lexwood supports the preparation of an updated Neighbourhood Plan, supports the principle of plan-led housing growth at Tattenhall and does not object to the allocation of land north and south of Frog Lane under Policy 7. A made and up-to-date neighbourhood plan can provide welcome certainty for the village, its residents, infrastructure providers and those responsible for delivering new homes.
- 1.3 These representations do not seek to prevent the Plan from proceeding or to secure the deletion of Frog Lane. They identify specific respects in which the submitted Plan does not presently meet the Basic Conditions and propose proportionate modifications through which those deficiencies can be remedied.
- 1.4 In particular, without modification the Plan does not have sufficient regard to the national objective of significantly boosting the supply of homes and securing a sufficient amount and variety of land capable of coming forward where needed. It allocates substantial long-term capacity at Frog Lane but removes the made Plan's positive policy route for schemes of up to 30 homes and provides no equivalent framework for complementary small and medium-sized sites.
- 1.5 The result is a housing strategy which is dependent upon one strategic allocation throughout a twenty-year Plan period, without a clear delivery trajectory, effective contingency mechanism or positive route for independently deliverable smaller sites. Allocation capacity is not the same as actual housing delivery. The Plan therefore risks constraining housing supply in its early years before Frog Lane is capable of making a material contribution.
- 1.6 Those matters engage principally Basic Condition (a), because of the need to have regard to national policy and guidance, and Basic Condition (d), because a housing strategy which unnecessarily restricts the amount and variety of deliverable land does not make an adequate contribution to the achievement of sustainable development. The Strategic Environmental Assessment and site-selection matters addressed later in these representations also engage Basic Condition (f).
- 1.7 Lexwood's position is accordingly that the Plan should proceed only with focused modifications which: (i) introduce a controlled, criteria-based route for suitable small and medium-sized sites; (ii) require Policy 7 to be monitored against an objective delivery trajectory; (iii) provide a proportionate response to material delay or sustained under-delivery; (iv) secure an early review when the emerging Cheshire West and Chester Local Plan establishes the final strategic housing position; and (v) correct limited areas of unclear or open-ended policy wording.

1A Lexwood's relevant experience and land interests

- 1.8 These representations are made by Alex Wood, founder of Lexwood Land. Alex has more than 30 years' experience in land acquisition, planning promotion and housebuilding delivery, including senior roles with Redrow Homes North West, Gleeson Homes, ING Real Estate, Taylor Wimpey North West and MCI Developments, part of Keepmoat Homes.
- 1.9 That experience includes the direct delivery of two adjoining phases of housing development at Tattenhall while at Redrow Homes North West: a first phase of 60 homes at Park Avenue/Harrison Close and a second phase of approximately 30 homes which now forms the existing Shire Way estate. Both sites currently promoted by Lexwood adjoin those completed developments.

- 1.10 At a strategic scale, whilst at Redrow Homes as Land Director, Alex led the masterplanning and planning application work on the Kings Moat Garden Village allocation (1,300 homes) at Wrexham Road, Chester, and coordinated the public inquiry which secured planning permission for Ledsham Garden Village (2,000 homes) at Ellesmere Port. These were the two largest housing allocations in the Cheshire West and Chester Local Plan. His experience at Keepmoat Homes as Managing Director includes the regional delivery of approximately 300–400 affordable homes each year directly for Registered Provider clients across the North West. The observations in these representations concerning strategic-site lead-in periods, delivery responsibilities, market absorption and small-site delivery draw upon that direct operational experience.
- 1.11 Lexwood is promoting two modest residential sites at Tattenhall. Land off Park Avenue immediately adjoins the built-up area and settlement boundary and benefits from Permission in Principle, granted on appeal, for a minimum of one and a maximum of seven dwellings. The permission establishes the acceptability in principle of the location, land use and amount of development; technical details consent remains to be secured.
- 1.12 Land off Shire Way is a contained edge-of-settlement opportunity adjoining the existing Shire Way estate. It has an immediate proposition for nine dwellings and wider potential for a sensitively planned scheme of up to approximately 30 homes, subject to the normal technical and environmental assessment.
- 1.13 The two sites demonstrate that the concern raised by Lexwood is practical rather than theoretical. Both are in separate control from Frog Lane and are capable of contributing to housing supply through different delivery arrangements. Park Avenue provides a strong site-specific allocation case following the grant of Permission in Principle. Shire Way demonstrates the need for a policy framework capable of accommodating a proportionate wider scheme as well as the immediate nine-home proposal.

1B Approach to the examination and modifications sought

- 1.14 The main purpose of these representations is to demonstrate why the Plan, as submitted, does not meet the identified Basic Conditions and how those failures can be cured. The modifications are not advanced merely because they would be convenient to Lexwood's land interests. They are advanced because the submitted strategy does not presently provide the positive, varied and resilient framework required to support housing supply across the Plan period.
- 1.15 The principal remedy is to retain Frog Lane as the strategic allocation while adding a complementary small-sites policy, objective monitoring and contingency provisions, and an early-review mechanism. Park Avenue should be allocated for up to seven dwellings or, alternatively, expressly identified as a committed or complementary housing site. Shire Way should be allocated for up to thirty dwellings as Lexwood's primary site-specific remedy; where further assessment is required, it should be identified as a complementary or reserve opportunity, expressly capable of consideration under the revised Policy 1 framework, or assessed through an early focused review.
- 1.16 The Strategic Environmental Assessment and site-selection concerns provide additional support for that flexible approach. Lexwood does not seek repetition of the Plan process. Where the Examiner considers further focused environmental or site-specific assessment necessary before a site is formally allocated, that requirement can be addressed through a focused addendum or early review without abandoning the Plan.

- 1.17 The remainder of these representations is therefore structured around the Basic Conditions and the minimum modifications required to remedy the identified failures. Sections 2–6 address the principal national-policy, sustainable-development, delivery and site-specific case. Section 7 addresses the supporting SEA and site-selection matters. Sections 8–10 set out limited technical corrections, the consolidated modifications requested and the overall conclusion.
- 1.18 Lexwood requests a hearing only if the Examiner considers that the disputed evidence concerning the Policy 7 delivery trajectory, the operation of the proposed contingency mechanism or the treatment of reasonable alternatives cannot be fairly resolved through written representations alone.

2. National and local planning context

2A The national objective of significantly boosting housing supply

- 2.1 The principal national policy context is the Government's objective of significantly boosting the supply of homes. NPPF paragraph 61 requires a sufficient amount and variety of land to come forward where it is needed. Paragraph 72 emphasises a proactive approach to housing land, paragraphs 73–74 identify the particular contribution of small and medium-sized sites and the role of neighbourhood planning groups, and paragraph 78 addresses anticipated rates of development for specific sites (NPPF, December 2024, paragraphs 61, 72–74 and 78).
- 2.2 These provisions are not optional additions to an otherwise complete housing strategy. They form part of the core requirement to have regard to national policy under Basic Condition (a) and to contribute to sustainable development under Basic Condition (d). A Plan which provides substantial long-term allocation capacity while removing an established short-term delivery route does not, in Lexwood's submission, satisfy either condition.
- 2.3 The appropriate test is not whether the Plan allocates sufficient numbers in aggregate, but whether it provides a balanced, variety-rich and deliverable framework which is capable of making an active contribution to housing supply across the Plan period. Allocation of a site which requires four or more years of pre-delivery activity before completions begin is not the same as an operative strategy for boosting supply from the outset.
- 2.4 The modifications sought by Lexwood are directed at this imbalance. A Plan that restricts development to a single undelivered allocation and provides no small-sites framework invites paragraph 14 challenge from the outset of the Plan period and fails to provide the delivery diversity which national policy expressly promotes.
- 2.5 The point is not confined to Tattenhall. CWaC cannot currently demonstrate a five-year supply of deliverable housing land, and Planning Practice Guidance advises that neighbourhood plans should be prepared so as to avoid prejudicing the objectively assessed needs of the wider local planning authority area. A neighbourhood plan strategy which allocates long-term capacity while removing the established route through which small and medium-sized sites could contribute early-years delivery does not, of itself, resolve that supply position; if replicated across other neighbourhood plan areas within the borough, the cumulative effect would be to remove exactly the kind of readily deliverable small-site supply that CWaC most needs while its five-year position remains acute. This Plan is not the cause of that wider shortfall, but it should not make it harder to address.

2B The Local Plan and indicative housing requirement

- 2.6 The Cheshire West and Chester Local Plan (Part One, 2015) and Local Plan (Part Two, 2019) remain the adopted development plan for the borough. Their plan period ends in 2030. Cheshire West and Chester Council is preparing a replacement Local Plan, but the final borough-wide spatial strategy and the distribution of housing to individual settlements have not yet been settled.
- 2.7 CWaC's May 2026 Report for Neighbourhood Development Areas provides an indicative housing requirement for Tattenhall. Its Option 1 identifies 438 dwellings and 526 dwellings with the 20% buffer, and directs neighbourhood areas to use the highest of the options presented (section 6.6 and paragraph 6.11). The submitted Plan records an indicative requirement of 526 dwellings and allocates land at Frog Lane for up to 600 dwellings. Lexwood does not contend that the Plan under-provides in gross numerical terms against the presently available indicative figure.
- 2.8 The issue is the status and use of that figure. The Council's report was prepared in advance of the replacement Local Plan and expressly states that future requirements may be significantly higher or lower depending upon the eventual strategy and constraints (paragraphs 8.1–8.2). The Plan should therefore identify the requirement and its source clearly, but should not treat either the present figure or the selected single-site strategy as fixed for the whole period to 2045.
- 2.9 The difference between the indicative requirement and the capacity of Policy 7 reflects the selected development and infrastructure package at Frog Lane. It does not remove the need to consider whether the housing strategy contains an appropriate mix of delivery sources or whether suitable smaller sites should make a complementary contribution.
- 2.10 Planning Practice Guidance advises that where a neighbourhood plan comes forward before an up-to-date local plan, complementary policies should be prepared and potential conflict minimised. It specifically states that neighbourhood plans should consider indicative delivery timetables and reserve sites so that emerging evidence of housing need can be addressed (PPG, Neighbourhood Planning, paragraph 009, Reference ID 41-009-20190509).
- 2.11 The appropriate response to the present strategic uncertainty is not to stop the Plan. It is to ensure that the Plan is flexible enough to operate pending the new Local Plan and contains a mandatory early-review mechanism once the borough-wide requirement and spatial strategy are sufficiently established. That matter is addressed further in Section 6.

2C The five-year housing land supply context

- 2.12 CWaC cannot currently demonstrate a five-year supply of deliverable housing sites. In the Park Avenue appeal, the appellant relied upon a housing land supply figure of 1.87 years, derived from the Council's published monitoring evidence. CWaC did not dispute that figure, and the Inspector proceeded on the basis that a five-year supply had not been demonstrated and applied the presumption in favour of sustainable development (Appeal Ref. 6006404, paragraph 26).
- 2.13 The absence of a five-year supply does not, by itself, prevent a recently made neighbourhood plan from receiving the protection afforded by NPPF paragraph 14 where the relevant criteria are met. Lexwood's point is different: the acute present supply position increases the importance of ensuring that the Plan positively supports deliverable housing opportunities rather than closing an established route before the strategic allocation can make a material contribution.

- 2.14 The current supply position also reinforces the need to distinguish between an allocation and a deliverable site. National guidance explains that an allocated major site should only be treated as deliverable where there is clear evidence that housing completions will begin within five years. Relevant evidence may include firm progress towards an application, a written agreement with the developer, site-assessment work, viability information and clear evidence regarding ownership and infrastructure (NPPF, Annex 2, definition of 'deliverable').
- 2.15 Policy 7 is an important long-term allocation. However, the submitted evidence does not include an agreed developer delivery programme, an implementable permission, a published annual trajectory or a mechanism to respond if key milestones are missed. In that context, excluding suitable small sites would not boost supply; it would reduce the amount and variety of land capable of contributing during the early part of the Plan period.

2D The made 2014 Neighbourhood Plan

- 2.16 The original Tattenhall and District Neighbourhood Plan was made on 4 June 2014. Its Policy 1 stated that proposals involving up to 30 homes would be allowed within or immediately adjacent to the built-up part of Tattenhall village over the period 2010–2030 (Tattenhall Modification Proposal, May 2026, pp. 1–2).
- 2.17 That policy was not an unrestricted permission for development. Proposals remained subject to the development plan and to detailed considerations including character, access, amenity, landscape, heritage, drainage and other environmental matters. Its importance was that it established a positive policy route through which proportionate sites at the village edge could be assessed.
- 2.18 The Plan's own review material acknowledges that this wording worked successfully in bringing forward smaller-scale development proposals (Submitted Plan, paragraphs 3.15–3.16). The submitted modification nevertheless removes that route and replaces it with a settlement boundary and a single strategic allocation. No equivalent policy is provided for otherwise suitable small and medium-sized sites immediately adjoining Tattenhall.
- 2.19 The deletion is therefore not a minor updating exercise. It changes the practical operation of the Plan from a managed-growth policy, under which modest sites could be considered positively, to an exclusive strategy under which general housing growth is directed to one strategic allocation. That change requires a clear national-policy and sustainable-development justification. None is provided for excluding every complementary site throughout a twenty-year period.
- 2.20 The made Policy 1 provides a relevant and locally tested starting point for the necessary remedy. Lexwood does not seek its unqualified reinstatement. It seeks a modernised, criteria-based policy which retains appropriate environmental and design safeguards while allowing suitable schemes of up to 30 homes to contribute alongside Frog Lane.

2E The new Basic Condition: the Plan must not propose less housing

- 2.21 Section 99 of the Levelling-up and Regeneration Act 2023 introduced the new housing Basic Condition, and SI 2026/169 brought it into force on 25 March 2026. Because this is a proposal to modify a neighbourhood development plan, section 38C(5) of the Planning and Compulsory Purchase Act 2004 applies Schedule 4B with a substituted paragraph 8(2)(ea): the making of the modified neighbourhood development plan must not result in the development plan proposing less housing than if the modified plan were not made. Schedule A2 paragraph 11(2)(ca) contains the equivalent 'no less housing' test for modification proposals. These representations refer to that requirement as the 'new housing Basic Condition' and, where convenient, as BC(ea).

- 2.22 The new condition applies to this examination. The Examiner appointed to the Blacon Neighbourhood Plan wrote to the parties on 16 March 2026 inviting representations on the legal changes, and his final report addressed their application after commencement (Blacon Examiner's letter, 16 March 2026; final report dated 8 May 2026, paragraphs 1.9 and 3.9–3.10). Blacon is useful confirmation of applicability and procedure; it does not determine the substantive meaning of 'less housing' in Tattenhall.
- 2.23 The statutory comparison is between the development plan with and without the modification. Without the modification, the made 2014 Neighbourhood Plan—including its operative Policy 1 route for proposals of up to 30 homes—remains part of the development plan. With the modification, that route is removed and Policy 7 adds capacity for up to 600 homes at Frog Lane. The qualifying body may therefore contend that the modified Plan proposes more housing in aggregate. Lexwood's case is that gross allocation capacity does not, by itself, resolve how the development plan operates in relation to independently deliverable housing opportunities during the strategic site's lead-in period.
- 2.24 Park Avenue must be described accurately. Its Permission in Principle will survive the making of the modified Plan, so Lexwood does not contend that those seven homes would simply disappear. The appeal is nevertheless strong evidence that the made Policy 1 route had practical effect: the Inspector recorded that Policy 1 supported proposals of up to 30 homes immediately adjacent to the built-up area (Appeal Ref. 6006404, paragraph 10). Shire Way has an immediate nine-home PiP proposition. The two current PiP propositions therefore total up to 16 homes; Park Avenue together with the wider Shire Way opportunity would total up to approximately 37 homes, subject to the necessary planning approvals.
- 2.25 The substantive issue is whether replacing that operative route with an exclusive strategic-allocation strategy results in the development plan proposing less housing from otherwise suitable and independently deliverable sites, notwithstanding the larger aggregate capacity identified at Frog Lane. That question is novel and should not be overstated as settled law. It nevertheless raises a substantial and presently unresolved issue under the new housing Basic Condition, particularly where the Plan contains no implementable permission for the full allocation, no published delivery trajectory and no operative complementary or reserve route.
- 2.26 The borough supply position reinforces the significance of the issue. In the Park Avenue appeal, the 1.87-year figure advanced by the appellant was not disputed and the Inspector found that a five-year supply had not been demonstrated (paragraph 26); she gave substantial weight to the delivery of up to seven homes in that context (paragraph 32). The principal and more established Basic Conditions case remains under BC(a) and BC(d): removing the locally tested small-sites route without demonstrating an adequate amount, variety and timing of supply does not have sufficient regard to national policy and does not provide a sufficiently resilient contribution to sustainable development.
- 2.27 The new housing Basic Condition provides an important additional statutory ground. The proportionate remedy is to retain at least one effective positive route through which complementary housing can be proposed: direct allocation of the known sites, an operative Policy 1(C), or a combination of both. Those remedies would preserve Frog Lane as the principal allocation while ensuring that the modified development plan does not close the route through which proportionate housing opportunities can be considered on their merits.

3. Policy 1: boosting supply through a complementary small-sites framework

3A The policy change

- 3.1 Submitted Policy 1 defines the Tattenhall settlement boundary and sets requirements for housing proposals, while Policy 7 allocates land north and south of Frog Lane for up to 600 dwellings. The former positive wording for schemes of up to 30 homes within or immediately adjacent to the built-up part of the village is deleted.
- 3.2 In practical terms, the submitted strategy channels the identified general housing growth into Policy 7. Sites outside the settlement boundary which do not fall within a narrow exception route are given no positive neighbourhood-plan support, irrespective of their scale, accessibility, availability or ability to deliver before Frog Lane.
- 3.3 This is particularly significant because the Plan seeks to operate until 2045. A policy framework may reasonably identify Frog Lane as the principal allocation, but it is not reasonable to assume that one site, in one ownership and requiring strategic infrastructure, should remain the only planned source of housing delivery throughout that entire period.
- 3.4 Without a complementary route, Policy 1 is inconsistent with the stated objective of managed housing growth. It manages growth by excluding alternative delivery rather than by setting clear criteria against which proportionate proposals can be assessed.

3B Allocation capacity and actual housing delivery

- 3.5 The allocation of up to 600 dwellings is substantial in numerical terms, but allocation capacity is not equivalent to actual supply. Delivery requires the site to progress through masterplanning, technical assessment, infrastructure design, planning approval, land transaction or development agreement, reserved matters and mobilisation before completions occur.
- 3.6 That lead-in is a normal feature of strategic development and is not advanced as criticism of the principle of Frog Lane. It does, however, mean that a strategy intended to boost housing supply should include other sites capable of contributing while the strategic allocation progresses.
- 3.7 As drafted, the Plan does the opposite. It removes an established small-sites route at the point when the borough cannot demonstrate a five-year supply and before the only allocation has an implementable permission or agreed trajectory. The likely effect is to constrain rather than boost supply in the early years.
- 3.8 That is not merely a question of timing. Diversity of site size, ownership and developer is itself important. A large strategic site may provide infrastructure and longer-term capacity; smaller sites can provide earlier completions, different products and tenures, SME participation and resilience against delay. The two forms of development perform different but complementary roles.
- 3.9 Lexwood's case is therefore not that small sites should replace Frog Lane or that they should be released without control. It is that the Plan must provide a sufficient amount and variety of land capable of contributing in practice if it is to have proper regard to NPPF paragraphs 61, 72–74 and contribute to sustainable development.

3C The quantified early-years shortfall and the case for small sites

- 3.10 The practical consequence of the submitted structure can be quantified using two transparent comparators. The current 526-home indicative requirement over twenty years equates to approximately 26.3 dwellings per annum. The full 'up to 600 homes' allocation capacity equates to 30 dwellings per annum. Neither is an annual delivery requirement; each is a straight-line benchmark against which the effect of a four-to-five-year period of little or no delivery can be understood. On those benchmarks, a four-year lead-in equates to approximately 105–120 homes and a five-year lead-in to approximately 132–150 homes (CWaC Indicative Housing Requirements report, section 6.6 and paragraphs 8.1–8.2). Lexwood's central assessment is therefore an indicative early-period gap of approximately 100–150 homes.
- 3.11 That assessment is grounded in a substantial and widely used empirical evidence base rather than in a site-specific prediction presented as certainty. Lichfields' 'Start to Finish: How Quickly Do Large-Scale Housing Sites Deliver?' (third edition, March 2024) identifies land control, the promoter-to-housebuilder transition, planning status and the number of active outlets as important determinants of lead-in and build-out (Executive Summary and key figures, pp. 1–3; Figure 3.1 and Table 3.1, pp. 8–9; Table 5.2 and Figure 5.6, pp. 20–21). The Competition and Markets Authority's Housebuilding Market Study (February 2024) also records substantial variation in the time taken to transact promoter-led sites. No sale or housebuilder partnership has been announced at Frog Lane.
- 3.12 Build-out after first completion is a separate risk. Lichfields reports a broad range of delivery rates for sites in the 500–999 dwelling band and demonstrates the importance of concurrent sales outlets; the evidence should be used as a benchmark, not as an automatic forecast for Tattenhall. No local market study proves how many outlets Frog Lane will support, so a one-outlet scenario is properly treated as a prudent sensitivity rather than a concluded fact. Warrington Borough Council's 2025 SHLAA applies a 1.5-year lead-in for sites below 150 homes with full or reserved-matters permission, compared with three years for sites above 150 homes with outline permission and four years where permission has yet to be granted (Table 2.2 and paragraph 2.56). The differential confirms the materially different delivery pathways of the strategic allocation and the smaller promoted sites.
- 3.13 Small and medium-sized sites do not share the same lead-in profile. NPPF paragraph 73 recognises that they can make an important contribution and are often built out relatively quickly. Park Avenue has Permission in Principle and requires Technical Details Consent; Lexwood's programme indicates that first completion could follow materially sooner than at Frog Lane, subject to consent and mobilisation. Shire Way has an established access, no strategic infrastructure requirement and a separately controlled immediate proposition. These are precisely the types of site that can diversify supply while the strategic allocation progresses. The 100–150-home central gap is therefore a structural consequence of the submitted strategy, not simply a risk that can be addressed after the event by monitoring.
- 3.14 The affordable-housing dimension compounds the concern. Policy 7 requires 30% affordable housing, but the Plan contains no published trajectory or enforceable milestone for commencement, phasing or early affordable completions. The evidence therefore does not demonstrate that any affordable homes will be delivered during the strategic site's lead-in period. That matters where the available local evidence identifies an estimated annual shortfall of 12 affordable rented homes—60 over five years—an affordability ratio of 10.5 compared with 6.83 across CWaC, and historic delivery below the 30% target. A policy-compliant wider Shire Way scheme of up to 30 homes could provide approximately nine affordable homes, subject to planning permission, the applicable policy requirement, scheme design and viability; the conditional Registered Provider offer also demonstrates a credible potential affordable-led route under which a higher proportion may be achievable.

- 3.15 The Plan therefore fails Basic Conditions (a) and (d) for the reasons set out above and raises a substantial additional issue under the new housing Basic Condition. A trajectory, monitoring commitment and early review are necessary, but none creates a positive route through which complementary housing can be considered. At least one effective route is required: direct allocation, an operative Policy 1(C), or a combination of both. Modification 1 is the minimum plan-wide remedy unless an equivalent operative route is secured through the site-specific allocations sought by Modification 3.

Table 1: Comparative delivery position

Site / scale	Current position and remaining pathway	Delivery role / principal risk
Frog Lane Phase 1 Approx. 400 homes	Live outline application 26/00486/OUT is awaiting decision. Delivery still requires permission and obligations, a delivery agreement or housebuilder, reserved matters, conditions, infrastructure and mobilisation.	Principal longer-term allocation. Timing depends on approvals, transaction and infrastructure.
Frog Lane Phase 2 Approx. 200 homes	Allocated north of Frog Lane, but no equivalent planning application has been submitted.	Materially less advanced than Phase 1; delivery timing remains untested.
Park Avenue 1–7 homes	Permission in Principle was allowed on appeal on 24 July 2026. Technical Details Consent and mobilisation are still required.	Early small-site supply with no strategic infrastructure requirement.
Shire Way immediate 9 homes	Defined PiP proposition with existing access; the appeal remains pending at the date of the representations. Further consent and Technical Details Consent would be required.	Independent early opportunity; the planning outcome remains a live risk.
Shire Way wider Up to approx. 30 homes	Illustrative masterplan and a written conditional Your Housing Group offer. Allocation or operative policy support, detailed consent and technical due diligence are still required.	Potential mixed-tenure or affordable-led delivery. The Registered Provider offer is genuine but conditional.

Source note: Policy 7 scale and phasing are taken from the Submitted Plan, pp. 23–29; the Park Avenue status is taken from Appeal Ref. 6006404; promoter programmes and remaining pathways are indicative and subject to the relevant approvals.

Table 2: Lead-in sensitivity against straight-line benchmarks

Period before first completion	526 homes 26.3 pa	Up to 600 homes 30 pa	Interpretation
4 years	Approx. 105 homes	120 homes	Lower end of the central lead-in sensitivity.
5 years	Approx. 132 homes	150 homes	Upper end of the central lead-in sensitivity.
7 years	Approx. 184 homes	210 homes	Downside sensitivity informed by Portico House experience; not Lexwood’s central forecast.

Benchmark note: 26.3 dwellings per annum is the straight-line equivalent of the current 526-home indicative requirement; 30 dwellings per annum is the straight-line equivalent of the Plan’s full “up to 600 homes” capacity. Neither is an annual delivery requirement. The replacement Local Plan may establish a materially higher or lower requirement or a different distribution.

3D The role of small and medium-sized sites

- 3.16 Small and medium-sized sites can contribute to the Plan's objectives in several distinct ways:
- they can be promoted and delivered by landowners and developers independent of the Policy 7 allocation;

- they generally require less strategic infrastructure and can therefore mobilise more quickly;
 - they provide opportunities for SME housebuilders and specialist providers;
 - they can deliver a wider range of housing products, including affordable, specialist and custom-build provision where appropriate;
 - they provide choice and competition in the market for land and housing; and
 - they provide resilience if the timing or annual build-out of the strategic allocation differs from the assumptions made when the Plan is examined.
- 3.17 Those benefits are especially relevant at Tattenhall. It is a Key Service Centre with established services and facilities, but it is also a rural market in which the pace of a single large outlet may be constrained. A limited number of well-related small sites would diversify delivery without requiring a dispersed or uncontrolled pattern of growth.
- 3.18 The Plan already contains policies addressing local character, landscape, heritage, ecology, flood risk, infrastructure, transport and design. A new Policy 1 small-sites criterion can work with those safeguards. There is no need to achieve flexibility by weakening environmental protection.
- 3.19 The policy should not include a hard numerical ceiling under which small sites cease to be supported once a percentage has been reached. NPPF paragraph 73's small-site provisions are directed at securing a sufficient contribution from smaller sites, not imposing a maximum. A fixed cap could create a first-come-first-served moratorium unrelated to the merits of later proposals or to Frog Lane's actual performance. Control should instead be exercised through the policy criteria, the development plan and an express assessment of cumulative scale, infrastructure and settlement effects.
- 3.20 Nor should the route operate only after Frog Lane has formally failed. That would miss the principal purpose of diversification. Complementary sites should be capable of delivering in parallel, while the contingency mechanism in Policy 7 provides an additional response if material delay or sustained under-delivery occurs. If the Examiner considers that a numerical mechanism is necessary, Lexwood's fallback is a review trigger—rather than a cap—once permissions under Policy 1(C) exceed 20% of the then-current housing requirement.

3E Required modification to Policy 1

- 3.21 Lexwood seeks the insertion of a controlled, criteria-based Policy 1(C). The following wording is advanced as a workable modification; the precise drafting can be adjusted by the Examiner while retaining its substantive effect.

Proposed Policy 1(C) — Small and medium-sized housing sites

Proposals for residential development of up to 30 dwellings within or immediately adjoining the Tattenhall settlement boundary will be supported where:

- i. the site constitutes infill, rounding-off or a proportionate extension to the settlement;
- ii. the site is sustainably located in relation to local services and facilities;
- iii. safe and suitable access can be achieved;
- iv. the scale, layout and design respond appropriately to the character and form of Tattenhall and to the relevant principles of the Tattenhall and District Design Code;
- v. the proposal would not result in unacceptable harm to residential amenity, landscape character, heritage assets, biodiversity, flood risk, drainage or highway safety;
- vi. necessary infrastructure and mitigation can be secured;

- vii. having regard to existing commitments and permissions, the proposal would not result in a cumulative scale or pattern of development disproportionate to Tattenhall's role, character, infrastructure capacity or environmental constraints; and
- viii. the site is available and demonstrably capable of delivery.

Development supported under this policy will complement the strategic allocation in Policy 7, must not prejudice its comprehensive planning or delivery, and will remain subject to all other relevant policies of the development plan.

- 3.22 This wording preserves control over location, detailed impacts and cumulative effects. It does not create an unrestricted housing allowance or a presumption in favour of every site adjoining the boundary. Each proposal must satisfy every criterion and the development plan. The purpose is to ensure that an otherwise suitable, proportionate and deliverable proposal is not excluded in principle by an arbitrary quota or by the absence of any policy route.
- 3.23 The modification is necessary to remedy the identified plan-wide defects. Without an operative positive route, the Plan does not provide the amount and variety of delivery opportunities sought by national policy and risks suppressing early supply. Policy 1(C) is the minimum necessary plan-wide remedy unless equivalent certainty is secured through direct allocation of the known sites. A delivery trajectory, monitoring mechanism and early review are essential complementary measures, but do not substitute for a policy or allocation through which housing can actually be proposed.
- 3.24 If the Examiner considers that the full wording requires refinement, the minimum alternative is an express commitment to the positive consideration of suitable small and medium-sized sites, together with a fixed early-review timetable. Any numerical provision should operate as a monitoring and review trigger, not as a ceiling which prevents an otherwise acceptable proposal from being determined on its merits.

4. Policy 7: delivery trajectory, monitoring and contingency

4A The delivery position

- 4.1 Policy 7 allocates land north and south of Frog Lane for a residential-led development of up to 600 dwellings together with supporting infrastructure and community benefits: approximately 400 homes in Phase 1 south of Frog Lane and approximately 200 homes in Phase 2 north of Frog Lane (Submitted Plan, Policy 7, pp. 23–29; HRA Screening Determination, p. 24). Lexwood does not object to that allocation and recognises the role it can perform in the longer-term growth of Tattenhall.
- 4.2 However, the allocation is expected to provide the whole of the Plan's identified general housing growth. The robustness of the Plan therefore depends not only upon the site's eventual capacity but upon a realistic understanding of its lead-in, annual delivery rate and the consequences if delivery differs from the assumptions made at examination.
- 4.3 At the date of these representations, the live outline application 26/00486/OUT relates only to the approximately 400-home southern phase and remains awaiting decision. No equivalent application has been submitted for the approximately 200-home northern phase. The full allocation therefore does not benefit from an implementable planning permission. The land is controlled by the Bolesworth Estate, a landowner and promoter rather than a volume housebuilder, so delivery will also require an appropriate disposal or development arrangement before reserved matters and mobilisation.

- 4.4 These are ordinary delivery steps for a strategic allocation. The issue is that the submitted Plan does not translate them into an evidenced trajectory or identify the responsible delivery parties, expected commencement, first-completion date or annual build-out assumptions.

4B The strategic-site lead-in period

- 4.5 A site of this scale will have a materially longer lead-in than a small site with an established access and a limited infrastructure requirement.
- 4.6 A reasonable sequence includes determination of the first outline application, completion of any section 106 and infrastructure agreements, satisfaction of pre-commencement requirements, land transaction or housebuilder appointment, reserved matters, discharge of conditions, strategic infrastructure and mobilisation. On that sequence, first completions may not occur until around 2029–2030. The comparative pathways are summarised in Table 1 in Section 3C.
- 4.7 The precise date is not determinative. Whether first completions occur somewhat earlier or later, the Plan is likely to experience a period in which its only allocation makes little or no contribution. A positive housing strategy should account for that period rather than assume that numerical allocation alone resolves supply.
- 4.8 Build-out after commencement also requires evidence. Delivery on large sites is influenced by the number of active outlets, product differentiation, infrastructure phasing and local market absorption. Lichfields' evidence provides useful benchmarks but does not establish a site-specific rate for Tattenhall (Table 5.2 and Figure 5.6, pp. 20–21). The submitted evidence does not demonstrate what outlet or annual build-out assumptions underpin the Plan's strategy.
- 4.9 Lexwood does not invite the Examiner to adopt a fixed annual rate advanced by one party. It invites the Examiner to require the qualifying body and delivery interests to state their assumptions transparently in a published trajectory so that the Plan can be monitored against them.

4C The absence of an objective trajectory and contingency mechanism

- 4.10 NPPF paragraph 78 states that all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Planning Practice Guidance advises neighbourhood plans coming forward ahead of an up-to-date local plan to consider indicative delivery timetables and reserve sites (PPG, Neighbourhood Planning, paragraph 009, Reference ID 41-009-20190509).
- 4.11 Those provisions are directly relevant here because Policy 7 is not one allocation among many; it is the entire planned source of general housing growth. The Plan should therefore identify, at minimum:
- the anticipated date for an implementable permission for the first phase;
 - the anticipated timing of strategic infrastructure and material commencement;
 - the anticipated first housing completion;
 - annual and cumulative completion assumptions (private and affordable);
 - the parties responsible for delivery and monitoring;
 - the anticipated phasing and timing of affordable housing delivery; and
 - the action to be taken if material milestones or completion rates are missed.

- 4.12 The present Plan contains no objective trigger and no policy consequence. A general intention to monitor is insufficient where the Plan simultaneously removes alternative delivery routes. Monitoring must inform action.
- 4.13 The appropriate consequence is not automatic release of unconstrained development and not deletion of Frog Lane. It is an early review and the positive consideration of suitable complementary sites under Policy 1(C), while ensuring that those sites do not prejudice the comprehensive planning of the strategic allocation.
- 4.14 This mechanism is necessary under Basic Conditions (a) and (d). It gives proper effect to national policy on trajectories, reserve provision and boosting supply, and it makes the housing strategy more capable of adapting to actual delivery circumstances. The same monitoring and contingency mechanism must operate for the duration of the Plan period, not only during Frog Lane's initial lead-in. A strategy dependent upon a single allocation remains vulnerable to sustained under-delivery in later years just as it is to delay at the outset / early few years.

4D Required modification to Policy 7

- 4.15 Lexwood seeks the following substantive modification, either within Policy 7 or through a linked policy provision supported by clear monitoring text.

Proposed Policy 7(C) — Delivery monitoring and contingency

The delivery of the Policy 7 allocation will be monitored annually by Cheshire West and Chester Council and Tattenhall and District Parish Council against a published trajectory identifying the anticipated timing of:

- a. an implementable planning permission for the first phase;
- b. commencement of strategic infrastructure and a material start;
- c. the first housing completion; and
- d. subsequent annual and cumulative housing completions.
- e. the anticipated phasing and timing of affordable housing completions.

Where a material milestone is not achieved within the period identified in the trajectory, or cumulative delivery falls materially below the trajectory for two consecutive monitoring years, the Council and Parish Council will undertake an early review of Policies 1 and 7. Pending that review, suitable small and medium-sized residential sites which satisfy Policy 1(C) will be considered positively as complementary sources of supply, provided that they do not prejudice the comprehensive development of the Policy 7 allocation.

- 4.16 The final policy or supporting text should include actual milestone dates once the latest position of the landowner, applicant and Council is established. If the Examiner does not consider fixed dates suitable for policy, the Plan should require an agreed trajectory to be published within a defined period after the Plan is made and should include a fixed backstop review date.
- 4.17 The proposed mechanism does not assume failure. It provides transparent expectations and a proportionate response to actual performance. This is standard plan-making discipline and is especially important where the strategy is dependent upon one site.

5. Park Avenue and Shire Way

5A Land off Park Avenue

- 5.1 Land off Park Avenue is a contained site immediately adjoining the built-up area and settlement boundary of Tattenhall. It directly adjoins established residential development and is promoted for a minimum of one and a maximum of seven dwellings.
- 5.2 On 24 July 2026, the Planning Inspectorate allowed Lexwood's appeal and granted Permission in Principle for residential development of a minimum of one and a maximum of seven dwellings (Appeal Ref. 6006404, paragraph 1; see Appendix 1). The decision establishes that the location, residential land use and amount of development are acceptable in principle; all other matters are reserved to the Technical Details Consent stage (paragraphs 2–3). A Technical Details Consent application is being prepared. The timing of that application is a promoter programme rather than a matter determined by the appeal decision.
- 5.3 The Inspector recognised Tattenhall as a Key Service Centre and one of the most sustainable rural locations (paragraph 8). Although the site lies immediately adjacent to, but outside, the settlement boundary, the Inspector found that the site was a visually contained infill opportunity, that detailed development was feasible and that heritage harm would be at the lower end of less than substantial harm (paragraphs 14–16 and 23–25).
- 5.4 The Inspector also rejected the prematurity concern: a development of up to seven homes would not undermine the plan-making process or predetermine the emerging spatial strategy (paragraph 31). In the planning balance, the delivery of up to seven homes attracted substantial weight in the context of the Government's housing-supply objective and the absence of a five-year supply (paragraph 32). Those findings are directly relevant to the submitted Plan's assumption that housing outside Frog Lane should have no positive policy route.
- 5.5 Park Avenue is no longer merely a promoted option whose suitability is asserted by its developer. Suitability in principle has been determined through the statutory appeal process. It is therefore a strong candidate for a specific allocation or, at minimum, express recognition as a committed or complementary housing site.
- 5.6 Allocation would provide consistency between the development plan and the extant PiP, recognise a realistic source of early delivery and demonstrate that the Plan is positively addressing the national objective of boosting supply through a variety of sites.

5B Land off Shire Way

- 5.7 Land off Shire Way immediately adjoins the existing Shire Way residential development and represents a logical edge-of-settlement opportunity. The existing estate was delivered by Redrow Homes from land acquired from the Bolesworth Estate, and the promoted land would form a coherent continuation of that established residential area.
- 5.8 The immediate proposition is a defined Permission in Principle scheme for nine dwellings. A separate illustrative masterplan (see Appendix 2) demonstrates the wider site's potential to accommodate up to approximately 30 homes through a landscape-led layout incorporating open space and appropriate edge treatment.
- 5.9 An application area for the thirty homes would extend to approximately 1.0 hectares, within the paragraph 73 small-sites definition. Paragraph 74 separately directs neighbourhood planning groups to give particular consideration to allocating suitable small and medium-sized sites, reinforcing the case for the wider opportunity regardless of the precise site area.

- 5.10 Shire Way is available, independently controlled and capable of progressing separately from Frog Lane. It therefore illustrates the delivery diversity presently absent from the Plan. The immediate nine-home proposition could make an early contribution, while the wider site provides a proportionate opportunity of the same broad scale previously supported by the made Policy 1.

- 5.11 Shire Way also has the potential to contribute to affordable housing delivery. A policy-compliant mixed-tenure scheme of up to 30 dwellings could provide approximately nine affordable homes, subject to planning permission, the applicable policy requirement, scheme design and viability. In addition, Lexwood has received a written, subject-to-contract acquisition offer dated 3 June 2026 from Your Housing Group for the 30-plot Phase 1 proposition. The offer followed a site visit and preliminary desktop cost and engineering appraisal and is conditional upon detailed planning permission, satisfactory technical due diligence, Homes England grant funding, board approval and exclusivity. It is relied upon as evidence of genuine Registered Provider interest and a credible potential delivery route, not as an unconditional contractual commitment (Appendix 3).

- 5.12 The planning status of Shire Way differs from Park Avenue and the remedies should reflect that distinction. Lexwood does not need the Examiner to treat both sites identically in order to secure an effective policy framework.

- 5.13 At the date of these representations, the Shire Way Permission in Principle appeal (Appeal Ref. 6008560) remains undetermined. Should that appeal be allowed before the Examiner reports, the position of Shire Way will mirror that of Park Avenue: suitability in principle for residential development in this location will have been confirmed by the Planning Inspectorate through the statutory appeal process. In those circumstances, Lexwood will write to the Examiner to draw the decision to their attention as a material new development. An allowed Shire Way appeal would significantly strengthen the case for direct allocation or, at minimum, express recognition as a committed or complementary housing site on the same basis as Park Avenue.

5C Site-specific modifications sought

- 5.14 For Park Avenue, Lexwood's primary request is that the site be allocated for up to seven dwellings. The site benefits from a granted Permission in Principle (Appeal Ref. 6006404) and Planning Inspectorate confirmation that residential development is suitable in principle. Allocation is the appropriate development-plan response to an extant PiP.

- 5.15 If the Examiner considers that a formal allocation cannot be recommended without focused additional assessment, Park Avenue should alternatively be identified expressly as a committed or complementary housing site and confirmed as capable of consideration under Policy 1(C).

- 5.16 For Shire Way, Lexwood's primary request is direct allocation for up to approximately thirty dwellings, with the immediate nine-home proposition capable of coming forward as an early phase. Direct allocation is the preferred and most effective site-specific remedy: it gives the Plan a named independent delivery opportunity and does not depend upon the subsequent interpretation of a general policy. It would remain subject to all normal development-management and environmental requirements.

- 5.17 If the Examiner concludes that direct allocation requires further assessment, an operative Policy 1(C) route is the minimum necessary alternative. The site may also be identified as a safeguarded or reserve opportunity and required to be assessed through a fixed early-review timetable. In Lexwood's submission, rejecting both direct allocation and any operative policy route through which Shire Way may be considered would leave the BC(a), BC(d) and new housing Basic Condition issues identified in these representations unremedied.
- 5.18 Both sites would remain subject to the normal development-management process. Allocation, reserve status or policy recognition would not determine detailed matters such as access design, drainage, ecology, landscaping, heritage, housing mix or residential amenity. Those matters would be assessed through the appropriate application stage.
- 5.19 The site-specific requests are not advanced merely for Lexwood's convenience. They demonstrate the practical consequence of the Plan's present defects. Park Avenue is an approved-in-principle small site capable of contributing early. Shire Way is an available independent opportunity with an immediate nine-home proposition, wider potential for up to approximately 30 homes and a conditional Registered Provider offer. A Plan intended significantly to boost supply should not exclude both while relying exclusively upon a strategic site with a materially longer lead-in.
- 5.20 Direct allocation of Shire Way is Lexwood's preferred and most effective site-specific remedy. If the Examiner concludes that allocation requires further assessment, an operative Policy 1(C) route is the minimum necessary alternative. In Lexwood's submission, rejecting both would leave the identified BC(a), BC(d) and new housing Basic Condition defects unremedied. The Plan could not then be recommended unchanged on the reasoning set out in these representations. Both remedies preserve Frog Lane; the issue is which provides the more effective and certain cure.

6. Housing requirement, Plan period and early review

6A Status of the indicative housing requirement

- 6.1 The submitted Plan is being prepared in an unusual strategic context. The adopted Cheshire West and Chester Local Plan has a plan period ending in 2030, the borough cannot presently demonstrate a five-year supply of deliverable housing sites, and the replacement Local Plan remains at an early stage of preparation. The Neighbourhood Plan is nevertheless intended to operate from 2025 to 2045.
- 6.2 CWaC published its Report for Neighbourhood Development Areas: Indicative Housing Requirements – Tattenhall in May 2026. Section 6.6 identifies 438 homes and 526 homes with the 20% buffer, while paragraph 6.11 directs neighbourhood areas to use the highest option. The requirement and its origin should be stated clearly in Policy 1 or immediately associated supporting text, consistent with Planning Practice Guidance on neighbourhood-area housing requirements (PPG paragraphs 103–104, Reference IDs 41-103-20190509 and 41-104-20190509).
- 6.3 The Council report also makes clear that the figure is indicative. It was prepared before the replacement Local Plan had established a final borough-wide spatial strategy, settlement distribution or neighbourhood-area requirement, and paragraphs 8.1–8.2 acknowledge that the eventual requirement may be significantly higher or lower. It is therefore a legitimate basis on which the Plan may proceed, but it is not a fixed strategic requirement which can safely be assumed to remain unchanged throughout a twenty-year Plan period.

- 6.4 Policy 7 provides capacity for up to 600 dwellings. That is allocation capacity, equivalent to a straight-line benchmark of 30 dwellings per annum, rather than the formal current requirement; the 526-home indicative figure equates to approximately 26.3 dwellings per annum. Lexwood does not object to the additional capacity. It does not remove the need to state the requirement transparently, monitor delivery against it or provide flexibility if the strategic position changes.
- 6.5 Without those safeguards, the Plan risks treating a provisional figure and a single selected allocation as a complete and settled housing strategy to 2045. That is not a sufficiently adaptable approach to have proper regard to national policy and guidance, particularly where the replacement Local Plan may establish a materially different requirement or distribution.

6B Relationship with the emerging Local Plan

- 6.6 Planning Practice Guidance recognises that a neighbourhood plan may come forward before an up-to-date local plan. It advises the local planning authority and qualifying body to work collaboratively so that complementary policies are produced, conflicts are minimised and emerging evidence of housing need can be addressed through delivery timetables, reserve sites or other appropriate mechanisms (PPG, Neighbourhood Planning, paragraph 009, Reference ID 41-009-20190509).
- 6.7 Lexwood does not rely on the emerging Local Plan as a reason to halt the Neighbourhood Plan. Doing so would prolong the present policy uncertainty and would not itself increase housing delivery. The proportionate response is to allow the Plan to proceed while including an effective review mechanism.
- 6.8 A review is particularly important because the submitted Plan extends materially beyond the current Local Plan period. There is nothing inherently inappropriate about the 2045 end date, provided that the Plan contains a mechanism to respond to the replacement Local Plan and to actual delivery performance. The defect lies not in the date itself, but in the absence of a sufficiently clear review commitment and trigger.
- 6.9 The review should not be limited to changing the numerical housing requirement. It should consider whether the spatial strategy remains appropriate, whether Policy 7 is progressing in accordance with its trajectory, what contribution has been made by small and medium-sized sites and whether further allocations, reserve sites or policy changes are required to continue boosting supply.

6C Required early-review mechanism

- 6.10 Lexwood seeks an express commitment within the Plan to an early review. The following wording is advanced as a workable modification; the precise drafting may be adjusted while retaining its substantive effect.

Proposed review provision

The Parish Council, working with Cheshire West and Chester Council, will commence a review of the housing policies and allocations in this Plan on the earliest of:

- a. the adoption, publication or sufficient advancement of a replacement Cheshire West and Chester Local Plan which establishes a materially different housing requirement or spatial strategy for Tattenhall;
- b. a material milestone or delivery trigger under Policy 7(C) being missed; or
- c. a fixed backstop date no later than five years after this Plan is made.

The review will consider the final housing requirement for Tattenhall, the delivery performance of Policy 7, the contribution of small and medium-sized sites and whether additional allocations, reserve sites or policy amendments are required.

- 6.11 This modification would allow the Plan to proceed now without pretending that the strategic position to 2045 is settled. It would also give practical effect to the national objective of significantly boosting supply by ensuring that housing policies are reviewed against evidence rather than left unchanged until the end of the Plan period.
- 6.12 Without a clear review mechanism, the Plan does not adequately address the uncertainty identified in its own evidence base and does not provide a sufficiently responsive housing strategy. That engages Basic Conditions (a) and (d). The proposed modification is the minimum proportionate remedy.

7. Strategic Environmental Assessment and site-selection evidence

7A Overview

- 7.1 The Environmental Report and Site Selection Summary form important parts of the evidence supporting the choice of Frog Lane. Lexwood does not seek to repeat the plan-making process or to use the Strategic Environmental Assessment (SEA) as a basis for stopping the Plan where proportionate modifications can address the practical consequences of the identified shortcomings.
- 7.2 However, Basic Condition (f) requires the making of the Plan to be compatible with the applicable environmental obligations. The Environmental Report must identify, describe and evaluate the likely significant effects of the Plan and reasonable alternatives, taking account of the objectives and geographical scope of the Plan, and must explain the reasons for selecting the alternatives dealt with.
- 7.3 The issue raised by Lexwood is not that every promoted site had to be assessed as a full allocation. It is that the published evidence should demonstrate a consistent and transparent process by which realistic spatial and site alternatives were identified, tested and rejected. The documents do not presently provide that assurance in all material respects.

7B Treatment of reasonable alternatives

- 7.4 The Environmental Report explains that the assessment scope was not amended following observations made by CWaC and then assesses broad growth scenarios before evaluating the submitted Plan (Environmental Report, paragraphs 1.4–1.5, section 3 and Appendix A). That scenario-led approach is capable in principle of satisfying the SEA process, but its value depends upon the scenarios representing genuine and consistently treated alternatives.
- 7.5 The Environmental Report records that Scenario 2 performed marginally better in environmental terms and was supported by the community, but was rejected because not all of the land was available (Environmental Report, pp. 32–33). The Site Selection Summary similarly states that the original Scenario 2 was rejected on the ground that the whole of the land was not being made available (paragraphs 3.2–3.4). Availability is relevant to plan-making, but the environmental assessment should transparently distinguish it from the evaluation of likely significant environmental effects and apply the same approach consistently across all reasonable alternatives.
- 7.6 The preferred Frog Lane strategy was not presented in identical form throughout the earlier options process. Scenario 4 emerged as a hybrid following community engagement and landowner dialogue, blending available land from Scenario 2 with a parcel from Scenario 3 (Environmental Report, Appendix A, pp. 36–38; Site Selection Summary, paragraphs 3.3–3.5). That evolution is not automatically improper, but it requires a clear audit trail showing how the final option was defined, compared and selected.

- 7.7 Even when the Environmental Report and Site Selection Summary are read together, the published documents do not clearly identify a single consistent set of criteria and reasons by which availability, deliverability, infrastructure capability and environmental performance were balanced across all realistic alternatives. A failure to assess reasonable alternatives on a consistent and comparable basis is an error of law: *R (Stonegate Homes Ltd) v Horsham District Council* [2016] EWHC 2512 (Admin) at [74].

7C Individual sites and consistency of assessment

- 7.8 The Site Selection Summary states that the process drew on the 2025 HELAA, desk-based work and current application or pre-application sites, and that individual sites were identified within the broad scenarios (paragraphs 2.1–2.4 and Appendix A). This confirms that site-level information was available and relevant to the process.
- 7.9 Notwithstanding that position, known live or technically advanced small-site opportunities were not all assessed in a manner which allows a direct comparison with the land ultimately selected. Park Avenue and Shire Way are particularly relevant because they are adjoining or closely related to the existing settlement, independently controlled and capable of delivering on a different timescale from Frog Lane.
- 7.10 Lexwood does not contend that a scenario assessment must reproduce the level of technical work required for a planning application. It does contend that, where the Plan removes the general route for schemes of up to 30 homes and relies upon one allocation, the evidence should show that realistic smaller-site alternatives and combinations were considered on a comparable basis.
- 7.11 This omission matters because the alternatives are not limited to choosing one 600-home location instead of another. A reasonable alternative may comprise the principal strategic allocation together with a controlled contribution from smaller sites. That mixed delivery strategy is materially different from an exclusive single-allocation strategy and is directly relevant to the Plan's housing, sustainability and delivery objectives.
- 7.12 The submitted evidence does not transparently demonstrate that such a complementary strategy was assessed as a reasonable alternative. The absence of that comparison reinforces the case for Policy 1(C), Policy 7 monitoring and the early review mechanism.

7D Proportionate remedy

- 7.13 Lexwood's preferred remedy is modification, not restart. The Examiner can address the practical consequence of the incomplete alternatives assessment by ensuring that the Plan does not exclude all suitable small and medium-sized sites for the duration of the Plan period, while distinguishing between a site-specific assessment requirement and a defect in the submitted Environmental Report itself.
- 7.14 Where only further site-specific assessment is required before Park Avenue or Shire Way can be formally allocated, a focused environmental addendum or a binding early review may be a proportionate route. In the meantime, an operative criteria-based policy can allow proposals to be considered subject to the normal environmental assessment requirements at application stage.
- 7.15 However, if the Examiner concludes that the submitted Environmental Report has not adequately identified or evaluated reasonable alternatives to the Plan's spatial strategy, an early review alone cannot cure that present defect. The necessary supplementary assessment and any required consultation must be completed before the Plan is made. A future review may supplement, but cannot retrospectively validate, an inadequate current assessment.

- 7.16 The Plan therefore cannot proceed unchanged under Basic Condition (f) if the Examiner reaches that conclusion. Lexwood's hierarchy of modifications preserves Frog Lane and offers proportionate site-specific options, but does not suggest that policy wording can substitute for any environmental assessment which the law requires before making the Plan.

8. Limited policy clarity and affordable-housing matters

8A Design Code and national-policy references

- 8.1 The submitted Plan contains a number of policy references which should be corrected to ensure that its requirements are clear, proportionate and capable of consistent application. These are limited drafting matters and do not require broad deletion of the Plan's character or design objectives.
- 8.2 Policy 2 presently requires development to fully accord with the Tattenhall and District Design Code. The Design Code is an important local design tool, but an absolute requirement to comply with every relevant element would be unnecessarily rigid, particularly where site-specific circumstances justify an equally high-quality alternative response.
- 8.3 The policy should instead require proposals to demonstrate how they respond positively to the relevant principles of the Design Code. This would preserve its intended influence while allowing planning judgement to be exercised where a proposal achieves the Plan's design objectives through a different but appropriate solution.
- 8.4 References to the Design Code "or any subsequent version" should also be removed or qualified. A future document should not automatically acquire development-plan weight without appropriate preparation, consultation and adoption. The Plan may refer to any replacement or updated design guidance which has been formally adopted for decision-making purposes.
- 8.5 The Plan also contains references to proposed or draft National Development Management Policies. Policies should not apply an unadopted national policy as though it were operative. Those references should be replaced by a generic reference to adopted national policy applicable at the date of decision, or by the specific current NPPF provision where necessary.
- 8.6 These amendments are required under Basic Condition (a) and the national expectation that policies should be clearly written and unambiguous. They would not weaken local character protection, they would make the policies lawful, comprehensible and workable.

Proposed Policy 2 design wording

Development proposals should demonstrate how their design responds positively to the relevant principles of the Tattenhall and District Design Code and to the character and circumstances of the site.

References to any updated or replacement design guidance will apply only where that guidance has been prepared, consulted upon and formally adopted for use in planning decisions.

- 8.7 Policy 2(A) contains three further criteria which raise separate clarity difficulties. These are corroborated by Cheshire West and Chester Council's own Regulation 14 consultation response, not only by Lexwood's own assessment.

- 8.8 Criterion A(1), requiring development to "safeguard or enhance" local character and historic and natural assets, duplicates NPPF paragraph 187(b) without adding local content. Criterion A(2)'s requirement to incorporate "Cheshire railings and fingerposts" is prescriptive without establishing when or where it applies, and could see a high-quality contemporary scheme resisted irrespective of its overall design merit. Criterion A(3)'s protection of "undeveloped gaps" is unsupported by any landscape character assessment identifying their extent, function or sensitivity.
- 8.9 The Council's own consultation response records equivalent concerns, questioning what the undeveloped gaps wording means in practice and how it would be assessed. A policy that the local planning authority's own officers cannot confidently apply does not meet the clarity test in NPPF paragraph 16(d).
- 8.10 Lexwood seeks: replacement of Criterion A(1) with a criterion capable of consistent application without duplicating national policy; qualification of Criterion A(2) so that it applies only where appropriate to the site and context; and deletion of Criterion A(3) unless and until it is supported by a landscape character assessment identifying the gaps it seeks to protect, their function and their sensitivity.

Proposed Policy 2(A)(1)–(3) — Local character and design

The design, scale and massing of the development is appropriate to and respects the character of the surrounding area.

Where appropriate to the site and its context, the development incorporates locally distinctive design features.

Criterion A(3) should be deleted unless and until supported by a landscape character assessment identifying the gaps it is intended to protect, their function and their sensitivity.

8B Affordable and specialist housing-led schemes

- 8.11 The Plan should not prescribe a particular planning-condition or section 106 mechanism on the assumption that this will determine eligibility for Homes England or other grant funding. Funding rules can change and eligibility depends upon the circumstances of the scheme. The policy should focus on land-use merits and preserve the ability to use public funding where the applicable rules permit.
- 8.12 The social case for a complementary delivery route is evidenced locally. The Tattenhall Housing Needs Report identifies an estimated shortfall of 12 affordable rented homes per annum, equivalent to 60 over five years; the wider evidence records an affordability ratio of 10.5 in Tattenhall Ward compared with 6.83 across CWaC and delivery below the 30% affordable-housing target (Tattenhall Housing Needs Report, December 2023; Tattenhall Neighbourhood Plan Review 2024, paragraphs 5.6–5.8; Bolesworth Regulation 14 representations (2025), paragraphs 1.90–1.91; Taylor Wimpey Regulation 14 representations, p. 11).

- 8.13 A positive affordable or specialist housing-led route would complement Policy 1(C), particularly where a scheme responds to evidenced local need and is promoted by or in partnership with a Registered Provider, community-led housing body or other recognised delivery organisation. The written Your Housing Group offer dated 3 June 2026 is material evidence: it relates to the thirty home Shire Way proposition, followed a site visit and preliminary desktop cost and engineering appraisal, and is conditional upon detailed planning permission, technical due diligence, Homes England grant funding, board approval and exclusivity. It demonstrates genuine interest and a credible potential delivery route, but is not relied upon as an unconditional commitment (Appendix 3).
- 8.14 This is a supplementary modification rather than a necessary precondition to the principal housing strategy. If the Examiner considers a separate clause unnecessary, the supporting text should at least confirm that affordable and specialist housing-led schemes may be considered positively under Policy 1(C) and relevant development-plan policies. The unsigned draft support letter is not relied upon as evidence; any signed letter received later should be treated only as a short factual update.

Proposed Policy 1(D) — Affordable and specialist housing-led schemes

Proposals of up to 30 dwellings which deliver a majority or significant proportion of affordable, specialist or community-led housing will be supported within or immediately adjoining the Tattenhall settlement boundary where:

- i. the proposal is led by, or delivered in partnership with, a Registered Provider, community-led housing body or other recognised affordable or specialist housing organisation;
- ii. the scheme responds to an evidenced local housing need;
- iii. the location, scale, design and form of development are appropriate to the settlement; and
- iv. the proposal satisfies the relevant environmental, infrastructure, access and amenity requirements of the development plan.

Nothing in this policy prevents affordable homes provided in addition to any mandatory planning obligation from using Homes England or other public funding where eligible under the funding rules applicable at the time.

- 8.15 The main Basic Conditions case does not depend upon this supplementary clause. Its inclusion would, however, improve the variety of housing delivery routes, respond to documented local need and support the social dimension of sustainable development.

9. Schedule of principal modifications requested

- 9.1 The Plan as submitted fails Basic Conditions (a) and (d) for the reasons set out in Sections 2 and 3, and raises a substantial additional issue under the new housing Basic Condition. It may also fail Basic Condition (f) for the reasons set out in Section 7. The modifications below are a coherent remedy package, not merely optional drafting improvements. At least one effective positive housing route is essential: direct allocation, an operative Policy 1(C), or a combination of both. The precise drafting may be adjusted by the Examiner provided the substantive purpose is retained.

9A Principal Modification 1 – Policy 1: complementary small and medium-sized sites

9.2 Insert a controlled, criteria-based policy supporting suitable residential proposals of up to 30 dwellings within or immediately adjoining the Tattenhall settlement boundary, subject to safeguards relating to sustainable location, access, character, design, landscape, heritage, ecology, flood risk, drainage, infrastructure, highway safety, residential amenity and cumulative settlement effects.

9.3 The policy must confirm that such sites complement and must not prejudice the comprehensive planning or delivery of Frog Lane. It should not impose a hard numerical ceiling and should not operate only after the strategic allocation has failed. Modification 1 is the minimum necessary plan-wide remedy unless an equivalent operative route is secured through direct site allocation. A trajectory, monitoring mechanism and early review are essential complementary measures, but do not themselves allow housing to be proposed.

Basic Conditions addressed: (a), (d) and the new housing Basic Condition.

9B Principal Modification 2 – Policy 7: trajectory, monitoring and contingency

9.4 Require a published delivery trajectory for Policy 7, annual monitoring against identifiable milestones and a stated policy response where a material milestone is missed or cumulative delivery falls materially below the trajectory.

9.5 The response should comprise an early review and positive consideration of suitable complementary sites under Policy 1(C), while safeguarding the comprehensive delivery of Frog Lane.

Basic Conditions addressed: (a) and (d).

9C Principal Modification 3 – Park Avenue and Shire Way

9.6 Allocate Park Avenue for up to seven dwellings. The site benefits from Permission in Principle (Appeal Ref. 6006404) and Planning Inspectorate confirmation that residential development is suitable in principle. Direct allocation is the preferred development-plan response. If allocation is not recommended because focused assessment is required, identify the site expressly as a committed or complementary housing site and confirm eligibility under Policy 1(C).

9.7 Allocate Land off Shire Way for up to approximately 30 dwellings, with the immediate nine-home PiP proposition capable of forming an early phase. Direct allocation is Lexwood's preferred and most effective site-specific remedy. If the Examiner concludes that allocation requires further assessment, an operative Policy 1(C) route, reserve status and a fixed early-review timetable are the minimum necessary alternatives. In Lexwood's submission, rejecting both direct allocation and any operative route through which Shire Way may be considered would leave the identified BC(a), BC(d) and new housing Basic Condition defects unremedied. The Plan could not then be recommended unchanged on the reasoning set out in these representations.

Basic Conditions addressed: (a), (d) and the new housing Basic Condition; Basic Condition (f) only to the extent that direct allocation requires further environmental assessment.

9D Principal Modification 4 – Housing requirement and early review

- 9.8 State clearly the indicative housing requirement and its source, explain its provisional relationship with the emerging Local Plan and insert a mandatory early-review mechanism triggered by a materially different strategic requirement, Policy 7 under-performance or a fixed backstop date.

Basic Conditions addressed: (a) and (d).

9E Principal Modification 5 – Policy clarity

- 9.9 Replace absolute Design Code compliance with a requirement to respond positively to relevant design principles; remove or qualify references to future versions; and replace references to draft or unadopted national policies with references to adopted national policy applicable at the time of decision.

Basic Condition addressed: (a).

9F Supporting environmental modification

- 9.10 Where only further site-specific assessment is required before a promoted site can be allocated, require a focused environmental addendum or binding early review. If, however, the Examiner concludes that the submitted Environmental Report has not adequately identified or evaluated reasonable alternatives to the spatial strategy, an early review alone cannot cure the present defect: the necessary supplementary assessment and any required consultation must be completed before the Plan is made.

Basic Condition addressed: (f).

9G Optional supplementary modification – affordable and specialist housing-led schemes

- 9.11 Insert the proposed Policy 1(D), or confirm through supporting text that suitable affordable, specialist and community-led schemes may be considered positively under Policy 1(C) and relevant development-plan policies. This modification is supplementary and is not relied upon as essential to the principal Basic Conditions case. Basic Conditions addressed: principally (a) and (d).
- 9.12 The modifications form a coherent package. Modification 1 provides the minimum plan-wide positive route unless equivalent direct allocations are secured; Modification 2 monitors the principal allocation and responds to performance; Modification 3 applies the framework to known opportunities; Modification 4 ensures strategic adaptability; and Modification 5 secures clear policy wording. The environmental modification distinguishes proportionate site-specific assessment from any defect which must be corrected before the Plan is made.

10. Conclusion and hearing request

10A Overall conclusion

- 10.1 Lexwood supports the preparation of an updated Neighbourhood Plan, supports plan-led growth at Tattenhall and does not object to the allocation of land north and south of Frog Lane. These representations do not adopt the position that the Plan should be halted merely because the strategic context is changing or because other development interests promote alternative large sites.

- 10.2 The submitted Plan nevertheless cannot be assessed only by reference to the numerical capacity of Policy 7. The Basic Conditions require the Plan to have regard to national policy, contribute to sustainable development and comply with the applicable environmental obligations. Allocation capacity is not the same as a positive, varied and deliverable housing strategy aimed at boosting housing supply.
- 10.3 As drafted, the Plan removes the made Policy 1 route for schemes of up to 30 homes, relies exclusively upon one strategic allocation for general housing growth, provides no objective delivery trajectory or effective contingency mechanism and extends to 2045 without a sufficiently clear early-review provision.
- 10.4 The combined effect is likely to constrain housing supply during the early years and to leave the Plan without a proportionate response if the timing or pace of Frog Lane differs from present assumptions. That is inconsistent with the national objective of significantly boosting supply through a sufficient amount and variety of land capable of coming forward where needed.
- 10.5 That risk is not confined to the early years. A housing strategy dependent on one allocation for the whole Plan period remains exposed to sustained under-delivery long after Frog Lane first begins to deliver, which is why the monitoring and contingency mechanism sought in Section 4 must continue to operate throughout the Plan period.
- 10.6 The site-selection and SEA evidence provides additional support for that conclusion. It does not transparently demonstrate that a mixed strategy comprising Frog Lane and controlled smaller-site delivery was considered on a consistently comparable basis. If only further site-specific assessment is required, a focused addendum or early review may be proportionate; if the Environmental Report itself is legally inadequate, the necessary supplementary assessment and consultation must occur before the Plan is made.
- 10.7 Park Avenue and Shire Way demonstrate that the concern is practical. Park Avenue has Permission in Principle for up to seven dwellings and is suitable in principle for residential development. Shire Way provides an immediate nine-home proposition and a wider opportunity for up to approximately 30 homes. Both can contribute independently of Frog Lane and through separate delivery arrangements.
- 10.8 Lexwood's requested modifications are deliberately proportionate. They retain Frog Lane, allow the Plan to proceed, preserve detailed development-management safeguards and give the Examiner a hierarchy of remedies where further assessment is considered necessary.
- 10.9 Lexwood's position is therefore that the Plan does not presently meet Basic Conditions (a) and (d), raises a substantial additional issue under the new housing Basic Condition, and may not meet Basic Condition (f) if the Environmental Report is found not to have adequately assessed reasonable alternatives. With the principal modifications set out in Section 9, those defects can be remedied and the Plan can proceed to referendum on a more positive, flexible and deliverable basis.

10B Hearing request

- 10.10 Neighbourhood plan examinations are ordinarily conducted through written representations and Lexwood does not seek a hearing merely to repeat its written case. A hearing is requested only if the Examiner considers that oral evidence is necessary to resolve a material dispute or ensure procedural fairness.

10.11 The matters most likely to justify a focused hearing are:

- the realistic Policy 7 delivery trajectory and the assumptions concerning first completions and annual build-out;
- the operation and wording of the proposed monitoring and contingency mechanism;
- the differentiated site-specific remedies for Park Avenue and Shire Way; and
- the identification and treatment of reasonable alternatives in the SEA and site-selection process.

10.12 If the Examiner is satisfied that those matters can be resolved through the submitted documents and any written questions, Lexwood is content for the examination to proceed without a hearing.

10.13 Lexwood respectfully invites the Examiner to recommend the modifications set out in Section 9, together with any consequential changes required to the supporting text, Policies Map, monitoring framework and appendices.

References

- National Planning Policy Framework (December 2024, as amended) and Planning Practice Guidance: Neighbourhood Planning.
- Levelling-up and Regeneration Act 2023 and the 2026 commencement regulations (SI 2026/169).
- Tattenhall and District Modified Neighbourhood Plan 2025–2045 and its principal submission documents (May 2026).
- Cheshire West and Chester Council: Indicative Housing Requirements – Tattenhall (May 2026) and published housing land supply monitoring evidence.
- Tattenhall Housing Needs Report (December 2023).
- Land off Park Avenue, Tattenhall, Appeal Ref. 6006404, decision dated 24 July 2026.
- Lichfields, Start to Finish: How Quickly Do Large-Scale Housing Sites Deliver? (third edition, March 2024).
- Competition and Markets Authority, Housebuilding Market Study (February 2024), and Warrington Borough Council SHLAA (2025 update).
- Blacon Neighbourhood Plan examination material (2026) and R (Stonegate Homes Ltd) v Horsham District Council [2016] EWHC 2512 (Admin).
- Your Housing Group conditional offer concerning Land at Shire Way, dated 3 June 2026.

Appendices

Appendix 1

- Land off Park Avenue, Tattenhall – Site Location Plan
- Land off Park Avenue, Tattenhall – Illustrative Layout (up to 7 dwellings)
- Land off Park Avenue PiP Appeal Decision (Appeal Ref. 6006404, 24 July 2026)

Appendix 2

- Land off Shire Way, Tattenhall – PiP Layout (9 dwellings)
- Land off Shire Way, Tattenhall – Illustrative Masterplan (up to approximately 30 dwellings, drawing ref. 11500 A2 48A)

Appendix 3

- Your Housing Group conditional offer dated 3 June 2026 (commercial terms redacted)

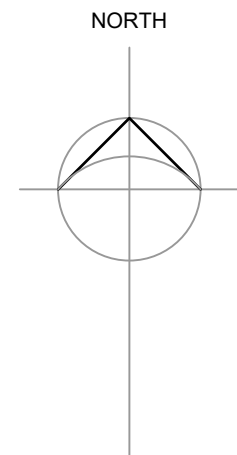
Publicly available policy and evidence-base documents referred to in the representations are not reproduced in the appendix pack.

Appendix 1 – Land off Park Avenue

- Site Location Plan
- Illustrative Layout (up to 7 dwellings)
- PiP Appeal Decision (Appeal Ref. 6006404, 24 July 2026)

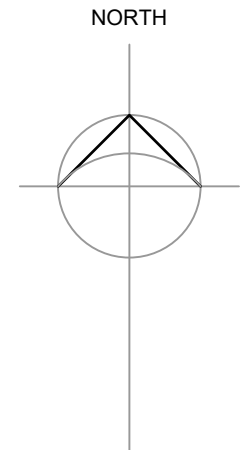


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PLOT SCHEDULE		
PLOT 01	70sqM	753sqft
PLOT 02	70sqM	753sqft
PLOT 03	125sqM	1345sqft
PLOT 04	125sqM	1345sqft
PLOT 05	160sqM	1722sqft
PLOT 06	160sqM	1722sqft
PLOT 07	200sqM	2152sqft
Garages	72sqM	775sqft
Totals	982sqM	10566sqft

Appeal Decision

Site visit made on 22 July 2026

by Naomi Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: 6006404

Land off Park Avenue, Tattenhall, Cheshire CH3 9QN

- 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 Alex Wood of Lexwood Developments against Cheshire West and Chester Council.
 - The application Ref is 25/03520/PIP.
 - The development proposed is residential development up to 7 dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 dwelling and a maximum of 7 dwellings at land off Park Avenue, Tattenhall, Cheshire CH3 9QN in accordance with the terms of the application, Ref 25/03520/PIP, dated 31st October 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) 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 permitted. 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 appellant's appeal statement confirms that the submitted indicative site layout plan is for illustrative purposes only. I have determined the appeal on this basis.
5. The appeal follows the Council's failure to determine the application for permission in principle. The Council has not provided a statement of case within the Inspectorate's timetable. I have determined the appeal on the basis of the evidence before me.

Main Issue

6. The main issue is whether the site is an appropriate location for residential development, having particular regard to its location, the proposed land use and the amount of development.

Reasons

7. Policies STRAT1 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, and that it protects, enhances and improves the natural and historic environment. 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 in Tattenhall, which is identified as one of the key service centres, representing the most sustainable rural locations, in LP1 policies STRAT 1 and STRAT 8.
9. Located immediately adjacent to, but outside of, the settlement boundary, the appeal site is in the countryside for the purposes of planning policy. 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. The proposed development 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 exemptions, including new housing supported in a neighbourhood plan for the area. The Tattenhall and District Neighbourhood Plan (TNP) was made in June 2014 and forms part of the statutory development plan. Policy 1 of the TNP supports proposals involving up to 30 homes within or immediately adjacent to the built-up part of Tattenhall village over the period 2010-2030.
11. Given that the TNP is in excess of 5 years old and the Council is unable to demonstrate a 5 year housing land supply, paragraph 11(d) of the Framework is engaged.
12. A new Neighbourhood Plan has been drafted. However, as it has not yet completed the examination process and it is subject to alteration or amendment. This limits the weight I can give its policies.
13. The appeal site is a vacant, undeveloped parcel of land- a paddock presently used for grazing. The site is bordered on four sides by residential development fronting Park Avenue to the north, Kingscroft, which is a detached dwelling on Burwardsley Road to the south, Rean Meadow, which is a cul-de-sac to the west, and a detached dwelling known as Foxcroft Farm to the east of the appeal site boundary. The proposed development would be accessed from the north, off Park Avenue via an existing internal access road. The appeal site is enclosed by established and mature hedgerows and fencing. A public footpath runs to the east of the appeal site.

14. The appeal site marks the transition from settlement edge to open countryside. However, the proposed development would not extend into open countryside. Rather it would infill a vacant site, which is largely screened from public vantage points, except for the site's southern boundary, an oblique view of which can be obtained from the public footpath to the east through a field gate into the site. This is a limited, contextual view of roofscape glimpsed through neighbouring property boundaries and filtered through mature vegetation. These roofscape views would be incidental and comparable with existing views of houses in Rean Meadow that border the western boundary of the appeal site. As such, whilst the absence of built form on the appeal site is noted, the appeal site does not make a strong contribution towards the open, rural character of the area.
15. Within Tattenhall there are a range of shops, services and community facilities including a primary school, village hall, library and a church. The village is served by a frequent bus service, providing a viable option for residents to access more sustainable modes of transport. As such, the site's location would offer future occupiers of the proposed development a choice for the carrying out of day-to-day activities, thereby reducing the reliance on the private car.
16. Matters of scale and design will be addressed at Stage 2 when the detailed development proposal will be considered. However, there is nothing to suggest that the proposed development could not assimilate well with the settlement, rather the indicative site layout plan persuades me that development of the site, as proposed, is feasible. Subject to securing an appropriate design and material palette, the proposed residential development would be small scale, visually well-related to the built form of the settlement and would positively contribute to the spatial quality of the area. It would complement the character and setting of the existing buildings. It would represent infill development that is commensurate with its' context in size, scale, form, and function.
17. The proposed land use of the appeal site would be compatible with the surrounding uses. This infill site has good accessibility to local shops, services and community facilities, and good connections to public transport. However, given the identified conflict with policies relating to settlement boundary and countryside restraint, the appeal site is not considered to be a suitable location for residential development.
18. The adverse impact arising from the identified policy conflict would have less than moderate harm. Notwithstanding this, the weight I give this policy conflict is limited by the material considerations I've outlined.

Significance of the Conservation Area

19. The proposal concerns development within in a conservation area. As required by sections 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.
20. The appeal site is within Tattenhall Conservation Area (CA). The CA is significant by reason of its evolution from a medieval settlement into a prosperous Georgian and Victorian village. The historic character of this rural village is defined by its original village layout centred on St Alban's Church, High Street and historic routes, evidencing its evolution whilst preserving the village's rural character. The area's character is defined by traditional Cheshire architecture and the locally

distinct traditional material palette of red sandstone, handmade bricks, timber framing and Welsh slate roofs, together with stone boundary walls, mature trees and historic street patterns. This local distinctiveness and character create a strong sense of place, further reinforced by open spaces, mature landscaping, key views towards St Alban's Church and the established relationship between buildings and streets, which significantly contribute to the visual quality of the village.

21. The architectural quality of the CA is evident in the many listed buildings including St Alban's Church, Tattenhall Hall, the village war memorial, historic cottages, farmhouses and Georgian and Victorian houses. The listed buildings closest to the appeal site are located some distance from it, with the intervening development being predominantly residential in character. Consequently, I am satisfied that the proposed development would not have an adverse impact on the setting of the listed buildings in the vicinity of the site.
22. Pertinent to the appeal, the significance of the CA also stems from the contribution that open areas make to the character and appearance of the CA. Approaching from the east, the village's rural identity is characterised by the surrounding countryside which transitions into the built-up settlement, positively contributing to the historic legibility and visual interest of the village in the wider landscape.

The effect of the proposal on the CA

23. The appeal site is not visually prominent within the village or on approach to the village from the east along Burwardsley Lane. The contribution of this vacant site to the CA or the surrounding countryside, is limited by reason of being enclosed on all sides by residential development. Based on the evidence before me, I see no reason why the appeal site could not be developed in a way that would at least preserve the character and appearance of the CA. It would be possible to secure an appropriate design at the technical details stage, thereby ensuring that the proposed development would not harm the character and appearance of the CA or the transition to open countryside.
24. For these reasons, the proposed development would have less than substantial harm to the character and appearance of the CA. This harm would be at the lower end of the scale in relation to the significance of the CA that I have identified, but nevertheless of considerable importance and weight.
25. As such, the proposed development would be in accordance with LP1 Policy ENV5 Historic Environment and Policy DM46 Development in Conservation Areas, require development proposals within or affecting the setting of CAs to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, taking account of the significance of heritage assets. Furthermore, the proposed development would be in accordance with LP1 Policy STRAT 8, which states that development should be appropriate in scale and design to conserve each settlement's character and setting.

Other Considerations

26. The appellant states that the current housing land supply is 1.87 years. This figure has not been disputed by Cheshire West and Chester Council. As such, a 5-year housing land supply has not been demonstrated, at this time. Consequently, the

presumption in favour of sustainable development applies and paragraph 11(d)ii is engaged, indicating that permission should be granted.

27. The proposed development would bring some uplift to the local economy arising from construction services and the spending of future occupiers.
28. The appellant states that the dwellings would contribute to affordable housing in the area subject to viability, but there is no mechanism put forward, such as a legal agreement, to secure the tenure. In any case, the PPG makes it clear that at the permission in principle stage it is not possible to impose conditions or to secure a planning obligation. I have determined the appeal on the basis that the dwellings would be open-market housing. The claim of affordability carries no weight.
29. Given the location and orientation of the site in relation to the church and the intervening distance, built form and vegetation, it has not been demonstrated that the proposed development would compromise key views of the church.
30. Representations from interested parties are noted. Whilst some matters have been addressed above, some of the matters raised will be addressed at Stage 2, the technical details consent, such as highway and pedestrian safety, residential amenity, flood risk, ecology.
31. With regards to prematurity, the tests set out in the Framework would not be met. The proposed development is small-scale and would not undermine the plan-making process or predetermine the spatial strategy of the emerging TNP.

Planning Balance

32. The proposed development would provide up to 7 additional dwellings, which is an important consideration in the context of the Government's objective to boost significantly the supply of homes and given that Cheshire West and Chester Council is unable to demonstrate a 5-year housing land supply. 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.
33. The adverse impact I have identified, arising from the conflict with the development plan relating to settlement boundary and countryside restraint, would not, therefore, significantly or demonstrably outweigh the benefits of the proposal. 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

34. For these reasons, I conclude that the appeal site would be suitable for residential development having regard to location, land use and amount of development.
35. The appeal is allowed.

Naiomi Kempton

INSPECTOR

Appendix 2 – Land off Shire Way

- PiP Layout (9 dwellings)
- Illustrative Masterplan (up to approximately 30 dwellings)

Disclaimer:
Do not scale from this drawing.
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figure dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.

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OVERALL ACCOMMODATION SCHEDULE & AREAS						
Name	Ref	Bed	Storey	Unit No's	Unit ft²	ft² Total
Open Market Dwellings						
Type A	Type A	3	2	1	1385	1385
Type B	Type B	4	2	3	1550	4650
Type C	Type C	4	2	1	1300	1300
Type D	Type D	4	2	1	1325	1325
Affordable Dwellings						
Type Af1	Type Af1	2	2	3	700	2100
Total:		9 Units			10760 ft²	
Gross Site Area:		0.59 ha			1.28 ac	
Client  Lexwood DEVELOPMENTS Project SHIRE WAY TATTENHALL Drawing Title SKETCH LAYOUT Drawn by Checked by Date Status Scale @ A2 1:500 Job no. Design Rev. AW001 SK01 P1						



Draft Masterplan

Illustrative Colour Layout

Drawing Number: A
Revision: A
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DESIGN
GROUP

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Appendix 3 – Registered Provider Evidence

- Your Housing Group conditional offer dated 3 June 2026
- (commercial terms redacted)



Youngle House
130 Birchwood Blvd
Birchwood
Warrington
WA3 7Q

Alex Wood
Lexwood Developments
Milton Green Farm
Whitchurch Road
Milton Green
Chester
CH3 9DS

3rd June 2026.

SUBJECT TO CONTRACT

Dear Alex,

Re: Land at Shire Way, Tattenhall

Further to discussions regarding the above development opportunity, I would like to set out Your Housing Group's offer.

Based upon the plans you have shared (appendix 1), applying a GIA assumption of 26,921 sqft and comprising a total of 30 plots, we are prepared to offer the sum of [REDACTED] [REDACTED] to purchase the area of the site identified as Phase 1.

This offer is a net figure and is subject to contract and the following-

- Receipt of a satisfactory detailed planning consent
- Satisfactory technical due diligence to include the necessary site surveys, intrusive ground investigations and independent valuation
- Homes England Grant Funding
- Your Housing Group Board Approval
- An exclusivity agreement being granted between parties whilst the technical due diligence is undertaken and legal contracts are prepared and formalised.

Please note we have attended the site and undertaken a visual assessment. Furthermore, our independent cost consultant and engineer have provided preliminary desktop appraisals, which have been used to help formulate the offer.

I have scheduled out the list of budgetary, planning and technical constraints that we have considered:

- | | |
|---------------------------------------|--------------------------------------|
| 1) Gross Development Value | [REDACTED] [REDACTED] @ 26,921 sqft) |
| 2) Affordable Gross Development Value | [REDACTED] [REDACTED] @ 26,921 sqft) |
| 3) Planning Abnormals | [REDACTED] |
| - Biodiversity Net Gain | [REDACTED] |
| - Education Contribution | [REDACTED] |
| - Health Contribution | [REDACTED] |
| - Highways | [REDACTED] |
| - Recreational & Amenity | [REDACTED] |
| 4) Build Abnormals | [REDACTED] |
| - Cut and Fill | [REDACTED] |
| - Abnormal Foundations | [REDACTED] |
| - Future Homes Implementation | [REDACTED] |
| - s.278 works | [REDACTED] |
| - Surface Water Attenuation | [REDACTED] |
| - Utilities | [REDACTED] |

The total value of the abnormalities equate to [REDACTED] and subject to further due diligence.

Should this offer be acceptable to you and your client, we would endeavour to exchange contracts within 12 weeks. The contract mechanism proposed by us is an option agreement that has a period of 24 months and can be extended if mutually agreeable between the parties.

By way of background, Your Housing Group is one of the country's largest Housing Associations, providing and managing a portfolio of 29,000 properties across North West, Yorkshire and the Midlands. The Group currently has a £100 million private placement that is available for investment in acquisitions and development.

We hope the above is sufficient for you to assess our offer and look forward to hearing from you. If you need any further information or clarification please do not hesitate to contact me.

Yours sincerely,



Roy Carthy
Head of Development
Your Housing Group Limited

Appendix 1- Draft Master Plan

TATTENHALL - LAND OFF SHIRE WAY

