



## **Appendix 2**

Decision Notice for application ref. 3/23/1447/OUT (The Appeal Proposal)

**Application Ref: 3/23/1447/OUT**

DLP Planning Ltd  
4 Abbey Court  
Fraser Road  
Priory Business Park  
Bedford  
MK44 3WH

## **Town and Country Planning Act 1990 (as amended)**

### **DECISION NOTICE**

**Outline planning application (with all matters reserved except for access) for up to 350 dwellings, up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping  
Land East Of The A10 Buntingford Hertfordshire**

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

#### **Refuse Outline Permission**

For the development proposed in your application received 27th July 2023 and registered on 27th July 2023 and shown on the submitted plans.

The reason(s) for the Council's decision to refuse permission for the development is/are:

1. The proposal comprises a substantial urban extension of Buntingford which would encroach into the rural area beyond the Green Belt, beyond the settlement boundary, to the detriment of the landscape character, rural appearance, and distinctiveness of the area contrary to Policies DES2, DES3, DES4, GBR2 of the East Herts District Plan (2018), Policies ES1, HD1, HD2, HD4 and BE2 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
2. The proposals represent an unsustainable form of development and residents and visitors would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere. The proposals do not amount to sustainable development (in accordance with the NPPF) and would result in a form of development outside of the settlement boundary that conflicts with the Development Strategy within the District Plan and objectives of the Buntingford Community Area Neighbourhood Plan. The proposal would be wholly contrary to Policies DPS2, INT1, BUNT1, BUNT3 and TRA1 of the East Herts District Plan (2018), policy HD1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
3. It has not been demonstrated that the application site can accommodate the maximum quantum of development outlined within the submitted parameter plans. The proposal at

the maximum level outlined within these plans would create a dense and urban appearance which does not respect the site's rural character or its landscape character and fails to transition between the urban settlement boundary and the countryside beyond. The proposal would fall contrary to policies DES2, DES3, DES4, GBR2 or HOU2 of the East Herts District Plan (2018), policies ES1, HD1, HD2 and HD4 of the Buntingford Community Area Neighbourhood Plan, and guidance in the National Planning Policy Framework.

4. In the absence of a completed legal agreement the application fails to secure appropriate financial contributions to infrastructure to off-set the impact of the development on local infrastructure or to provide any affordable housing, or a required bus route. As such the proposal is contrary to policies DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan 2018, policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
5. Insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable impact on flood risk. This is due to it not being evidenced that there is a viable location to discharge the surface water runoff from the proposal, the greenfield runoff rates and volumes are not agreed and Thames Water have advised that there is no capacity to discharge surface water sewer at the proposed manhole. The development may increase the risk of flooding elsewhere. The proposal falls contrary to policies WAT1, WAT3, WAT4, WAT5 and WAT6 of the East Herts District Plan (2018) and the National Planning Policy Framework.

**Informatives:**

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner and whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to accord with the Development Plan.

This Decision Relates to Plan Numbers:

<b>Plan Ref</b>	<b>Version</b>	<b>Received</b>
10537-FPCR-XX-XX-DR-A-1003	P05	27th July 2023
10537-FPCR-XX-XX-DR-A-1004	P07	27th July 2023
10537-FPCR-XX-XX-DR-A-1005	P05	27th July 2023
10537-FPCR-XX-XX-DR-A-1006	P05	27th July 2023
10537-FPCR-XX-XX-DR-A-1007	P03	27th July 2023
7498-GA-02	G	27th July 2023
10537-FPCR-XX-XX-DR-A-1001	P02	27th July 2023
10537-FPCR-XX-XX-DR-A-1002	P07	16th January 2024
7498-GA-02	H	3rd October 2023

Dated: 15th February 2024

On Behalf Of Development Management



Signed:  
Head of Planning and Building Control

**SEE ATTACHED NOTES**

## TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.\*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.\*
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.\*
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.\*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.\*
- If you are requesting an Inquiry you need to give the local planning authority and the planning Inspector ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) 10 days notice before you submit your appeal.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### Appeals under the Control of Advertisement Regulations

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
  - (a) The application forms
  - (b) All relevant plans and particulars
  - (c) This notice of decision
  - (d) All other relevant correspondence with the Authority

The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority, and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

**Purchase Notices**

- If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Compensation**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.