



**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**  
**APPEAL BY Countryside Partnerships Ltd and Wattsdown Developments Ltd**

An Appeal Against the refusal of planning permission by East Herts District Council of an application for:

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 Class 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.

**PINS REFERENCE: APP/J1915/W/24/3340497**  
**Council Ref: 3/23/1447/OUT**

**PLANNING PROOF OF EVIDENCE**

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## **1.0 PERSONAL BACKGROUND**

- 1.1 My name is Hannah Albans. I hold a Bachelor of Arts Degree in Geography and Town Planning and a Masters Degree in Town Planning. I am a chartered town planner, and I am a Member of the Royal Town Planning Institute (RTPI).
- 1.2 I have over 12 years professional planning experience and from 2012 to 2014 I worked in the Planning Policy Team of South Holland District Council, which included being involved in the preparation of the South East Lincolnshire Local Plan. I also worked in the Development Management Team at South Holland District Council during the period 2013 – 2014.
- 1.3 From 2014 – 2018 I worked as a Development Planner for a national PLC housebuilder, dealing mainly with large scale residential applications and giving strategic advice to the internal land team.
- 1.4 Since 2018, I have worked as a planning consultant at DLP Planning Ltd of which I am a Director.
- 1.5 DLP Planning Ltd is part of the DLP Consulting Group, a multi-disciplinary practice encompassing town planning, architecture, masterplanning and design, environmental and transportation planning. Within this, DLP Planning Ltd provides advice to a wide array of clients in the public and private sectors, including government departments and executive boards, local government, national, regional and local house builders and developers, private companies and financial institutions, landowners and private estates, as well as individual members of the public, community groups and organisations.
- 1.6 I currently work with a range of private sector clients and housebuilders and deal mainly with large scale residential proposals ranging from 50 dwellings to 1,250 dwellings and specialist extra care projects ranging from 90 – 200 units. At present, clients that I am working with include Vistry Group Ltd, Persimmon Homes, Redrow Homes, Allison Homes, Inspired Villages, Welbeck Strategic Land and Larkfleet Group Ltd. I also work with several private individuals promoting their land for residential and extra care proposals.
- 1.7 My role and experience involve providing advice to clients at the inception stage and project managing applications through the planning process through to determination.

- 1.8 I have acted as planning agent on the Appeal Site since December 2019 and have visited the site and the surrounding area.
- 1.9 The evidence that I have prepared and provide for this Appeal is true and has been prepared in accordance with the guidance of my professional institution. I can confirm that the opinions expressed within it are my true and professional opinions.

<b>Signed</b>	
<b>Name</b>	Hannah Albans BA (Hons) MA MRTPI
<b>Position</b>	Director, DLP Planning Ltd (DLP)
<b>Date</b>	18 June 2024

## 2.0 INTRODUCTION

2.1 My Proof of Evidence has been prepared on behalf of Countryside Partnerships Ltd and Wattsdown Developments Ltd (the Appellants) in support of an appeal against the refusal by East Herts District Council (EHC) of an outline planning application (all matters reserved other than access) (ref. 3/23/1447/OUT) for the erection of 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 Class E) (the Appeal Scheme) on Land East of the A10, Buntingford, Hertfordshire (the Appeal Site).

2.2 Since the Appeal Scheme was submitted and East Herts District Council's putative reasons for refusal were provided (CD3.1) work has been ongoing to address reason for refusal 4 (S106 and infrastructure requirements). Whilst the full list of obligations intended to mitigate the development are not agreed at this stage, negotiations are still ongoing to resolve this. Post-decision and as part of this Appeal, the Appellants provided further information to address reason for refusal 5 (drainage) (CD14.4) and the Lead Local Flood Authority (LLFA) have since removed their objection subject to appropriate conditions (CD14.5).

2.3 Reflecting this, the EHDC Statement of Common Ground (SoCG) (CD14.1, p.27, paragraph 8.4), notwithstanding the fact that negotiations are still ongoing in respect of the S106 and infrastructure requirements, makes it clear that of the original 5 putative reasons only three of those issues remain in dispute between the parties (reasons for refusal 1, 2 and 3) as follows:

- 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.*

2.4 Following discussion at the Case Management Conference (CMC), the post CMC note (CD13.2) confirms that the main topic areas of the case are:

- **Whether the proposal would be a suitable location for residential development having regard to the spatial strategy of the development plan.**
- **The effect on the character and appearance of the area with specific reference to density and landscape character.**
- **Whether the Council can demonstrate a deliverable housing land supply as required by the National Planning Policy Framework (NPPF).**

2.5 My evidence relates to planning matters relevant to the determination of the Appeal Scheme and considers statutory development plan policies and other relevant planning policy and material considerations in undertaking an overall planning balance for the Appeal Scheme.

2.6 My Evidence refers to published documents within the Core Documents as evidence provided to this Inquiry. I have drawn conclusions from this evidence as necessary to inform a professional judgement on the merits of the Appeal Scheme and factual matters of relevance to the planning balance.

2.7 My Evidence is written to dovetail with the Evidence of other members of the Appellant team who have specific expertise regarding the assessment of density, landscape impact and character, housing delivery and land supply, affordable housing and self-build and sustainability (from a highways and transport perspective).

2.8 My remainder of my Evidence is structured as follows:

- **Section 3 (the Appeal Site and Context)** introduces the site and its surroundings, designations, and background to engagement with the Council.
- **Section 4 (the Appeal Proposal)** sets out the proposed scheme and the circumstances that pertained at the time of the application.

- **Section 5 (Planning Policy)** sets out the planning policy context, considering the Development Plan as a whole and the most important policies for the determination of the Appeal. This section further includes my assessment of the Appeal Scheme against the most important policies in the Development Plan.
- **Section 6 (Other Material Considerations)** sets out other material considerations and my assessment of the most important policies. It also outlines the planning benefits in favour of the scheme and justification to the weighting to be attributed to each of those benefits.
- **Section 7 (Planning Balance)** sets out my planning balance.



### **3.0 THE APPEAL SITE AND CONTEXT**

#### **Site Description and Context**

- 3.1 A full description of the Appeal Site and the surrounding area is set out in Section 2 of the EHDC Statement of Common Ground (CD14.1, pages 5-11). My Evidence therefore summarises key matters only.
- 3.2 The Appeal Site measures approximately 28.95 hectares in total and is located to the southwest of Buntingford. Of the 28.95 hectares, 21.1 hectares, located to the southwest of Buntingford, east of the A10 and west of existing residential development served by Luynes Rise, is proposed for development. The remaining 7.85 hectares is located west of the A10 and is made up of 1.22 hectares of land proposed as an Ecological Enhancement Area and 6.63 hectares of land remaining in agricultural use (no built form is proposed).
- 3.3 The part of the Appeal Site proposed for development is bound by the A10 to the west and southwest, Buntingford Waste Water Treatment Works (WWTW) to the south and the existing urban edge of Buntingford to the north, east and south east. The Appeal Site is located immediately adjacent to Buntingford, with linkages through to the existing settlement by way of existing Public Rights of Way (PRoW).
- 3.4 Buntingford is located at the centre of a large rural area in the northern half of the district and is described in the Local Plan as one of the five market towns in the district. With the exception of Buntingford, the main settlements are all located in the south of the district and are surrounded by Green Belt. Buntingford and land surrounding Buntingford, including the Appeal Site, do not lie within the Green Belt - the land is designated as "Rural Area Beyond the Green Belt" in the East Herts District Proposals Map.
- 3.5 As a market town, Buntingford provides primary and secondary education facilities (via a three-tier school system of first, middle and upper schools), primary medical care, and a range of social and community facilities commensurate with its size including a range of primarily convenience shopping (including Co-op and a Sainsbury's local).
- 3.6 An assessment of walking distances to the site have been analysed. As the crow flies' measurements were agreed in the EHDC SoCG (CD14.1), however for a more robust assessment, Mr Ahmet's Evidence has also analysed the distance from 4 points of measurement from the appeal site to key services in the market town, with some

assumptions made as to potential 'real time' walking routes.

- 3.7 Mr Ahmet's Evidence (CD10.7, p.23, paragraph 6.4.12) confirms that the Appeal Site is no further than approximately 10-15 minutes walking from any of the 4 distances considered.
- 3.8 General industrial employment is provided in established industrial estates at Watermill Industrial Estate, Park Farm Industrial Estate and Buntingford Business Park as well as in services spread throughout the town. As described in the Local Plan, Buntingford together with Ware and Sawbridgeworth, is regarded as a 'Minor Town Centre'.
- 3.9 Buntingford is served by regular bus services linking it with neighbouring settlements. The current nearest bus stops are located on Baldock Road to the north of the Appeal Site (270m) and Station Road to the east (600m). The closest railway stations to the Appeal Site are located in Royston (7.9 miles), Baldock (8.4 miles) (which can be accessed in 20 minutes by using the 386 bus service from Buntingford High Street), Stevenage (10.2 miles), Ware (10.4 miles), Bishop's Stortford (12.5 miles), and Hertford (12.8 miles) either measured from the Greenways or Station Road bus stops in Buntingford via Google maps.

### **Planning History**

- 3.10 Within their Statement of Case (CD11.1, p. 6, paragraph 2.4), the Council set out that the planning history is a material consideration in the determination of this application. The full planning history is set out in the table contained at pages 11-13 of the Planning Statement (July 2023) (CD1.2).
- 3.11 There have been previous schemes that have been refused planning permission with the most recent in 2022 being a hybrid application (ref. 3/22/1551/FUL) that sought full planning permission for up to 350 homes and outline permission for commercial and community floorspace. A copy of the decision notice is submitted as part of this Appeal (CD3.3).

### **Pre-application Engagement with the Council**

- 3.12 The pre-application engagement as part of both the 2022 hybrid planning application (ref. 3/22/1551/FUL) and the current Appeal Scheme is relevant background to this Appeal.

*Pre-application engagement as part of the 2022 Proposals*

- 3.13 As part of the 2022 hybrid planning application, pre-application engagement was sought on the development proposals prior to submission of the application and a pre-application request was made to the Council on the 5 October 2021.
- 3.14 On the 4 November 2021 (CD20.1), the Council responded to the pre-application request advising that the proposed scale and nature of that being proposed, was similar to an earlier application (ref. 3/17/1811/OUT), which was refused on the grounds that it would not constitute sustainable development, would encroach into the rural area beyond the Buntingford settlement boundary and also failed to provide for sufficient supporting infrastructure. For these reasons, the Council wanted an opportunity to establish whether they would still have any fundamental in-principle concerns with a similar development before committing to any detailed pre-application discussions.
- 3.15 The Council further advised that they considered that they were successfully implementing its adopted development strategy and as such, it was their view that the best opportunity to promote the site would appear to be through a review of the District Plan, adding that *“a site of this scale would certainly benefit from being included within the plan-making process so that the Council can take a holistic approach to its delivery and in particular the supporting infrastructure”*.
- 3.16 In view of the above, the Council considered that it would be premature to enter into discussions about the potential to redevelopment the site.
- 3.17 On the 1 December 2021, the Appellant responded advising that, the lack of engagement by the Council through pre-application, was contrary to the provisions of paragraph 40 of the National Planning Policy Framework which sets out that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and they should encourage take-up of any pre-application services they offer. The Appellants acknowledged that whilst there may be in principle concerns with the proposal, they would still be keen to engage on the technical elements of the proposal and to seek to resolve these and other matters which could arise in advance of any formal application submission.

- 3.18 On the 21 January 2022 (CD20.2), the Council responded advising that their in-principle concerns remained and in addition, the scale of the proposed development would also trigger policy DES1 ‘Masterplanning’ which requires the preparation of a masterplan for all significant development proposals prior to the submission of a planning application. Under Policy DES1, there is a requirement for the masterplan to be produced by the developer in collaboration with the Council and key public stakeholders and Officers outlined this would require significant officer time and resources to progress. The Council further set out that Paragraph 15 of the then NPPF, states that the planning system should be genuinely planned and therefore it was their opinion that it is reasonable for the Council to decline engaging and progressing development proposals (such as this) that represent a departure from the development strategy and on this basis, it would not be appropriate use of Council resources nor would it be in the best interests of our client as customer.
- 3.19 In the absence of any meaningful pre-application engagement with the Council, and to seek to address the requirements of policy DES1 (insofar as possible) the Appellant undertook a public consultation exercise with the local community (in May-June 2022) as well presenting the proposed masterplan to a Design Review Panel (DRP).
- 3.20 The Appellants sought to engage with the Council’s preferred design review service (Hertfordshire Design Review Service) but were advised that they only carry out reviews where both the project design team and LPA are present. On the 17 March 2022, (CD20.3) a request was sent to the Council outlining that it was the Appellants intention to undertake a design review of the proposals with Hertfordshire Design Review Service and inviting them to attend the Design Review. On the 23 March 2022 the Council responded advising that they are still unable to direct resources to supporting a pre-application in this instance and on the 28 March 2022 confirmed this also meant that they would not be available to attend the Hertfordshire Design Review Panel or similar body (CD20.4).
- 3.21 On the basis that the Appellants were unable to use the Hertfordshire Design Review Service, due to the absence of the Local Planning Authority, an independent Design Review Panel were approached (Eastern Design Review Panel) and a Design Review (including site visit) was undertaken on the 13 April 2022.

3.22 The DRP feedback (CD18.1) outlined:

- That subject to comments within this document, it is considered the site is appropriate for a development of the type proposed.
- The site boundary is currently felt to be defined by a ragged arrangement of back gardens and has an ill formed relationship with the boundary.
- The stated aspirations for this development have the opportunity to create an appropriate urban edge to Buntingford, which it is felt is currently missing.
- The Panel does not yet feel it is clear what the vision/character aspirations for the proposal site is, and there is a concern that the proposed character could become a reflection of the inefficient low density, car dependant, housing the surrounding area, which would not be supported.
- Buntingford is a compact town that provides a good range of local services within walking distance, and therefore the site represents a sustainable location.
- In terms of landscape, it is felt that the design team have carried out an intelligent and well-rounded analysis of the landscape characteristics of the site and surrounding area.
- It would be helpful to carry out an analysis to determine what building heights may be appropriate within different parts of the site topography, and what impact they may have on neighbouring properties. For example, it may be appropriate to incorporate taller elements around the local centre as this may help to reinforce the idea of a nodal of centre.
- The Panel welcomes the incorporation of a proposed local centre.

3.23 The design review response formed part of both the 2022 proposals and the Appeal Scheme submissions. The 2022 proposals were refused by the Council on 9 November 2022 (CD3.3).

*Pre-application engagement as part of the Appeal Scheme:*

3.24 Post the decision notice for the 2022 proposals, the Appellants wrote to the Council on the 25 November 2022 (CD20.17), to express their disappointment with the Council's refusal to engage with them, regarding the hybrid planning application.

3.25 A further letter was sent by the Appellants on the 2 May 2023 (CD20.18), advising the Council of the intention to submit a new outline planning application. The Appellants sought discussions with the Council about how the new application could overcome the reasons for refusal, maximise the benefits to the community and help the Council's immediate need for housing, especially the affordable housing. On the back of this, a meeting was held on the 24 May 2023 with the then Interim Development Management Team Leader and the Service Manager for Development Control and Enforcement. A follow up letter to this meeting was sent by the Appellants on the 9 June 2023 (CD20.5).

- 3.26 Post-submission of the Appeal Scheme, a meeting was held with Council officers on the 7 November 2023.
- 3.27 In the Council's Statement of Case (CD11.1, p.6, paragraph 2.5) they outline that *“due to the decision on the previous application, and in terms of the quantum of development proposed, officers advised the appellants in a meeting on 28 November 2023 that this element of the scheme was again, not likely to be supported by the officers due to the submitted information showing a scheme that was too dense. The appellants did not change their position”*.
- 3.28 Firstly, EHDC refer to a meeting 28 November 2023. I believe this is a typo and should refer to the meeting of the 7 November 2023.
- 3.29 In respect of the alleged comment, Core Document 20.6 is the Appellants meeting minute of the meeting referred to by the Council.
- 3.30 Sections 8 and 10 discuss density with the final Section 20 including the comment by EHDC that it is too early to say whether Officers would recommend approval at this stage given the need to better understand density, sustainability, transport/highway and Section 106 matters.
- 3.31 Section 8 sets out EHDC's view about more dense development by the existing built edge and then lower density towards the A10. EHDC thought the landscape officer's objection could be solved by a tier of density to straddle blocks, not a straight line as the parameter plans. EHDC asked to see the parameter plans loosen density by the A10 and queried matching density to existing housing with sensitive development zones. In fact, EHDC agreed to the higher density to the southern area, specifically around the employment, roundabout and local centre, and it was also accepted that this area is different in character to the northern area.
- 3.32 It is accepted that EHDC did ask the Appellants to review density at the closing of the meeting, but against the context of parts of density being acceptable.
- 3.33 This meeting was also before EHDC's landscape officer's written response (uploaded 17 November 2023) (CD9.23) which does not refer to density.

## **4.0 THE APPEAL PROPOSAL**

4.1 The Appeal Scheme was submitted as an outline application to establish the principle of development on the Appeal Site given the following circumstances that pertained at the time:

- A lack of 5-year land supply as calculated by the Appellants.
- The poor performance of the allocated sites in delivering the housing that the Local Plan requires.
- The need for a plan review as the housing requirement and distribution policies became out of date.

4.2 A full description of the Appeal Proposal is contained in Section 3 of the SoCG.

## 5.0 PLANNING POLICY

### The Statutory Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts and that the determination should be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The statutory development plan, against which this appeal will be determined, comprises:

- **The East Herts District Plan (October 2018) (CD4.1)**
- **Policies Map (2018) (CD4.2)**
- **The Buntingford Community Area Neighbourhood Plan (2017) (CD4.3)**

5.3 It is agreed in the EHDC SoCG (CD14.1, p.19 paragraph 5.4) that the following policies could be considered relevant to this Appeal:

#### **The East Herts District Plan (2018)**

- Policies INT1, DPS2, DPS4, DEL1, DEL2, GBR2, BUNT1, BUNT3, DES2, DES3, DES4, HOU2, HOU3, CFLR1, CFLR7, CFLR9, CFLR10, TRA1, WAT1, WAT3, WAT4, WAT5 and WAT6.

#### **The Buntingford Community Area Neighbourhood Plan (2017)**

- Policies ES1, HD1, HD2, HD4, BE2, INFRA1

5.4 In my professional opinion, the following policies comprise the most important policies in the determination of this appeal insofar as they relate to the delivery of new housing, employment and retail opportunities and assess the impacts of development on the local character and appearance of the area:

#### **The East Herts District Plan (2018)**

- (a) Policy DPS1 Housing, Employment and Retail Growth.*
- (b) Policy DPS2 The Development Strategy 2011-2033 I. The strategy of the District Plan is to deliver sustainable development in accordance with the proposed hierarchy.*
- (c) Policy GBR2 Rural Area Beyond the Green Belt*
- (d) Policy DES2 Landscape Character.*
- (e) Policy DES3 Landscaping.*



- (f) *Policy HOU2 Housing Density.*
- (g) *Policy BUNT1 Development in Buntingford.*
- (h) *Policy BUNT3 Employment in Buntingford.*

### **The Buntingford Community Area Neighbourhood Plan (2017)**

- (a) *Policy ES1*
- (b) *Policy HD1*
- (c) *Policy HD2*
- (d) *Policy HD3*

5.5 Within the following paragraphs, I set out my professional opinion on the compliance with the most important development plan policies before assessing the Appeal Scheme against other development plan policies and considering other material considerations.

### **The East Herts District Plan (2018)**

#### *Policy DPS1 Housing, Employment and Retail Growth*

- 5.6 Policy DPS1 (CD4.1, p.28) sets out the amount of new housing, job and convenience/comparison retail floorspace that will be delivered over the Plan period (2011-2033). It sets out a minimum requirement of 18,458 new homes, 10,800 new jobs with the provision of 19-20 hectares of new employment land for B1/B2/B8 uses and encouraging an additional 7,100 sqm of convenience and 5,700 sqm of comparison retail floorspace.
- 5.7 Whilst Policy DPS1 is not a reason for refusal, it is an important consideration for this appeal as it is the key policy of the adopted development plan which sets out the minimum growth requirements for the district.
- 5.8 The Appeal Scheme seeks to deliver up to 350 new dwellings, up to 4,400 sqm of commercial and service floorspace (Use Class E and B8) and up to 500 sqm of retail floorspace (Use Class E).
- 5.9 As has been set out in Mr Bolton's Evidence (CD10.4, p. 16-17, paragraph's 4.10 – 4.14), the District Plan has been unsuccessful in bringing forward the much-needed housing in the area as required by the minimum housing requirement set by Policy DPS1.

- 5.10 Appendix B of the District Plan (CD4.1, pages 322-323) identifies a trajectory for the allocated sites alongside committed developments to identify total supply vs. the Local Plan Requirement of 839 net new dwellings per year.
- 5.11 The trajectory identifies that in the period 2011 – 2022, existing commitments and the identified allocations would deliver 10,273 new homes against a requirement of 9,229.
- 5.12 As set out within Table 16 of the EHC's latest Annual Monitoring Report (AMR) (2022-23) (CD17.8, p.35), during the period 2011/12 – 2022/23, the Council have delivered 8,131 net new dwellings against their Local Plan requirement of 10,068 net new dwellings. This represents a shortfall of some 1,937 net new dwellings.
- 5.13 During years 2011/12-2017/18, the trajectory identifies that the Council were wholly relying on existing completions for their supply (amounting to some 3,244 dwellings). During the same period, the Council delivered 3,245 net new dwellings.
- 5.14 During years 2017/18-2021/22, the Council were relying on a mixture of existing commitments, windfall, and allocations to deliver 7,029 homes. During this period, the Council have only delivered 4,000 new dwellings, a shortfall of some 3,029 new dwellings against their identified supply and some 195 dwellings against their Local Plan requirement.
- 5.15 Mr Bolton's Evidence further demonstrates that in the first five years of the local plan, the Council only delivered 57% of the dwellings it had claimed it could deliver at the time of the local plan examination and this clearly demonstrates that the level of anticipated completions in the council's trajectory have not been met (CD10.4, p. X, paragraph XX).
- 5.16 The Council have only over delivered against its Local Plan Requirement in four years out of the twelve years to date. This clearly demonstrates that the Strategy contained within Policy DPS2 is not delivering as anticipated.
- 5.17 Furthermore, and in respect of economic development, Table 25 of the AMR (2022-23) (CD17.8 p.42) identifies that there was a net loss in some of the district's employment areas comprising of -199 sqm of B2 floorspace and -410 sqm of B8 floorspace. Table 26 further identifies that within town centres, there was a net loss in the same period of new B1a floorspace (-604 sqm); B2 floorspace (-53 sqm) and B8 floorspace (-88 sqm). The AMR is also silent on the delivery of new floorspace. Whilst new job growth is outlined in table 28, it

is not clear from this table where in the district this job growth has taken place.

- 5.18 The delivery of the Appeal Site would contribute towards the Council's minimum growth requirements set out in Policy DPS1. I therefore consider that the Appeal Scheme would accord with the requirements of Policy DPS1.

Policy DPS2 The Development Strategy 2011-2033

- 5.19 Policy DPS2 (CD4.1, p.31) sets out the Council's strategy for delivering sustainable development in the district in accordance with the following hierarchy:

- (a) Sustainable brownfield sites.
- (b) Sites within the urban areas of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware.
- (c) Urban extensions to Bishop's Stortford, Hertford, Sawbridgeworth and Ware, and to the east of Stevenage, east of Welwyn Garden City and in the Gilston Area; and,
- (d) Limited development in the villages.

- 5.20 It further sets out that the 5-year housing land supply will comprise the following elements:

- (a) The projected housing need of 839 dwellings per annum.
- (b) Any shortfall in delivery since the start of the Plan period (to be met over the ten-year period 2017-2027).
- (c) A 20% buffer for choice and flexibility brought forward from later in the Plan period.

- 5.21 The purpose of defining a spatial strategy is to encourage a pattern of development across a plan area to promote sustainable growth. Policy DPS2 is an important consideration for this appeal as it is the key policy of the adopted development plan which sets out the focus for growth within the district.

- 5.22 It also identifies the projected housing need requirement per annum in order to maintain a 5-year housing land supply. This is a matter that is dealt with separately in Mr Bolton's Evidence (CD10.4).

- 5.23 I accept that the Appeal Site does not accord with Policy DPS2 on the basis that it lies outside of the urban area of Buntingford.

- 5.24 It is however common ground that the Appeal Site lies immediately adjacent to the settlement (CD14.1, p.5 paragraph 2.8).

- 5.25 I do also consider that Buntingford, as a main tier settlement, is a suitable location for growth and this is accepted by Policy DPS2 as it identifies the urban area of Buntingford alongside the other main towns of the district as suitable locations for development and indeed, this is also confirmed by Policy BUNT1 (discussed later in my Evidence), which sets out that Buntingford will accommodate a minimum of 1,074 homes (comprising of sites that have been granted planning permission in the town since 2011) and windfall sites and by Policy BUNT3 which allocates an additional 3 hectares of employment land.
- 5.26 District Plan paragraph 6.1.2 (CD4.1, p.78) further highlights Buntingford's important function as a rural service centre with an extensive range of services and facilities that serve the day-to-day needs of residents, and a vibrant local community demonstrated by the numerous clubs and societies that are active in the town. It is also an important rural service centre for the outlying villages in the north of the district.
- 5.27 It is common ground between both parties that Buntingford is one of five main towns in East Herts and with the exception of Buntingford, the other main towns are all located in the south of the district and are surrounded by Green Belt. It is also common ground that Buntingford and land surrounding Buntingford, including the Appeal Site, is not constrained by Green Belt.
- 5.28 Within East Herts, and as identified by the Department for Levelling Up, Housing and Communities (DLUHC) national statistics on '*local authority green belt statistics for England: 2022 to 2023 – Accompanying tables: total area and net changes to green belt by local authority district 2022-23 (annual)*', (CD20.16) 34.6% (16,450 hectares) of land, is designated as Green Belt. This is a significant constraint within the south of the district, and particularly to the other major settlements within the hierarchy outlined in Policy DPS2. I consider the fact that the Appeal Site is not within the Green Belt, and is adjacent to a main tier settlement, as a significant benefit.
- 5.29 Therefore, whilst I recognise that there is a direct conflict with Policy DPS2 in that the Appeal Site does not lie within the urban area of Buntingford and is not allocated for development, I do believe that Buntingford, is a suitable location for development as it is a main tier settlement within the hierarchy, is not constrained by the Green Belt outlined in Policy GBR1 and as identified on the Council's Policies Map (CD4.2); and, has an important function for outlying villages in the north of the district.

Policy GBR2 Rural Area Beyond the Green Belt

5.30 Policy GBR2 (CD4.1, p.42-43) sets out a series of development types that will be permitted in the rural area beyond the Green Belt, provided that they are compatible with the character and appearance of the rural area.

5.31 These include:

- (a) *Buildings for agriculture and forestry.*
- (b) *Facilities for outdoor sport, outdoor recreation, including equine development in accordance with CFLR6 (Equine development) and for cemeteries.*
- (c) *New employment generating uses where they are sustainably located, in accordance with Policy ED2 (Rural Economy).*
- (d) *The replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas.*
- (e) *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.*
- (f) *Rural exception housing in accordance with Policy HOU4 (Rural Exception Affordable Housing Sites).*
- (g) *Accommodation for Gypsies and Travellers and Travelling Showpeople in accordance with Policy HOU9 or Non-Nomadic Gypsies and Travellers and Travelling Showpeople, in accordance with Policy HOU10.*
- (h) *Development identified in an adopted Neighbourhood Plan.*

5.32 I acknowledge that in respect of the proposed housing and retail elements of the Appeal Scheme, there would be a conflict with Policy GBR2 as they do not constitute any of the types of development listed in this policy.

5.33 So far as the employment element of the Appeal Scheme is concerned, as outlined within the Officer Report (CD3.2, p. 9), part (c) is potentially applicable to the Appeal Site. Within the Officer Report the Council consider that:

*“Whilst the application proposes employment space, as discussed further below there is no guarantee as to the level provided or whether these will be viable or attractive to businesses, particularly with regards to the position adjacent the sewage and recycling site...”*

- 5.34 As identified on the Development Framework Plan (CD2.2), the proposed employment area sits in the southeastern section of the site. To the immediate east lies the existing Watermill Industrial Estate and the sewage and recycling site which also lies immediately west of the existing Watermill Industrial Estate. The location of the proposed employment area is therefore considered compatible with the adjacent uses.
- 5.35 Furthermore, as is common ground, no objections have been received from the Council's Environmental Health Officer in respect of any Noise (CD9.28), Air Quality or Odour (CD9.24) arising from a) the proposed employment uses and b) the adjacent sewage and industrial estate subject to appropriate conditions.
- 5.36 Whether the location of the Appeal Site is viable or attractive to businesses is supported by an updated Market Report (CD20.12), which updates the 2022 Version previously submitted with application 3/22/1551/FUL (CD20.13). This identifies at paragraph 11.1(v) that locally, there is an immediate requirement for some 2 million sqft of employment space from "local/sub-regional" occupiers with this figure increasing to some 3 million+ sqft when taking into account regional and national requirements for the local area.
- 5.37 At paragraph 12.1(iii) the results of a study undertaken by Coke Gearing evidenced that there is restricted availability in the wider locality with employment space being 97.58% occupied, leaving only 2.42% of availability in units. This research is specifically focussed on traditional industrial estates and business parks.
- 5.38 Paragraph 15.1 further identifies that there are 83 enquiries currently on Coke Gearing's Register for new E(g)ii, E(g)iii, and B8 accommodation in East Herts. The average requirement for enquiries is 400 sqm.
- 5.39 The above, and the supporting Market Report, clearly demonstrate that there is a demand for new employment space within the local area and the Appeal Site could offer an attractive and flexible space for such uses.
- 5.40 The Council further add that:

*It is the case that whilst the site is not considered to be a sustainable location for the proposed quantum of residential use, as will be discussed further later in this report, it could potentially be a sustainable location for some employment use (subject to its accessibility, position within the site and the quality of the external environment), particularly if the proposed bus route is provided and local residents could travel to this*

*site via public transport. The provision of some commercial and employment floorspace has potential to contribute towards these uses within the town which in turn, could reduce the need to travel by car to these new destinations. Concern is raised, however, that if walking and cycling connections remain unattractive to users, or if a new public transport link is not provided, or if public transport is not improved in the wider locational context of the town, it is likely that the users of the employment space would continue to travel to the site via private vehicle.*

5.41 As discussed in paragraph 5.34 above, the proposed employment uses are located adjacent to the existing Watermill Industrial Estate and sewage treatment works and such location could be read as an extension to that cluster. The location is also immediately adjacent to the A10 for ease of access.

5.42 It is common ground (HCC SoCG (CD14.2)) that the Appellants agree to a contribution in the form of the 'Sustainable, Active and Accessibility Transport Contribution' of £1,987,488 which will go towards active travel initiatives within Buntingford, alongside a 'Public Transport Contribution' of £810,000 to enhance the existing public transport provision in the area and directly serving the site.

5.43 The parties also agree to enter into an agreement under Section 278 of the Highways Act 1980 to deliver the Luynes Rise/Aspenden Road Sustainable Transport Corridor as a condition of the development. Whilst there is no final scheme agreed, productive discussions have been held with HCC about what the sustainable transport corridor could include as referenced in Mr Ahmet's Evidence (CD10.7) at p.11, paragraph 3.2.3.

5.44 The Council further state that:

*There is also no guarantee that the employees of the employment spaces would be from Buntingford, and if not from Buntingford there would be limited ways to access the site other than via private vehicle use. Officers consider that Buntingford is not a sustainable location within the context of the County or District and could not support the level of residential and employment development proposed without significantly improved access to public transport, improved local facilities and improved linkages to the wider area".*

5.45 As supported by Evidence prepared by Mr Ahmet (CD10.7), there are a series of improvements and contributions being made to improve the public transport serving the area and directly serving the site alongside significant contributions towards active travel initiatives in Buntingford. Whilst we cannot guarantee that employees would be from Buntingford, as is the case for most industrial developments, the improved linkages and accessibility to the Appeal Site will ensure that if people from Buntingford are employed, then they have

improved means of access.

- 5.46 I therefore acknowledge that in respect of the proposed residential and retail elements, there would be a conflict with this Policy, however in respect of the proposed employment element, I consider that the Appeal Site accords with part (c) of Policy GBR2.

Policy DES2 Landscape Character

- 5.47 Policy DES2 (CD4.1, p.233) requires development proposals to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. It further adds that appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping and that development proposals should have regard to the Council's currently adopted Landscape Character Assessment Supplementary Planning Document (SPD) (CD15.2).
- 5.48 The Appeal Site is not covered by any national or local designations for landscape quality and does not lie within the Green Belt. The effect of the proposal on landscape character is considered by Mr Etchells in his Evidence (CD10.6).
- 5.49 Mr Etchells acknowledges that there would be some inevitable harm as a result of the introduction of new buildings into what is a presently undeveloped site, but in his professional opinion, the development as a whole would not be unsightly or intrusive – any harm would occur as a result of the development of what is presently a greenfield site (CD10.6, p. 37 paragraph 6.4.3).
- 5.50 Mr Etchells has also considered the visual effects of the proposals and concludes that in terms of overall visual amenity, the development would be dominant in some short distance views from houses along the existing urban edge to the east, but would have a much lower visual presence elsewhere, and effects on the general visual amenity of the area around the site would be slight to moderate adverse (CD10.6, p.39, para 6.4.6). He concludes that the effects are those which would be experienced in the winter – effects in summer would generally be at a lower level, and all effects would be expected to decrease with time, (CD10.6, p.39, paragraph 6.4.6).
- 5.51 The Council's Landscape Officer considers that the extension of the urban fringe of Buntingford up to the A10 bypass in this location will mean the loss of landscape buffer and/or physical separation of the town from the transport corridor (CD9.23). Mr Etchells considers



whether the site does provide such a buffer and also considers whether the development would provide a gradual transition from urban to rural.

- 5.52 He concludes that the ‘landscape buffer’ referred to by the Council is in fact just the fields which make up the site – the area carries no designation as a buffer or gap and is not referred to as such in the District Plan or Neighbourhood Plan. In respect of transition, Mr Etchells concludes that the proposed development would in fact provide a more gradual transition between the urban area and the countryside than exists at the moment (CD10.6, p. 42, paragraph 6.4.16).
- 5.53 Furthermore, Mr Etchells identifies that the Appeal Scheme would retain existing landscape features, including the vegetation around the site perimeter and the hedgerows and trees within the site; provide extensive appropriate mitigation measures as suggested by the policy; contribute to the strategy for managing change as set out for the High Rib Valley in the Council’s Landscape Character Assessment as it would include planting along the A10 corridor and would also improve the local network of rights of way with connections within the site; and, contribute to the strategy for the Cherry Green Arable Plateau character area in that it would include some new native broadleaved woodland planting alongside the A10.
- 5.54 This is further reinforced by the proposed Development Framework Plan (CD2.2) and the Plan Showing Public Open Space (CD1.16) which shows the retention of key existing landscape features, existing vegetation and reinforcing the green infrastructure throughout the site along key routes and corridors.
- 5.55 It is therefore considered that whilst there would be some inevitable, in-principle harm, as would be the case for any proposed development of a presently greenfield site, that harm would be minimised by the generally contained nature of the site, by the retention of existing landscape features, by the nature and design of the proposed development and by the extensive landscape proposals.
- 5.56 There is therefore some degree of conflict with this policy but in this case, this would be at a low level and experienced over a limited area.

*Policy DES3 Landscaping*

- 5.57 Policy DES3 (CD4.1, p.234) requires development proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or

biodiversity value, in order to ensure that there is no net loss of such features.

- 5.58 It is common ground between parties that the application site is comprised of three agricultural fields, partitioned by two hedgerows. It is also common ground that the Appeal Site does not directly affect any statutorily protected European or national habitat designations.
- 5.59 The supporting Biodiversity Net Gain Calculation Statement (CD1.35, p.4, paragraph 4.1) demonstrates that the proposal can deliver biodiversity an on-site net gain of 20.81% for habitat units, a 32.08% gain for hedgerow/linear features and a gain of 58.10% of 'river' units.
- 5.60 Furthermore, and as identified on the 'Plan Showing Public Open Space', (CD1.16) the proposals provide an additional 3.62 hectares of open space compared to the on-site requirements generated using the Council's Open Space, Sport and Recreation SPD requirements (CD20.9, Table 1, p. 31-33), with a significant overprovision of natural/semi-natural greenspace to be provided on-site (an additional 3.33 hectares more than required).
- 5.61 As identified within the supporting Arboricultural Assessment (CD1.23, page 12, paragraph 5.4), the proposals will retain and incorporate the majority of the existing individual trees by virtue of their positions around the boundaries of the site. The Assessment further identifies at paragraph 5.9 that the material to be removed comprises moderate to lower grade material arboriculturally. Paragraph 5.11 adds that the landscaping proposals shown in the Development Framework Plan (CD2.2) indicates there to be generous buffers around the edges of the new development, new open space provisions and green infrastructure around the new access roundabout and internally, all of which will be capable of accommodating tree and hedgerow planting. Paragraph 5.12 concludes that the removals required to facilitate the proposed development would not lower the overall arboricultural value of the site.
- 5.62 No objection to the proposals were received from Hertfordshire County Council's Ecological Advisor (CD9.31). Furthermore, Hertfordshire County Council's Landscape Officer commented that there would be no significant impact on the important trees associated with the site. Additionally, the Landscape Officer did not raise any conflict with Policy (CD9.23).
- 5.63 I therefore consider that the Appeal Proposal accords with the requirements of Policy DES3 as it would retain and protect important and existing landscape features and would provide

extensive new or reinforced landscape and amenity features, which would enhance local biodiversity interests.

Policy HOU2 Housing Density

- 5.64 Policy HOU2 (CD4.1, p.180) requires development proposals to make efficient use of land and demonstrate how the density of new development has been informed by the character of the local area. It further adds that densities will vary according to the relative accessibility and character of locations. Preceding paragraph 14.3.3 of the District Plan (CD4.1, p.180) sets out that major schemes should include a range of housing density areas, to ensure varied character and appearance.
- 5.65 The policy further sets out that medium net densities will normally be appropriate for sites that are in more peripheral locations within and on the edge of these settlements.
- 5.66 Mr Williams' Evidence (CD10.5) largely focuses on the maximum proposed density of development applied for, and how this relates to comparable parts of its context. As set out in Appendix B of Mr Williams' Evidence, a series of comparable residential areas immediately adjacent to the site were identified to provide appropriate contextual references. This led to the selection of five contextual locations (see Inset 1, p.11 of CD10.5) which were to be used for comparison purposes. Three areas for comparison are immediately adjacent to the Appeal Site (Areas 3, 4 and 5) and two are relatively new developments in the town (Areas 1 and 2).
- 5.67 Table 2 of Mr Williams' Evidence (CD10.5, p.14) provides a comparable density analysis for the areas selected against the Appeal Scheme. This identifies that the gross density (dwellings per hectare) for the Appeal Scheme is 18.6 dwellings per hectare (dph), with a net density of 33.8 dph. When compared to the three areas immediately adjacent to the Appeal Site, the gross dph for the Appeal Site has the lowest density. The net density is slightly higher.
- 5.68 The table further identifies density based on plot ratio and this identifies a gross plot ratio of 12% for the Appeal Site and a 21% net plot ratio. In comparison to the other locations, the gross plot ratio is the joint lowest on gross plot ratio and is comparable on the net plot ratio with the other locations in Buntingford.

- 5.69 Mr Williams concludes that as a consequence of the density analysis carried out, he has no concern regarding the appropriateness of the maximum amount of development being applied for is inappropriate or excessive. He further adds at paragraph 3.8.6 that when net developable area is considered, the Appeal Scheme matches the average identified within the settlement.
- 5.70 Furthermore, Mr Williams identifies that at an average net density of less than 34 dph, the Appeal Scheme is no higher than medium density and this is aligned with the description within Policy HOU2.
- 5.71 In accordance with Policy HOU2, and as shown on Parameter Plan 4: Density & Building Heights (CD1.15), a range of densities are proposed across the site with two upper limits of housing densities proposed. The northern section of the Appeal Site is proposed at a lower density limit of 30 dwellings per hectare, whilst areas surrounding the employment land and local centre at the southern section are proposed at a higher density limit of up to 40 dwellings per hectare. The upper limits enable flexibility with the proposed densities within the development blocks and will ensure varied character and appearance.
- 5.72 For the reasons outlined above and in Mr Williams' Evidence, I believe the proposals fully accord with Policy HOU2 and that the maximum quantum of development applied for is appropriate to the site's context and makes the most effective use of land.

*Policy BUNT1 Development in Buntingford*

- 5.73 Policy BUNT1 (CD4.1, p.81-82) seeks to direct a minimum of 1,074 homes in Buntingford which will include:
- (a) *around 26 homes on land off Longmead;*
  - (b) *around 160 homes on land north of Hare Street Road;*
  - (c) *around 280 homes on land south of Hare Street Road;*
  - (d) *around 56 homes on land off Aspenden Road;*
  - (e) *around 316 homes on land to the east of London Road;*
  - (f) *around 236 homes on land north of Park Farm Industrial Estate; and*
  - (g) *a proportion of the overall windfall allowance for the District.*
- 5.74 Locations (a) – (f) are based on developments that had already been granted planning permission in the town since 2011 and are not new site allocations in the town. Whilst the

Appeal Site is not one of the sites listed in parts (a) – (f), this policy is a permissive policy in that it does not prevent development from taking place in other locations and directs a minimum number of new homes.

5.75 This also reflects the requirements outlined within Policy DPS1, which again, seeks a minimum number of new homes in the district.

5.76 I therefore consider that the Appeal Scheme accords with Policy BUNT1.

*Policy BUNT3 Employment in Buntingford*

5.77 Policy BUNT3 (CD4.1, p.85-86) designates three existing locations as Employment Areas in the town and in addition, allocates an additional 3 hectares of land to the north of Buntingford Business Park as an extension to the existing Employment Area.

5.78 The Appeal Site is not an existing Employment Area nor is it allocated for new employment uses and therefore I acknowledge that there is a conflict with this policy.

5.79 However, as per the Officer Report (CD3.2, p.13 of the pdf), the Council identified that the Appeal Site could potentially be a sustainable location for some employment use (subject to its accessibility, position within the site and quality of the external environment), particularly if the proposed bus route is provided and local residents could travel to the site via public transport. This is a matter that I have discussed at paragraph's 5.33-5.45 of my Evidence and within which I conclude that the Appeal Site is a suitable and sustainable location for some employment development.

5.80 Furthermore, the land allocated to the north of Buntingford Business Park under Policy BUNT3 has no planning history associated with the Site nor are we aware that there is any active marketing of the Site. There is therefore a question as to the deliverability of the allocation and whether this is the most suitable location for new employment land. The Appeal Site would represent an alternative site which is available and in a suitable location.

**Compliance with other development plan policies**

*Policy DES4 Design of Development*

5.81 Policy DES4 (CD4.1, p.236-237) sets out that all development proposals, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals are expected to meet a list of certain criteria including making the best possible use of the

available land by respecting or improving upon the character of the site and the surrounding area.

- 5.82 Whilst most of the requirements would directly relate to detailed design stage, consideration has been given to DES4 in Mr Williams' evidence, particularly in relation to the justification of this policy which identifies the need (of major developments) to include a variety in density to reflect different parts of the site, with higher densities along major internal routes, at gateways and around local centres, with lower densities elsewhere.
- 5.83 As Mr Williams' identifies in his evidence (CD10.5), the Appeal Scheme is aligned with the guidance of Policy DES4 in that it seeks to raise density around the local centre and reducing densities to the site's outer edges. This is demonstrated on Parameter Plan 4: Density & Building Heights (CD1.15) and also reflects the advice received from the Design Review Panel (C18.1), which sets out that it may be more appropriate to incorporate taller elements around the local centre as this may help to reinforce the idea of a nodal of centre (p.4).
- 5.84 As has been discussed earlier in my Evidence(at paragraph 5.67), the proposed net density of the Appeal Site (33.8dph), is considered to reflect the average identified within the settlement and is no higher than medium density and this is aligned with the requirements of Policy HOU2, making the most efficient use of the site on the edge of a settlement.
- 5.85 The Officers Report (CD3.2, p.21 of the pdf) outlines that the depths of gardens and the parking designs are not known and that the change to an outline application gives less certainty about whether the development proposed can be accommodated on the site and provide an acceptable relationship with adjacent uses.
- 5.86 Should planning permission be granted, there will be further, significant stages to go through to confirm how the scheme will be realised which would need to reflect the requirements of Policy DES4 and through a reserved matters submission. Such design development will be guided by the Design and Access Statement (CD1.9), Development Framework Plan (CD2.2), Land Use, Access, Green Infrastructure and Height Density Parameter Plans (CD1.12, CD1.13, CD1.14, CD1.15) and Plan showing Public Open Space (CD1.16).
- 5.87 For the reasons set out above, and in Mr Williams' Evidence (CD10.5), I believe that the Appeal Scheme is, in due course, fully capable of according with the requirements of Policy DES4.

Policy TRA1 Sustainable Transport

- 5.88 Policy TRA1 (CD4.1, p.244-245) outlines that to achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should be primarily located in places which enable sustainable journeys to be made to key services and facilities; where relevant, take account of the Local Transport Plan; ensure a range of transport options are available to occupants or uses which may involve the improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives), protect existing rights of way, and where appropriate, make financial contributions.
- 5.89 Paragraph 6.1.2 of the District Plan (CD4.1) highlights Buntingford's important function as a rural service centre with an extensive range of services and facilities that serve the day-to-day needs of residents, and a vibrant local community demonstrated by the numerous clubs and societies that are active in the town. It is also an important rural service centre for the outlying villages in the north of the district.
- 5.90 It is common ground between both parties that Buntingford is one of five main towns in EHC's district. It is also common ground that pedestrian facilities within Buntingford are generally good with wide footways, particularly along the High Street and through the centre (CD14.1, p. 7, paragraph 2.15).
- 5.91 As per Mr Ahmet's Evidence (CD10.7, p.24, paragraph 6.4.13), the site has good accessibility to key services within walking distance and this will reduce dependency on private cars. Table's 6.3 (p.21) and 6.5 (p.23) of Mr Ahmet's Evidence further demonstrate that the Appeal Site is no further than approximately 10-15 minutes walking to key frontages, bus stops and the local schools, as well as existing employment parks at Watermill Industrial Estate, and Buntingford Business Park.
- 5.92 It is also common ground (CD14.1, p.11, paragraph 2.19) that the current nearest bus stops are located on Baldock Road to the north of the Appeal Site (270m), and Station Road to the east of the application site (600m). Bus services run between Buntingford and Baldock-Letchworth-Hitchin-Stevenage (386) serving Baldock High Street (a 20-minute bus journey from Buntingford High Street), Ware-Hertford (331), Bishop's Stortford (386), Royston (18), and Standon (831). Two further bus stops are located on Hare Street Road, northeast of the Appeal Site, with route 386 running approximately every 3 hours and route 331 running

approximately hourly and route 18 running every 1.5 hours in peak to 2 hours in between and route 831 running a school service in the morning and afternoon.

- 5.93 The closest railway stations to the Appeal Site are located in Royston (7.9 miles), Baldock (8.4 miles) (which can be accessed in 20 minutes by using the 386 bus service from Buntingford High Street), Stevenage (10.2 miles), Ware (10.4 miles), Bishop's Stortford (12.5 miles), and Hertford (12.8 miles) either measured from the Greenways or Station Road bus stops in Buntingford via Google maps.
- 5.94 As outlined in Mr Ahmet's Evidence (CD10.7, p.28, para 7.1.1), there are a series of walking and cycle link improvements as part of the proposed package of measures, that will ensure accessibility to the wider network is possible and the links will be designed to ensure that they provide a safe and convenient route for users all year round.
- 5.95 Additionally, bus accessibility will be improved by the provision of a new mobility hub on the site which will include bus stops, wayfinding points, electric charging points and a community lockable storage facility (for example, for parcel deliveries and returns). It is also common ground with Hertfordshire County Council (CD14.2, p.5, paragraph 2.12) that a financial contribution of £810,000 towards the enhancement of existing bus services in the area and directly serving the site will be provided. There will also be a significant contribution of £1,987,488 towards active travel initiatives within Buntingford.
- 5.96 One of the refusal comments made by the Council is in relation to the *"sustainability of the proposals and whether the proposals will rely on the private car to access employment, main food and comparison shopping elsewhere"* (CD3.1, Reason for Refusal 2). Hertfordshire County Council have provided no objection to the Appeal Site (CD9.29) in terms of sustainability and accessibility as every effort has been made via the provision of public transport enhancements and active travel improvements to ensure that the Appeal Site is accessible as per the provisions of Policy TRA1 and the Local Transport Plan.
- 5.97 It is therefore my opinion, and that of Mr Ahmet, that the Appeal Proposals fully accord with Policy TRA1.

### **The Buntingford Community Area Neighbourhood Plan (2017)**

#### **Policy ES1**

- 5.98 Policy ES1 (CD4.3, p.36) requires development proposals to be appropriate to and maintain



the Rib Valley setting of the Buntingford Community Area (BCA).

- 5.99 As outlined in Mr Etchells Evidence (CD10.6, p. 12, paragraph 3.3.3), the southern part of the site (to the south of the A10 footbridge) lies within character area 142, the 'High Rib Valley'. The remainder of the Site lies within landscape character area 141, the 'Cherry Green Arable Plateau'.
- 5.100 As set out in the Landscape Character Assessment (2007) (CD15.2, p.222), key characteristics of the High Rib Valley include relatively narrow valley features, small to medium scale landscape in contrast to open arable areas adjacent to the plateau, willow and poplar lined watercourse, urban influence of Buntingford locally intrusive, A10 corridor and associated traffic.
- 5.101 Mr Etchells considers this in his Evidence and concludes that there would be some degree of conflict with Policy ES1 as there would be some adverse landscape character effects, but his assessment has shown that such effects would be at a relatively low level, localised and would further decline with time as the extensive landscape proposals begin to mature. He adds that the proposals have also been designed with respect to local topography to limit development (both in terms of its extent and its height) on the higher parts of the site, and in order to minimise any effects on longer distance views.
- 5.102 I concur with Mr Etchells that there would be some degree of conflict with Policy ES1 based on his assessment, however this would be at a relatively low level, localised and would further decline with time.

Policy HD1

- 5.103 Policy HD1 (CD4.3, p.41-42) outlines that outside the settlement boundary of Buntingford, residential development consistent with Policies HD2 and HD7 will be permitted in the form of small-scale infill development within or immediately adjoining significant existing clusters of development; affordable housing on rural exception sites; development for which there is a demonstrable need for a location in the countryside.
- 5.104 So far as the Appeal Scheme is concerned, this does not meet any of the development types outlined within Policy HD1 and I therefore conclude the Appeal Scheme does not accord with Policy HD1. The Appeal Scheme does, however, lie immediately adjacent to existing development and any such conflict is on the basis that this is not a listed development type.

This is not however, to say that the Appeal Site is not suitable for development.

Policy HD2

- 5.105 Policy HD2 (CD4.3, p.45) requires all new housing developments to be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. Furthermore, it requires development proposals to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape and where appropriate a Landscape and Visual Impact Assessment should be provided.
- 5.106 Within the Evidence prepared by Mr Etchells, he outlines that the proposals have been designed with respect to local topography to limit development (both in terms of its extent and its height) on the higher parts of the site, and in order to minimise on longer distance views. He assesses the overall visual amenity as being dominant in some short distance views from houses along the existing urban edge to the east, but a much lower visual presence elsewhere, and effects on the general visual amenity of the area around the site would be slight to moderate adverse (CD10.6, p.39, paragraph 6.4.6).
- 5.107 As outlined in paragraph 5.60 of this Evidence, the proposals provide an additional 3.62 hectares of open space compared to the on-site requirements generated using the Council's Open Space, Sport and Recreation SPD (CD20.9), with a significant overprovision of natural/semi-natural greenspace to be provided on-site (an additional 3.33 hectares more than required).
- 5.108 The proposals will retain and incorporate the majority of the existing individual trees by virtue of their positions around the boundaries of the site and any loss is moderate to lower grade material arboriculturally. The landscaping proposals shown in the Development Framework Plan (CD2.2) indicates there to be generous buffers around the edges of the new development, new open space provisions and green infrastructure around the new access roundabout and internally, all of which will be capable of accommodating tree and hedgerow planting.
- 5.109 No objection to the proposals were received from Hertfordshire County Council's Ecological Advisor (CD9.31). Furthermore, Hertfordshire County Council's Landscape Officer commented that there would be no significant impact on the important trees associated with the site (CD9.23).

- 5.110 Furthermore, Mr Etchells identifies that the Appeal Scheme would retain existing landscape features, including the vegetation around the site perimeter and the hedgerows and trees within the site; provide extensive appropriate mitigation measures as suggested by the policy; contribute to the strategy for managing change as set out for the High Rib Valley in the Council's Landscape Character Assessment (CD15.2) as it would include planting along the A10 corridor and would also improve the local network of rights of way with connections within the site; and, contribute to the strategy for the Cherry Green Arable Plateau character area in that it would include some new native broadleaved woodland planting alongside the A10.
- 5.111 As contained within the Evidence of Mr Etchells (CD10.6, p.44, paragraph 6.5.2), it is considered that there would be some degree of conflict with Policy HD2 insofar that there would be some adverse landscape character effects, but such effects would be at a relatively low level, localised and would further decline with time as the extensive landscape proposals being to mature. I concur with this conclusion.

Policy HD4

- 5.112 Policy HD4 (CD4.3, p.45) requires new housing design to respect the rural/semi-rural character of the BCA and its immediate context having appropriate regard to the standards set out in Appendix 4 – Design Code (CD4.3, p.83).
- 5.113 The purpose of Policy HD4 is primarily a design policy, and as such this could be complied with at reserved matters stage. The Evidence prepared by Mr Williams (CD10.5) does however provide reassurance that the footprint plot ratio density is no higher than the average found locally, which gives confidence that the very detailed plot ratio requirements regarding garden sizes and separation standards set out in Policy HD4 can be met at detailed design stage.
- 5.114 It is therefore considered that the Appeal Scheme, as far as is practicable at outline stage, complies with Policy HD4.

Policy BE2

- 5.115 Policy BE2 (CD4.3, p.28) sets out that other smaller employment sites will be permitted where they do not conflict with other policies in the Plan and meet certain criteria including contribution to the character and vitality of the local area; do not result in the loss of dwellings; are well integrated into and complement existing clusters of activity; protect residential

amenity; do not adversely impact on road safety; enhance the development and provision of employment and self-employment; and do not adversely affect the attractiveness of the local countryside.

- 5.116 The Appeal Scheme, specifically in relation to the employment area, is well located adjacent to the existing Watermill Industrial Estate as identified on the Development Framework Plan (CD2.2).
- 5.117 Furthermore, it is common ground that no objection has been received from the Council's Environmental Health Officer (Air Quality and Odour) (CD9.24) (Noise and Nuisance) (CD9.28) in respect of matters relating to air quality, odour and noise from the adjacent WWTW and noise that may arise from the proposed uses onsite and the A10 (CD14.1, p. 24, paragraph's 6.20 and 6.21).
- 5.118 It has been demonstrated throughout this Evidence that the new employment area could provide new job opportunities for the area and in turn, support key facilities and services. The proposals do not result in the loss of dwellings and have been designed to as to protect residential amenity to nearby properties.
- 5.119 No objection has been received from Hertfordshire County Council's Highways Team in respect of road safety (CD9.29).
- 5.120 I therefore considered that the Appeal Scheme complies with Policy BE2.

**Compliance with other policies in the Buntingford Community Area Neighbourhood Plan (2017)**

Policy INFRA1

- 5.121 Policy INFRA1 (CD4.3, p.50) refers to the proposals for new health facilities or those to extend and conserve existing ones in the BCA will be supported where they are consistent with other policies in the Plan.
- 5.122 Within the Officer's Report (CD3.2, p.14 of the pdf), it is noted that the provision of a doctor's surgery is potentially needed within the town and conclude that as the application is at outline stage, there is not detail yet about the type of provision that will be included or whether this is deliverable.

- 5.123 The Appeal Scheme has the ability to make provision for a new doctor's surgery within the Class E employment space and this could form part of ongoing discussions with the Integrated Care Board as part of any reserved matters proposal, if required.
- 5.124 The NHS have however, requested a financial contribution towards additional primary healthcare services arising from the development proposal and propose to focus monies on the Buntingford Medical Centre to include potential re-configuration, extension or relocation of the GP premises and this will be secured through the Section 106 Agreement (CD9.27).
- 5.125 It is therefore my opinion that the Appeal Scheme fully accords with Policy INFRA1.

#### **Summary of Compliance with the Development Plan**

- 5.126 The conflicts in which they arise/do not arise with limited areas of the most important policies of the development plan have been assessed as part of my case. On reflection of my assessment, and in my capacity as expert witness, I consider that the proposals do not accord with the development plan when read as a whole because the Appeal Site is not a site which is allocated within the District Plan, it does not lie within the urban area of Buntingford as defined in Policy DPS2 of the District Plan and it does not constitute an exception to development in the countryside as listed in Policy GBR2 of the District Plan or Policy HD1 of the Buntingford Community Area Neighbourhood Plan nor is it allocated as an employment site in Policy BUNT3.
- 5.127 I do however consider that there are a range of other policies that support the proposals and there are significant material considerations in this particular case (not least substantial benefits) that indicate the plan should not be followed in accordance with National Planning Policy Framework paragraph 12.
- 5.128 I discuss these other material considerations and the Planning Benefits of the Appeal Scheme and the weighting to be afforded to those in the following Section.

## 6.0 OTHER MATERIAL CONSIDERATIONS

### ***National Planning Policy Framework***

6.1 The National Planning Policy Framework (NPPF) (CD5.1) sets out the overarching planning policies from the Government. The NPPF was last updated on 20 December 2023 and forms the overarching planning guidance in England. Whilst the Framework should be read as a whole, the following sections and paragraphs of the NPPF are particularly relevant to this Appeal.

6.2 The central aim of the NPPF and the planning system is highlighted in paragraph 7.

*‘The purpose of the planning system is to contribute to the achievement of sustainable development’.*

6.3 There is a presumption in favour of sustainable development which is the core of the NPPF:

*‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’ (paragraph 10).*

6.4 The NPPF establishes a presumption in favour of sustainable development stating that sustainable development proposals need *‘approving...without delay’* (paragraph 11).

6.5 Paragraph 11 states for decision-taking, this means:

*(c) Approving development proposals that accord with an up-to-date development plan without delay; or,*

*(d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*1) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,*

*2) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.*

6.6 The Framework, taken as a whole, represents the Government’s definition of what constitutes sustainable development. These aims are mutually dependent and should be sought jointly and simultaneously by the planning system.

6.7 The Evidence prepared by Mr Bolton (CD10.4) concludes that EHC is unable to demonstrate the minimum five-year housing land supply required under paragraph 77 of the NPPF and because of the age of the Local Plan and the seriously out of date evidence it relies on, we invite the conclusion that the tilted balance, identified in paragraph 11 d) of the NPPF, is engaged.

6.8 In this case if Mr Bolton's evidence is accepted in full or in part to demonstrate that a five-year land supply does not exist then the most important policies for determining this appeal will be out of date.

6.9 The assessment of whether the most important policies are out of date however does not stop there as paragraph 225 of the NPPF states:

*“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

6.10 The law relating to the interpretation of a policy being out-of-date is usefully explained by Lindblom J (as he then was) in Bloor Homes East Midlands Limited v SSCLG [2014] EWHC 754 (Admin); [2017] PTSR 1283 (CD17.9). This decision relates to the 2012 NPPF and deals with the question of the out-of-date nature of policies. The judgement states at paragraph 45 that:

*“If the plan does have relevant policies these may have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason, so that they are now "out-of-date". ... And the question of whether relevant policies are no longer up to date will be either a matter of fact or perhaps a matter of both fact and judgment.”*

6.11 Wavendon Properties Ltd v SSHCLG [2019] EWHC 1524 (Admin) (CD17.10) makes it clear that the most important policies should be viewed together, and an overall judgement made whether the policies as a whole are out of date.

6.12 The approach therefore to be taken is as follows:

- *Identifying the basket of most important development plan policies, these are not limited to those cited in the decision notice but can be wider.*
- *Consider if each policy is “Out of date” (not time-expired) but whether or not the policy has become inconsistent with the NPPF, i.e. overtaken by things that have*

*happened since it was adopted, either on the ground or in some change in national policy, or for some other reason.*

- *Reach a judgement whether as a whole the basket of most important policies are out of date noting that even if one or more policies in the basket are out of date this is not determinative of whether the basket of most important policies is out of date overall.*
- *The datedness of the basket of policies informs the decision as to the application of the “tilted balance” in NPPG paragraph 11 a decision does not necessarily follow the application of the tilted balance.*
- *The proposal must still be judged against the policies of the development plan and degree of any conflict must be weighed against both the datedness of that policy and the compliance of the proposal with other policies in the development plan as well as any other material considerations turn.*

6.13 I note that EHC in a report of the 3 October 2023 to the Executive (CD6.1) conclude:

*The Plan needs updating - based on a review of the policies in the current District Plan using the combined mechanisms of the PAS Toolkit, assessment of consistency with the NPPF, and engagement with Duty to Cooperate bodies (paragraph 3.46).*

*This is likely to be a full review of the Plan. This is largely because of the need to consider potential changes to housing requirements and the implications for other aspects of the Plan, along with the need to ensure that all policies are consistent with the latest NPPF and legislation (paragraph 3.47)*

6.14 I also note that EHC has already undertaken an assessment of compliance of existing policies with the up-to-date guidance (Appendix 2 – compliance of District Plan 2018 policies with the NPPF (2021) and NPPG) (CD6.1, p.35 of the pdf).

6.15 My own assessment of the most important policies in the development plan is set out in Tables 1 and 2 below.



**Table 1. The weight to be attributed to the most important policies in the East Herts District Plan (2018)**

District Plan Policy	Comments
<p><b>Policy DPS1 Housing, Employment and Retail Growth in the period 2011 to 2033</b></p>	<p>The District Plan became more than five years old on the 23 October 2023 and as required by paragraph 74 of the NPPF, the starting point for assessing the housing requirement is the standard methodology set out in national planning guidance.</p> <p>This is higher than the requirement set out in Policy DPS1. Furthermore, it is accepted by the Council that this policy needs to be updated to refer to new use classes and up-to-date evidence.</p> <p>It is clear that Policy DPS1 has been overtaken by events, most notably the change in national policy and therefore requires updating. This policy should therefore be considered out-of-date and should be given very little weight.</p>
<p><b>Policy DPS2 The Development Strategy</b></p>	<p>As has been demonstrated in my Evidence, and that of Mr Bolton (CD10.4), I consider this policy to be considerably out-of-date based on the failure of the strategy to deliver the housing required.</p> <p>In these circumstances, any alleged conflict with the element of the strategy that requires development in Buntingford to be within the existing urban area should be attributed very little weight, not least because the existing settlement boundaries are required to be reviewed.</p>
<p><b>Policy GBR2</b></p>	<p>This policy seeks to prevent certain types of development other than those listed. I would regard this policy as being out-of-date as its application (by the refusal of applications such as the Appeal Scheme), has prevented the Council from delivering the housing needed and it is clear that the strategy in its present form, is not delivering. I would therefore afford this policy very little weight.</p>
<p><b>Policy DES2 Landscape Character</b></p>	<p>This policy is applied to all development sites and requires all proposals to conserve, enhance or strengthen the character and distinctive features of the district's landscape whereas the NPPF only required the protection and enhancement of valued landscapes (paragraph 180a)). For landscape that is not identified as valued landscape, as it the case with the Appeal Scheme, the NPPF only requires the recognition of the intrinsic character and beauty of the countryside not its protection or enhancement (NPPF paragraph 180b).</p> <p>This policy is not in conformity with the NPPF as it attempts to extend a level of control over development beyond that required in the Framework. I therefore consider this policy should be treated as out-of-date and any alleged conflict with this policy should be given very little weight.</p>

<p><b>Policy DES3 Landscaping</b></p>	<p>In my view, the conflict with the NPPF is far greater than assessed by EHC (CD6.1, p.53 of the pdf), as this policy requires the retention, protection and enhancement of all existing landscape features notwithstanding their overall value. Like Policy DES2, this policy treats all areas as if they are valued landscapes as in paragraph 180a) of the NPPF whereas the approach compliant to national policy would require an assessment of the value of the landscape and unless identified as “valued landscape” then the requirement would be to recognise the intrinsic character and beauty of the countryside, not require its protection or enhancement (paragraph 180b of the NPPF).</p> <p>Accordingly, this policy should be treated as being out-of-date and any alleged conflict should be given very little weight.</p>
<p><b>Policy HOU2 Housing Density</b></p>	<p>Paragraph 129b) of the NPPF requires that plans should consider minimum density standards for other parts of the plan area, with minimum density standards set in town centres (paragraph 129a)). It also states that it might be appropriate to set a range of densities that reflect the different levels of accessibility and potential of different areas.</p> <p>Policy HOU2 does not set out minimum density standards, nor does it refer to a range of densities in different areas, therefore this policy requires updating to reflect the changes to national policy and should be afforded very little weight.</p>
<p><b>Policy BUNT1 Development in Buntingford</b></p>	<p>The Council acknowledge that this policy will need updating to take account of delivery of strategic sites within the hierarchy, and updated commitments, completions and windfalls. It will also require updating to reflect updated local housing need and floor space requirement. I therefore consider this policy to be considerably out-of-date and very little weight should be afforded to it.</p>
<p><b>Policy BUNT3 Employment in Buntingford</b></p>	<p>The Council conclude that this policy reflects local position, however the Council have not undertaken any further evidence base studies on employment floorspace requirements in the district, or specifically for Buntingford. As outlined in this Evidence, the proposed allocated site within Buntingford has not delivered to date, and I therefore consider this policy is out of date as it does not reflect up to date evidence or need.</p>

**Table 2. The weight to be attributed to the most important policies in the Buntingford Community Area Neighbourhood Plan**

Policy	Comments
<p><b>Policy ES1</b></p>	<p>This policy is applied to all sites and requires all proposals to be appropriate to and maintain the setting, whereas the NPPF only requires the protection and enhancement of valued landscapes (paragraph 180 a). For landscape that is not identified as valued landscape as is the case with the Appeal Site, the NPPF only requires the recognition of the intrinsic character and beauty of the countryside not its protection or enhancement (NPPF Paragraph 180b).</p> <p>This policy is not in conformity with the NPPF as it attempts to extend a level of control over development beyond that required the Framework. Accordingly, the policy should be treated as being out of date and any alleged conflict should be given very little weight.</p>
<p><b>Policy HD1</b></p>	<p>This policy seeks to prevent certain types of development other than those listed. I would regard this policy as being out-of-date as its application (by the refusal of applications such as the Appeal Scheme), has prevented the Council from delivering the housing needed and it is clear that the strategy in its present form, is not delivering. I would therefore afford this policy very little weight.</p>
<p><b>Policy HD2</b></p>	<p>This policy is applied to all sites and requires all proposals to conserve, enhance or strengthen the character and distinctive features of the BCA landscape whereas the NPPF only requires the protection and enhancement of valued landscapes (paragraph 180a). For landscape that is not identified as valued landscape as is the case with this proposal, the NPPF only requires the recognition of the intrinsic character and beauty of the countryside not its protection or enhancement (NPPF Paragraph 180b).</p> <p>This policy is not in conformity with the NPPF as it attempts to extend a level of control over development beyond that required the Framework. Accordingly, the policy should be treated as being out of date and any alleged conflict with this policy should be given very little weight.</p>
<p><b>Policy HD4</b></p>	<p>This policy deals predominantly with the detail so in my opinion has little relevance to the Appeal Scheme where the layout will be subject to Reserved Matters applications.</p> <p>In so far as EHC may argue that the Appeal Scheme is contrary to this policy it is my view of little relevance and, in any case, any alleged harm should be given very little weight as the policy is out of date as it will require updating to reflect national policy and local changes including key principles for good urban design and sustainability measures.</p>

Revised national policies state that local authorities must draw up design codes and guidance as part of their local plans or as a standalone policy document. Paragraph 134 of the NPPF states that, to *"carry weight in decision-making"*, design guides and codes *"should be produced either as part of a [development] plan or as supplementary planning documents"*.

In so far as EHC may argue that the Appeal Scheme is contrary to this policy it is my view of little relevance and, in any case, any alleged harm should be given very little weight as the policy is out of date.

- 6.16 Based on my assessment above, I consider that the most important policies for the determination of the application are out of date, and the tilted balance as per paragraph 11(d) of the NPPF is engaged. In this context, I consider that the adverse impacts do not significantly and demonstrably outweigh the substantial benefits that I identify in paragraph's 6.44-6.98 of my Evidence.

*Delivering a Sufficient Supply of Homes*

- 6.17 The NPPF supports the Government's objective of significantly boosting the supply of homes, requiring a sufficient quantity and variety of land to come forward. The minimum number of homes required should be informed by the local housing needs assessment, calculated using the standard methodology in national planning guidance (paragraph 61). The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area.
- 6.18 Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people (including those who require retirement housing), people with disabilities and people who rent their own homes, among others).
- 6.19 Paragraph 76 requires local authorities to be able to demonstrate a 'supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing' against local housing need.
- 6.20 The Appeal Scheme seeks to deliver up to 350 new residential dwellings, 40% of which would be affordable housing and 1% of which would be for self and custom builders. The provision of new housing in the context of the Government's objective to significantly boost the supply

of homes is a material consideration in this Appeal.

- 6.21 It is common ground that the standard method should be used to calculate local housing need, and this sees an increase of the current District Plan requirement of 839 dwellings per annum to some 1,112 dwellings per annum which I consider a significant increase.
- 6.22 The Appeal Scheme would significantly contribute to the supply of housing in the district and whilst submitted in outline, the Appellant is a national PLC housebuilder.
- 6.23 The matter of five-year housing land supply is dealt with by Mr Bolton's evidence (CD10.4), it is however advocated by Mr Bolton that the Council cannot demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years.

*Building a strong, competitive economy*

- 6.24 Paragraph 85 sets out that planning policies and decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.25 Paragraph 89 adds that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 6.26 The Appeal Scheme seeks to provide up to 4,400sqm of employment floorspace which would provide significant, new opportunities for businesses and wider opportunities for development. In line with paragraph 89, the site lies adjacent to the existing settlement boundary and as I have outlined in my Evidence, the Appeal Site is sensitive to its surroundings, would not have an unacceptable impact on local roads and seeks to improve the scope for access on foot, cycle and by public transport.

Promoting sustainable transport

- 6.27 Paragraph 109 states that the planning system should actively manage patterns of growth in support of overarching objectives. It elaborates, stating that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.28 Paragraph 114 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- (a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - (b) *safe and suitable access to the site can be achieved for all users;*
  - (c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code*
  - (d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 6.29 As has been demonstrated in this Evidence, the Appellant has made every effort to increase sustainable transport initiatives through discussions with Hertfordshire County Council acting as highways authority and they have raised no objection to the proposal. The Appeal Scheme will provide safe and suitable access to all users as well as promote sustainable transport modes through the provision of an on-site mobility hub and significant financial contributions to sustainable transport initiatives in Buntingford and the enhancement to existing bus services in the area and serving the site.

Making effective use of land

- 6.30 Paragraph 123 sets out that decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.31 Paragraph 124 adds that planning decisions should (amongst other things):
- (a) *Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.*

6.32 The Appeal Scheme comprises a mixed-use development in a sustainable location. As has been demonstrated in this Evidence and Evidence prepared by Mr Williams' the Appeal Scheme achieves the most effective use of land in meeting the need for homes and other uses as well as providing large quantities of new, publicly accessible open space and significant biodiversity net gains.

Achieving appropriate densities

6.33 Paragraph 128 sets out that planning decisions should support development that makes efficient use of land, taking into account:

- (a) *The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.*
- (b) *Local market conditions and viability.*
- (c) *The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.*
- (d) *The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and,*
- (e) *The importance of securing well-design and beautiful, attractive and healthy places.*

Design

6.34 The NPPF supports the creation of well-designed places, which shapes sustainable communities that warrants development being acceptable.

6.35 Paragraph 135 details the minimum requirements planning policies and decisions should ensure, including the requirement to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) (part c). Part e) further adds that developments should optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space) and support local facilities and transport networks.

6.36 As has been demonstrated in this Evidence, and by Evidence prepared by Mr Williams (CD10.5), the Appeal Scheme is reflective of surrounding and adjacent built form in respect of its height and also proposed density, reflecting the requirements of Paragraph's 128 and 135 of the NPPF.

**Conserving and enhancing the natural environment**

6.37 Paragraph 180 sets out that planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- (b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- (c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate.*
- (d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- (e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- (f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

6.38 Parts a) and b) of Paragraph 180 are considered relevant to the Appeal. The Evidence prepared by Mr Etchells (CD10.6) identifies that there would be no conflict with part a) as the site and surrounding area are not a valued landscape in those terms, but in his opinion there would be some harm to the intrinsic character and beauty of the countryside. Part b) only requires recognition of the intrinsic character and beauty of the countryside as opposed to protection of such and I believe that this has been fully considered as part of the Appeal Scheme through the supporting Landscape and Visual Assessment (CD1.7) and development principles.

***Strategic Land Availability Assessment***

6.39 The Strategic Land Availability Assessment (SLAA) March 2017 (CD5.5) was prepared as an evidence base document to support the East Herts District Plan (2018). The SLAA considered a number of sites around Buntingford, including the Appeal Site.



6.40 In relation to the Appeal Site, which was assessed by the SLAA as Site 02/005, Land West of Buntingford, the SLAA states (p.12 of the pdf):

*“This large greenfield site is located within the Rural Area Beyond the Green Belt, between the existing urban area and the A10. The site is well related to the existing settlement and any incursion into the countryside would be limited by the presence of the A10 which would form the western boundary of the site. While the site could be considered developable subject to a review of the settlement boundary, the impact of a development of this size on existing infrastructure, and the ability to provide new services and facilities as part of the development, would need to be carefully considered. A planning application for 400 homes has been submitted.”*

6.41 This clearly demonstrates that the Council believe that the Appeal Site is well related to the existing settlement and that subject to understanding the impact on existing infrastructure and the ability to provide new services, the Site could be considered developable. This evidence assesses those impacts and also outlines the mitigation for the Appeal Scheme and demonstrates that the Appeal Site is suitable for development.

### **Planning Benefits**

6.42 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. The weighty benefits, set out in this section, are substantial material considerations in the determination of this appeal.

6.43 I have adopted a hierarchy of weight using the following:

<b>Very Substantial</b>
<b>Substantial</b>
<b>Significant</b>
<b>Moderate</b>
<b>Limited/Negligible</b>
<b>None</b>

### ***Main Benefits***

- 6.44 The Appeal Scheme will deliver demonstrable benefits which are to count in favour of the appeal within the planning balance.
- 6.45 It is common ground (CD14.1, p.25, paragraph 6.27) that the Appeal Scheme will deliver the following benefits:
- Creation of new FTE jobs during the preparation and construction stage of the development, a proportion of which would be expected to be drawn from the local workforce.
  - Creation of new jobs through the supply chain.
  - Generation of additional spending in the local economy from new households and construction workforce that would support local business and shops.
  - Provision of employment floorspace, which could support local people and small/starter businesses.
  - Generation of New Homes Bonus Payments.
  - The provision of up to 350 new homes on the edge of one of the five main settlements in EHDC, providing an increased range and choice in the housing stock, including affordable housing, which contributes to the supply of housing land in the District.
  - Delivery of up to 40% affordable homes in the context of a high level of need for affordable housing in the district.
  - Publicly accessible formal/ informal open space and play space for use by new and existing residents which exceeds the minimum policy requirement.
  - Provision of mobility hub within the site promoting inclusive travel options.
  - Enhancements to the Public Rights of Way Network within and external to the Site.
  - Enhancements to the Luynes Rise Sustainable Transport Corridor.
  - Introduction of extensive new planting and landscaping.
  - Enhanced opportunities for nature conservation, ecology, biodiversity, access and recreation.
  - Enhancement of existing habitats both on and off-site via new planting, bird and bat boxes, hedgerow and hedgehog provisions, insect rich habitats suitable for nesting and foraging birds, and high nectar producing shrubs and wildflower.
  - The delivery of a net gain in biodiversity in excess of 10%.

### ***Market Housing***

- 6.46 The Council suggest at the time of making its decision, the harm that would have been caused by this proposed development was considered to significantly and demonstrably outweigh the benefits of the development. EHDC's current position is that it can now demonstrate a 5-year supply of deliverable housing sites, and this means that the application of the 'tilted balance' for this reason, is not now required (CD11.1, p.13, paragraph 5.3).

- 6.47 The hierarchy identified by DPS2 was based upon a housing requirement of 18,458 new homes in the district between 2011 and 2033 (the target set by Policy DPS1) and at this time it was considered that there was no requirement to allocate land beyond the 1,074 dwellings already with planning permission in Buntingford. At that time this meant there was no need to identify land beyond the current settlement boundaries. But as both the council and I have identified, this policy will require revision based upon the new housing requirement set by the standard method.
- 6.48 Appendix B of the District Plan (CD4.1, p. 322-323) identifies a trajectory for the allocated sites alongside committed developments to identify total supply vs. the Local Plan Requirement of 839 net new dwellings per year.
- 6.49 The trajectory identifies that in the period 2011 – 2022, existing commitments and the identified allocations would deliver 10,273 new homes against a requirement of 9,229.
- 6.50 As set out within the EHC's latest Annual Monitoring Report (AMR) (CD17.8, p.35), during the period 2011/12 – 2022/23, the Council have delivered 8,131 net new dwellings against their Local Plan requirement of 10,068 net new dwellings. This represents a shortfall of some 1,937 net new dwellings.
- 6.51 During years 2011/12-2017/18, the trajectory identifies that the Council were wholly relying on existing completions for their supply (amounting to some 3,244 dwellings). During the same period, the Council delivered 3,245 net new dwellings.
- 6.52 During years 2017/18-2021/22, the Council were relying on a mixture of existing commitments, windfall, and allocations to deliver 7,029 homes. During this period, the Council have only delivered 4,000 new dwellings, a shortfall of some 3,029 new dwellings against their identified supply and some 195 dwellings against their Local Plan requirement.
- 6.53 The Council have only over delivered against its Local Plan Requirement in four years out of the twelve years to date. This clearly demonstrates that the Strategy contained within Policy DPS2 is not delivering as anticipated.
- 6.54 Furthermore, strategic policies DPS1 and DPS2 are now in excess of five years old. This is common ground by the Council who have recently undertaken a review of their policies and identified that Policy DPS1 requires updating to reflect the level of need for housing,

employment and retail growth to reflect the standard method, new use classes and up-to-date evidence and similarly Policy DPS2 requires updating to reflect updated local housing need.

6.55 As outlined within Mr Bolton's Proof of Evidence (CD10.4, p.23, Section 6) there is dispute as to the standard method requirement based on the Government's latest affordability ratios with the Council suggesting that their annual requirement is now 1,041 new dwellings per annum and Mr Bolton claiming 1,112 new dwellings per annum.

6.56 In any event, the new annual requirement is significantly higher than the current Local Plan requirement of 839 net new dwellings per annum and based on the latest AMR, the Council have never been in a position whereby they have delivered in excess of 1,000 new dwellings in a monitoring year.

6.57 Whether the Council do or do not have a five-year housing land supply is a matter for consideration as part of this Appeal. However, even in the event that the Council do, this is not a means for refusing a sustainable development.

6.58 This is supported by several recent decisions whereby Inspectors and the Secretary of State have granted planning permission outside of the settlement boundary where there is a healthy housing land supply.

6.59 These include:

- An appeal for 64 dwellings at land to the west of 30 and 31 Torbay Drive, North East Lincolnshire where the Council could demonstrate a 13.1 years housing land supply (see CD7.2);
- An Appeal for 70 dwellings on land at Fountain Lane, Davenham (See CD7.1, paragraph's 42, 56, 61 and 62); and,
- Land off Station Road, Long Melford where the Secretary of State allowed an appeal for up to 150 dwellings despite their being a five year housing land supply and the proposals lying outside the settlement boundary. He considered that housing delivery should carry significant weight (CD7.4, paragraph 53)
- Land off Audlem Road/Broad Lane, Stapeley, Nantwich and Land off Peter De Stapeleigh Way, Nantwich (CD7.5, paragraph's 34 and 35) where the Secretary of State allowed an Appeal for up to a maximum of 189 dwellings, a local centre, new employment development, primary school, and other facilities where it was concluded that the scheme would bring forward much needed market and affordable homes which was afforded significant weight.

- 6.60 However, in the context of the above, even if the Council claim that they do have a five-year housing supply, I consider that very substantial weight should be given to the benefit of market housing in this case as there is a continued need to deliver housing in the current plan period and beyond. This is now even more important with the increase in requirement set by the standard method.
- 6.61 The supply of market housing would also support the Government's objective of significantly boosting the supply of new homes as set out in paragraph 60 of the NPPF at a time when there is a national housing crisis and at a local level, there is a clear under delivery against the requirements of Policy DPS1. More importantly, Policy DPS1 sets out the minimum number of new homes, employment and retail uses to be delivered, not a maximum target.
- 6.62 In the above context, I consider that the delivery of market housing should be given **very substantial weight** in the planning balance.

#### Affordable Housing

- 6.63 Paragraph 14.4.3 of the District Plan (CD4.1, page 181) states that there is a significant need for additional affordable housing within East Herts. Table 14.1 of the District Plan highlights that an average annual need for affordable housing is 217 dwellings per annum, which at the time represented some 32% of the then housing requirement.
- 6.64 Policy HOU3 requires 40% of housing to be affordable on sites of 15 dwellings or more. The Appeal Scheme, in line with Policy HOU3 commits to the provision of 40% affordable housing which will be secured by the S106 Agreement.
- 6.65 The proposed affordable housing quantum is 40% in line with policy HOU3 of the development plan.
- 6.66 As per Mr Bolton's Evidence (CD10.3, p.23, paragraph 4.38), despite the levels of market and affordable housing that have been delivered since the start of the plan period, the indicators of affordability, such as house prices and the affordability ratio are all substantially higher in the district than both the region and England as a whole.
- 6.67 Mr Bolton's Evidence further recognises at paragraph 8.4 that the assessments of affordable need are increasing since the 2015 Strategic Housing Market Assessment (SHMA), although this is due to the fact that starter homes are now part of the range of affordable dwellings for

which the need is required to be calculated, but more importantly it is also because the backlog or existing need is not being met and the shortening of the times in which to address this existing need also increases the annual rate.

6.68 Mr Bolton identifies that the scale of the requirement has increased considerably from 216.8 dwellings per annum to 315 dwellings per annum (a 45% increase or 41% using the lower need of 305.3 dpa as suggested by the Council in the Housing SoCG (CD14.3)) and the Council have never delivered affordable housing at the level now required. The situation has gone beyond the need being “significant” to one that is now critical and there is an immediate need for additional affordable housing to be provided.

6.69 In the context that the situation has worsened since the Strategic Housing Market Assessment (2015), the appeal proposals commit to the delivery of 40% affordable housing where there is a significant shortfall, and where there is significant under delivery of affordable housing in the district. I therefore give this element of the proposals **very substantial weight** in the planning balance.

#### Self-Build Need

6.70 As has been demonstrated by Mr Bolton’s Evidence (CD10.3), and as contained within the last Annual Monitoring Report (AMR) (2022/23) (CD17.8), as of the 30 October 2023, there were 44 individuals on Part 1 of the Self Build Register and 23 individuals on Part 2 of the Self Build Register. Paragraph 7.3.5 of the AMR also sets out that:

*“Alongside maintaining a register of individuals, local authorities are also required to grant permissions to meet the demand on the register within 3 years, however, due to the reliance on site allocations within the District Plan to deliver self-build plots, East Herts hasn’t been able to grant sufficient permissions in this monitoring year”.*

6.71 Notably, this paragraph has been the Council’s response since the AMR 2018/19.

6.72 Table 24 of the AMR (CD17.8, p.40) identifies permissions granted for self-build per year. This identifies that there have been no planning permissions granted for self-build plots since 2019-2020 and before that only 7 plots have been delivered in 2018/19. The Housing SoCG (CD14.3) confirms that there are now 51 applicants on part 1 of the self-build register.

6.73 In light of the above, it is clear that the council on their own evidence, have failed to meet their statutory duty with regard to granting sufficient plots to meet the part 1 demand. As outlined within the submitted Planning Statement (CD1.2, p. 32, paragraph 6.28) the Appeal

Scheme would seek to allocate self-build plots in accordance with Policy HOU8 which requires at least 1% of dwelling plots for sale to self-builders. Whilst this would be a matter for agreement at reserved matters stage, the commitment to this means the delivery of four self-build plots. Whilst the number of plots might be modest, the ability to address this need where the Council have failed in their duty means that I attribute **very substantial weight** to the supply of self-build plots in this Appeal proposal.

#### Employment Need

- 6.74 It is common ground that, should the appeal be allowed, there will be provision of employment floorspace, which could support local people and small/starter businesses. The construction of new housing would create jobs, and support growth, as would new space for employment development.
- 6.75 As identified within the Updated Market Report (CD20.12, p. 32, paragraphs 16.1 – 16.2) the proposed employment element would be commercially viable and would provide much needed additional stock serving a largely local market demand. This demand is likely to come from new or expanding local businesses that can readily utilise the local labour market and will address a particular need for higher quality premises.
- 6.76 Furthermore, the report identifies that there is excess demand identified for between 2 million sqft (local market) to 3 million sqft (wider regional market), including national requirements. The report also determines that there is a highly restricted supply from the study carried out and the shortfall of current market supply is critically low and detrimental to business growth. The available space within the search area is representing only 2.42% availability of the total market.
- 6.77 This clearly demonstrates that there is a need for such uses within the local area and the employment provision, in close proximity to existing employment uses and to new residential properties, transport links and the existing town is likely to prove an attractive offer and would readily therefore, contribute to the growth of the local economy.
- 6.78 I give this positive benefit **substantial weight**.

#### Biodiversity Net Gain

- 6.79 The appeal proposals have been assessed using the Defra Biodiversity Metric 4.0 (updated March 2023).

- 6.80 The on-site Biodiversity Net Gain (BNG) score is a gain of 20.18% for habitat units, a 32.08% gain for hedgerows/linear features and a gain of 58.10% for 'river' units. These gains are purely from habitats/hedgerows and therefore 'material' enhancements are not included (e.g. bird and bat boxes, hedgehog gaps, hibernacula etc).
- 6.81 Since the submission of the Appeal Scheme, the Environment Act 2021 has made 10% net gains a mandatory requirement.
- 6.82 As the biodiversity net gain has demonstrated, the on-site net gain is well in excess of any mandatory requirements, and I would therefore afford this benefit **significant weight**.

#### Active Travel Enhancements

- 6.83 As is common ground, the Appeal Scheme will provide a new mobility hub within the site promoting inclusive travel options. There will also be enhancements to the Public Rights of Way network both within and external to the site as well as enhancements to the Luynes Rise Sustainable Transport Corridor to help improve the attractiveness of using sustainable modes of transport which will benefit the wider public as well as residents on the appeal scheme. The parties agree to enter into an agreement under Section 278 of the Highways Act 1980 to deliver the Luynes Rise/Aspenden Road Sustainable Transport Corridor as a condition of development.
- 6.84 The parties agree to contributions in the form of the 'Sustainable, Active and Accessibility Transport Contribution' of £1,987,488 to active travel initiatives within Buntingford and the 'Public Transport Contribution' of £810,000 to enhance the existing public transport provision in the area and directly serving the site.
- 6.85 I give this benefit **significant weight**.

#### Construction Benefits

- 6.86 Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system.
- 6.87 The Economic Impact Assessment (CD1.4) sets out the detailed calculations of construction benefits arising from the appeal proposals. In summary, these include:
- 2,184 total net construction jobs comprised of 809 direct construction jobs and 1,375 indirect and induced construction jobs;



- The construction phase will generate a total GVA of £119.7 million;
- 367 total on-going net jobs comprised of 167 direct jobs and 200 indirect/induced jobs.
- Total operation net GVA of £20.1 million.

6.88 The proposal will result in the following 10-year combined construction and operational benefits:

- 2,551 net created and safeguarded jobs (direct, indirect and induced)
- Total GVA of £139.8 million
- A 1:295 cost benefit ratio (each £1.00 will generate £2.95)

6.89 The Appellant has committed to securing local employment opportunities through the delivery of new on-site employment and a new local centre. Therefore, whilst the overarching construction benefits are of significance, the actual value of this construction activity should not be underestimated.

6.90 For the above reasons, I attribute **moderate weight** to these economic benefits.

#### Open Space

6.91 It is common ground that the proposal will make provision for a total of 15.4 hectares of public open space, including 0.22 hectares allocated to children's play space and provision for young people, and 0.28 hectares of allotment space.

6.92 The public open space to be provided on the Appeal Site is significantly in excess of that required by the Open Space, Sport and Recreation SPD by some 3.62 hectares as identified on the plan showing Public Open Space (CD1.16).

6.93 I give this positive benefit **moderate weight**.

#### Vitality of Community

6.94 Whilst the accessibility of the site to existing services and facilities in Buntingford is a neutral factor, the support given to their viability, and to the general vitality of the community, is a public benefit in its own right.

6.95 Development of the Appeal Site will support local job creation and bring about a boost to local spending and household expenditure on services and amenities within Buntingford. With the potential to attract a young, economically active population to the local area, this will future promote the vitality and viability of Buntingford.

6.96 This is supported in an appeal in Jepps Lane, Barton (CD7.3), where the Inspector noted:

*28. ...Upon occupation, the additional household expenditure would help secure the viability of the existing services within the settlement. Whilst the accessibility of the site to existing Barton services is a neutral factor, the support given to their viability, and to the general vitality of the community, is a benefit. I attach moderate weight overall to these local socio-economic benefits.*

6.97 As per the submitted Economic Impact Assessment (CD1.4, p.8), the proposal also has the potential to provide other annual operational benefits including:

- £2.3m new homes bonus to be spent by the council in the area.
- £5.6m retail expenditure per annum from new residents
- £2.4m retained expenditure per annum from new residents in the local area.
- £0.7m of council tax per annum.

6.98 I attach **moderate weight** overall to these benefits in improving the vitality of the community.

## 7.0 PLANNING BALANCE

7.1 My planning balance is summarised in the following table:

Benefits	Positive Weight	Harms arising from any policy conflicts	Weight
<b>Market Housing</b> – up to 210 new dwellings	<b>Very substantial</b>	Conflict with Policies DPS2, GBR2 and BUNT1 of the East Herts District Plan.  Conflict with Policy HD1 of the Buntingford Community Area Neighbourhood Plan.	None
<b>Affordable housing</b> – 40% (up to 140 new dwellings)	<b>Very substantial</b>	Conflict with Policies DPS2, GBR2 and BUNT1 of the East Herts District Plan.  Conflict with Policy HD1 of the Buntingford Community Area Neighbourhood Plan.	None
<b>Self-build housing</b> – 1% (up to 4 dwellings)	<b>Very substantial</b>	Conflict with Policies DPS2 and GBR2 of the East Herts District Plan.  Conflict with Policy HD1 of the Buntingford Community Area Neighbourhood Plan.	None
<b>Employment</b> – up to 4,400 sqm of commercial and services floorspace (Use Class E and B8) and up to 500 sqm of retail floorspace (Use Class E)	<b>Substantial</b>	Conflict with Policies DPS2 and BUNT3 of the East Herts District Plan  Conflict with Policies BE2 of the Buntingford Community Area Neighbourhood Plan.	None
<b>Biodiversity Net Gain</b> - gain of 20.18% for habitat units, a 32.08% gain for hedgerows/linear features and a gain of 58.10% for 'river' units.	<b>Significant</b>		

<b>Active Travel Enhancements</b>	<b>Significant</b>		
<b>Construction Benefits – jobs and GVA in the economy</b>	<b>Moderate</b>		
<b>Open Space – 15.4 hectares of open space (53% of site area)</b>	<b>Moderate</b>		
<b>Vitality of Community – spend in Buntingford, supporting jobs and services</b>	<b>Moderate</b>		

7.2 As per earlier in my Evidence, on reflection of my assessment of the development plan, and in my capacity of expert witness, I am of the view the Appeal Scheme does not accord with the development plan when read as a whole because the Appeal Site is not a site which is allocated within the District Plan, it does not lie within the urban area of Buntingford as defined in Policy DPS2 of the District Plan and it does not constitute an exception to development in the countryside as listed in Policy GBR2 of the District Plan or Policy HD1 of the Buntingford Community Area Neighbourhood Plan nor is it allocated as an employment site in Policy BUNT3.

7.3 I do however consider that Buntingford, as a main tier settlement, is a suitable location for development for reasons outlined throughout my Evidence.

7.4 The Evidence prepared by Mr Bolton (CD10.4) concludes that EHC is unable to demonstrate the minimum five-year housing land supply required under paragraph 77 of the NPPF and because of the age of the Local Plan and the seriously out of date evidence it relies on, I invite the conclusion that the tilted balance, identified in paragraph 11 d) of the NPPF, is engaged.

7.5 My Evidence has considered the most important policies and their compliance with the NPPF and weight to be attributed to them. My Evidence demonstrates that the most important policies for determining this appeal are out of date.

- 7.6 I also consider that there are a range of other policies that support the proposals and there are material considerations of substantial weight in this particular case that limit the harm arising from any conflict from the Appeal Scheme and therefore the development plan should not be followed in accordance with paragraph 12 of the NPPF.
- 7.7 Subject to appropriate conditions and obligations, I respectfully invite that the Appeal is allowed, and planning permission granted.



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