



**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**

**SUMMARY OF PLANNING PROOF OF EVIDENCE**

Prepared by  
**Hannah Albans BA(Hons) MA MRTPI**  
**DLP Planning Ltd**  
**4 Abbey Court, Fraser Road**  
**Priory Business Park**  
**Bedford**  
**MK44 3WH**

**Tel: 01234 832740**

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## **1.0 PERSONAL BACKGROUND**

1.1 My name is Hannah Albans. I have a Masters Degree in Town Planning and I am a Member of the Royal Town Planning Institute (MRTPI). I am currently a Director of DLP Planning Ltd. My experience is set out in full in my evidence.

## **2.0 RELEVANT BACKGROUND**

2.1 The Appeal is made on behalf of Countryside Partnerships Ltd and Wattsdown Developments Ltd (the Appellants) 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 floor space (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 EHC's putative reasons for refusal were provided, work has been ongoing to address reason for refusal 4 (S106 and infrastructure requirements) and reason for refusal 5 (drainage). Negotiations in respect of the full list of obligations are ongoing. The Appellant has submitted further information to address reason for refusal 5 and the Lead Local Flood Authority have removed their objection subject to appropriate conditions.

2.3 The EHDC Statement of Common Ground, 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 for refusal, only three of those issues remain in dispute between the parties (reasons for refusal 1, 2 and 3 as cited on the Council's decision notice).

2.4 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.

### **3.0 SCOPE OF EVIDENCE**

3.1 My evidence seeks to present the overarching planning case on behalf of the Appellant.

### **4.0 APPEAL CONTEXT**

4.1 The Appeal Site measures approximately 28.95 hectares 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).

4.2 The Appeal Site 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).

### **5.0 PLANNING HISTORY**

5.1 The full planning history for the site is set out in the table contained at pages 11-13 of the Planning Statement (July 2023). There have been previous schemes that have been refused planning permission at the Appeal Site, 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.

### **6.0 PLANNING POLICY**

6.1 The development plan comprises the East Herts District Plan (2018); the Policies Map (2018) and the Buntingford Community Area Neighbourhood Plan (2017).

6.2 I consider that the following are the most important policies in the determination of this appeal:

### **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*

- 6.3 The National Planning Policy Framework (NPPF) (December 2023) and other central policy guidance are material considerations.
- 6.4 The starting point for the consideration of the planning case is Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.5 Paragraphs 11(c) and 38 of the NPPF require local planning authorities to approve development proposals that accord with an up-to-date development plan without delay with paragraph 11(d) adding that 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 the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

- 6.6 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. 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, and it does not constitute an exception to development in the countryside nor it is allocated as an employment site.
- 6.7 I do however consider that Buntingford, as a main tier settlement, is a suitable location for development for reasons outlined throughout my Evidence.
- 6.8 The Evidence prepared by Mr Bolton 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.
- 6.9 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.
- 6.10 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.

## 7.0 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 – up to 210 new dwellings</b>	<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 – 40% (up to 140 new dwellings)</b>	<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 – 1% (up to 4 dwellings)</b>	<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 – 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>	<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 - 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>	<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 Subject to appropriate conditions and obligations, I respectfully invite that the Appeal is allowed, and planning permission granted.





**ABERGAVENTNY**

**Planning**

[abergavenny@dlpconsultants.co.uk](mailto:abergavenny@dlpconsultants.co.uk)

**BEDFORD**

**Planning / SDD / SPRU**

[bedford@dlpconsultants.co.uk](mailto:bedford@dlpconsultants.co.uk)

**BRISTOL**

**Planning / SDD / SPRU**

[bristol@dlpconsultants.co.uk](mailto:bristol@dlpconsultants.co.uk)

**EAST MIDLANDS**

**Planning/ SDD**

[nottingham@dlpconsultants.co.uk](mailto:nottingham@dlpconsultants.co.uk)

**LEEDS**

**Planning**

[leeds@dlpconsultants.co.uk](mailto:leeds@dlpconsultants.co.uk)

**LIVERPOOL**

**Planning**

[liverpool@dlpconsultants.co.uk](mailto:liverpool@dlpconsultants.co.uk)

**LONDON**

**Planning**

[london@dlpconsultants.co.uk](mailto:london@dlpconsultants.co.uk)

**MILTON KEYNES**

**Planning**

[miltonkeynes@dlpconsultants.co.uk](mailto:miltonkeynes@dlpconsultants.co.uk)

**RUGBY**

**Planning**

[rugby.enquiries@dlpconsultants.co.uk](mailto:rugby.enquiries@dlpconsultants.co.uk)

**SHEFFIELD**

**Planning/ SDD / SPRU**

[sheffield@dlpconsultants.co.uk](mailto:sheffield@dlpconsultants.co.uk)



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**RTPI**  
Chartered Town Planner