

Proof of Evidence

of

Vic Hester

Land East of the A10

Buntingford

Hertfordshire , SG9 9SQ

June 2024

Appeal Ref: APP/J1915/W/24/3340497

LPA Ref: 3/23/1447/OUT

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Appeal Site: Land East of A10, Buntingford

Appeal by: Countryside Partnerships Ltd and Wattsdown Developments Ltd

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1. Introduction

1.1 My name is Vic Hester. I am a chartered town planner and have been a Member of the Royal Town Planning Institute since 1992. I have 34 years planning experience in the private, voluntary and public sectors.

1.2 From 1990 to 1998 I worked in the Development Control Section of the London Borough of Bromley, which included being in charge of the Council's planning appeals team between 1996 and 1998.

1.3 From 1998-2000 I worked as a senior associate in a London based planning consultancy, dealing mainly with larger scale development and giving strategic advice to investors and developers.

1.4 From 2000-2003 I worked for Canterbury City Council where I became the Local Plan Manager in January 2001, and was responsible for the Canterbury District Local Plan Review. I also acted as a consultant for the Council in a few aspects of the Local Plan Inquiry in 2004.

1.5 Since January 2003 I have worked as a planning consultant to private, public and voluntary sector clients. The public sector clients have included a number of local planning authorities in the south-east. At present, I am working with Dover District Council and Canterbury District Council on planning applications and appeals. I am also working on a number of strategic housing sites for private sector clients.

1.6 Between 2003 and 2010, I was a non-executive Board Member of Orbit Homes.

1.7 With regard to this appeal, I was instructed by East Herts District Council (LPA) end of April 2024/beginning of May 2024 and am acquainted with the appeal site and its immediate area.

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- 1.8 The Inquiry is concerned with an appeal made by Countryside Partnerships Ltd and Wattsdown Developments Ltd against the Local Planning Authority's (LPAs) refusal of outline planning permission ref: 3/23/1447/OUT by decision notice dated 15 February 2024.
- 1.9 The scope of my Evidence is set out in a number of Sections: a description of the site and surrounding area is set out in Section 2; the planning history of the site is set out in Section 3. The Appeal proposal is described in Section 4. The planning policy context is provided in Section 5. The main issues are identified and assessed in Section 6. A conclusion is provided in Section 7.
- 1.10 I rely on the evidence of Jonathan Lee, Bobby Browne and Charlie Thompson who have also produced proofs of evidence (in the case of Mr. Thompson, a detailed CIL compliance document setting out his position) and support their conclusions in my own evidence.
- 1.11 Statements of Common Ground covering general matters, 5 year housing supply and County Council financial contributions have been prepared between the appellants, EHDC and Hertfordshire County Council (HCC). A draft Schedule of Conditions and Draft S106 Agreement has been shared between the main parties.
- 1.12 The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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2. Site and Surrounding Area

- 2.1 The appeal site is located outside the development boundary of Buntingford, within the open countryside. It is located between the settlement and the A10 Road and on two parcels of land to the west of the A10. The site comprises open arable farmland of 28.95 hectares.
- 2.2 Not including the area of the site west of the A10, the site's topography falls mostly from north to south/south east and from west to east/south east, although there are undulations and changes in ground levels within the site. The highest part of the site is located where there is an existing PROW (PROW 29) that leads diagonally across the site from Monks End. The topography of the land follows the wider topography outside the site, with the land rising to the north and towards the A10 and the land falling towards the nearest housing on the Luynes Rise 'estate'. There are two unmade footpaths that cross the site, one leads to a footbridge (No.29) that goes over the A10 and continues west, whilst the other (PROW No.26) leads to the A10 at grade level, crosses the A10 and continues on the other side of the road. To the north and east of the site is two storey housing within a series of modern estates of mostly residential development. To the south east is an industrial estate made up of buildings, open storage and a waste water treatment works.
- 2.3 Not including the area of the site west of the A10, there is a mature line of trees and hedgerows along the northern and western boundaries, and a tree line on the furthest eastern boundary of the site. There are some hedgerows and vegetation along the north eastern boundaries, adjacent to the Luynes Rise housing estate, but this is more hit and miss – with some screening along some sections and no screening along other sections.
- 2.4 There are two existing rows of hedgerow that cross the main site from west to east and north to south. These provide a visual, landscaped break that divides the site

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into three field parcels. Access between the fields takes place in a gap in each hedgerow which is wide enough to accommodate a tractor/farm machinery.

- 2.5 The Luynes Rise housing estate comprises late 20th Century development. The housing comprises mostly two storey, detached and semi-detached properties and in most locations these houses have reasonable sized front garden areas. Along Luynes Rise, a grassed highway verge separates the carriageway from the footway. With reasonable sized front garden areas and width of highway, the estate has an open setting and spacious layout. The wider estate (leading from Luynes Rise) does not appear to have been constructed at the same time, but most of the development appears late 20th Century.
- 2.6 At present, the two PROWs (26 and 29) lead into the appeal site from the estate. These are appropriate for pedestrians only, due to their width and other constraints (for example, some sections are not hard surfaced).
- 2.7 The location of the proposed access into and from the appeal site in Luynes Rise is currently fenced with a hedgerow along the boundary of the site.

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3. Planning History

3.1 Since 2014, there have been 4 applications for residential-led development on the appeal site. All of these have been refused by the LPA – one of the applications was withdrawn at appeal, but the LPA had provided substantive reasons for refusal before the appeal was withdrawn. I set out the details of each as follows:

3.2 3/14/2304/OP - Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's playspace. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's playspace, incidental open space and associated surface and four water drainage infrastructure. This application was withdrawn at the appeal stage.

3.3 3/17/1811/OUT - Outline application for all matters reserved except for access comprising: i. Up to 400 dwellings (C3). ii. 2.0 hectares of land for Use Class B1 employment. iii. Formal and informal open spaces including children's playspaces. iv. Structural landscaping and internal roads. v. Formation of a new junction on the A10. vi. Surface and foul water drainage infrastructure. This application was refused in December 2017. The subsequent appeal was withdrawn. The three reasons for refusal are similar in wording to the reasons Nos. 1, 2 and 4 for the current appeal.

3.4 3/22/1551/FUL - Hybrid planning application comprising: (i) Full planning for the development of 350 residential dwellings (Use Class C3), a new highway junction from the A10 with associated works including drainage, access roads, allotments, public open space and landscaping; and (ii) Outline planning (with all matters reserved except for access) for up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E). There were 8 reasons for refusal, four of these are substantially similar to the

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four outstanding reasons for refusal (with the removal of the drainage reason of refusal) imposed on the current appeal proposal.

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4. Appeal Proposal

4.1 The Appeal proposal is in outline with all matters reserved with the exception of the access into the site from the A10 – the internal roads are not for determination at this stage.

4.2 The application has been accompanied by a Site Location Plan and 4 Parameter Plans, as well as detailed drawings for the access. The full list of submitted documents is set out in the Statement of Common Ground and included in the Core Documents.

Full Application

Means of Access

4.3 The proposed means of access is direct from the A10 road, on a three-armed roundabout. The roundabout will be offset from the centre of the existing A10 road. The roundabout will require land-take from both sides of the A10, the removal of existing mature hedgerows and the provision of visibility sightlines.

4.4 At this stage no detail on levels into the site has been provided with the access detail (only levels have been provided along the highway to establish visibility), but as the A10 road is on a higher grade level than the appeal site, it is assumed that there will be a gradient/change in topography into the site for the access - with retaining structures, or the land within the appeal site will be built up and retained.

Outline Application

Land Use and Building Heights/Density Parameter Plans

4.5 The proposed development comprises up to 350 dwellings to be provided across the site from north to south/south east. In the northern section of the site, within what I describe as Field A, there are two proposed parcels of housing development to be separated by new green infrastructure and the PROW 29 (which is proposed to be upgraded). The residential development will comprise dwellings built at an average of 30 dwellings per hectare at a height of up to 10.5m – which in my experience can equate to up to 2.5 storeys.

4.6 In what I call Field B, a residential parcel of land is proposed at a density of up to 40 dwellings per hectare at a height of up to 10.5m in one section and up to 13.5m (up to 3 storeys) in a further section. In Field B, a local centre is proposed on 0.55 hectares of land, built up to 13.5m in height. It is not entirely clear what is proposed within the local centre, but this will include a ‘mobility hub’ (comprising in part a covered bus waiting area with seating, wayfinding points, electric vehicle rapid charging point and community lockable storage) and retail floorspace of up to 500 sq m.

4.7 In Field C, a further housing parcel is proposed, built at a density of an average of up to 40 dwellings per hectare with building heights of up to 10.5m in one section and up to 13.5m in another section of this parcel. In addition, a building is proposed to accommodate up to 4,500 sq m of Class E development and/or Class B8. This building height will be some 15m.

Access & Movement Parameter Plan

4.8 The access around the site is shown as indicative only, but Parameter Plan 1 (Land Use) and Parameter Plan 3 (Green Infrastructure) indicate that there will be internal access roads formed within the site to enable the means of access to the site to connect with the three Fields. To access Field C, a section of existing hedgerow across the site will be removed to provide vehicle access to this area from Field B (and the area close to the location of the local centre). The level of the land

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drops from Field B to Field C, so it is assumed that there will be either a gradient in the road with retaining structures or Field C, at points, will be built up. The existing farmer's access where there is already a gap in the hedgerow at its southern end close to the treatment works is not proposed to continue to be used and is proposed to be re-planted.

- 4.9 The access from Field B to Field A is proposed through the existing hedgerow, with the existing gap for the farmer's access not used. Within the Field A housing development, a further vehicle access is indicated to cross the existing PROW (29). The Land use Plan shows the location of the proposed allotments, but no vehicle access to this area is shown. It is assumed that one will be provided.
- 4.10 The Parameter Plan shows the two existing PROWs that cross the site – which are shown to be retained in their current location. PROW 26 is proposed to extend through the proposed local centre and one of the parcels of land for housing.
- 4.11 A bus link and pedestrian and cycle link are proposed from the appeal site into Luynes Rise. The bus service will enter the site from the roundabout on the A10, pass close to the local centre and up towards a bus gate leading into Luynes Rise. The exact route is not shown on the Plan. The access to Luynes Rise will require the removal of the existing hedgerow on the boundary. A pedestrian and cycle link from Luynes Rise into the appeal site will also be provided (but not the bus link from this direction).
- 4.12 The proposal also includes a series of improvements to the existing highway network on the estate to facilitate walking and cycling. However, due to their widths and in some places their physical condition, the PROWs outside the appeal site will not be suitable for cyclists, unless they dismount for sections of them. The improvements proposed to Luynes Rise itself will be able to accommodate cyclists.

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Green Infrastructure Parameter Plan

- 4.13 The Green Infrastructure Plan shows additional planting around the edges of the site, with the exception of the boundary in Field A adjacent to the Luyes Rise housing, to the east. Green infrastructure is proposed along PROW No. 29 and the widening/thickening of the hedgerow that crosses the site between Fields A and B – although a section is proposed to be removed for the road access.
- 4.14 Green infrastructure is proposed on top of an acoustic bund - the height of which is likely to be 2m, and this bund will have a 2m high close boarded (acoustic) fence on top. The bund will function as visual open space and not usable open space. The bund will not be able to be located within the sightlines of the roundabout access. The existing hedgerows along the western boundary of the main site and in the agricultural field to the south, will need to be removed from within the visibility sightlines for the new access from the A10.
- 4.15 The current vegetation shown to the south east of the proposed internal arm of the roundabout adjacent to the sewerage treatment works, will be removed to make way for the attenuation pond. A further attenuation pond is proposed at the eastern edge of the site. These ponds are designed to retain standing water and so will function as visual ‘open spaces’ and not usable ‘open spaces’.
- 4.16 The existing agricultural land to the west of the A10 is being retained with the exception of the southern end which will be part developed to accommodate the roundabout. The northern section is proposed for an ‘ecological enhancement area’.
- 4.17 No green infrastructure is proposed through the locations of the proposed built development – shown un-coloured on the Parameter Plan.
- 4.18 An Allotment is shown in the top north eastern corner of the site.

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4.19 Areas of equipped play space are shown within the green infrastructure.

5. Planning Policy Context

5.1 The planning policy context is set out in the SofCG.

5.2 The housing and locational related policies in the East Herts Development Plan should be given full weight as the LPA can demonstrate it has a five year supply of deliverable housing sites. Other policies relating to the protection of the countryside and landscape impacts are broadly in compliance with the NPPF and can be given full weight in the determination of the appeal.

5.3 When the appeal application was determined in 2024, the LPA was not able to demonstrate a 5 year supply of deliverable housing sites, but considered the scheme to have adverse impacts that significantly outweighed the benefits.

5.4 Should the Inspector find that the LPA has not demonstrated that it has a deliverable 5 year housing supply, the 'tilted balance' approach to assessing the appeal proposal, as set out in Paragraph 11 (d) of the NPPF, should be applied with reference to the most important housing and locational policies in the development plan. If this is the case, and the Inspector considers that the 5 year supply is not demonstrated, the important policies in relation to housing should be given less weight, but not those policies that seek to safeguard the intrinsic character and value of the countryside and the overall achievement of sustainable development as these remain in substance objectives promoted in the NPPF.

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6. Main Issues

- 6.1 The Inspector has identified the main topic areas of the appeal as being: whether the proposal would be suitably located 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; and whether the LPA can demonstrate a deliverable housing land supply.
- 6.2 The Inspector has stated that housing land supply will be dealt with by way of a round table discussion. The LPA's evidence on this issue will be set out (i) in terms of the requirement, by my colleague Mr. Lee, and (b) in terms of the supply, under a separate statement and is not covered in this Proof of Evidence, although reference is made to the weight that should be given to the development plan in the planning balance.
- 6.3 My Proof of Evidence is focused on the Inspectors' first two topic areas.
- i) Location of the appeal proposal
- 6.4 The starting point for the assessment of the proposal is the development plan.
- 6.5 The LP describes Buntingford as "*...the only town in East Herts that is not served by a railway, and bus service connections to other settlements are limited, resulting in a reliance on the private car as a means of transport to access larger nearby settlements for employment and leisure purposes. However, this relative remoteness has enabled the town to retain its Market Town character... and therefore the development strategy for Buntingford is focused on seeking to ensure that the impacts of development can be mitigated and managed within the overall infrastructure of the town.*"

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- 6.6 The LP policies to implement the development strategy for Buntingford are important and relevant to the outcome of this appeal. The appeal site is not included within the list of Buntingford sites proposed to come forward for housing – making up the identified 1,074 new dwellings – which were housing sites that had been approved prior to the adoption of the Local Plan (LP). The appeal site is not allocated for new employment or school floorspace. There are no retail, leisure or community facilities allocated in Buntingford.
- 6.7 The appeal site is not identified in the LP to help achieve the wider development strategy of the LPA. The wider development strategy for the district is set out in the LP. The LP states that the development strategy allows a local authority to work with service providers and other organisations to ensure that suitable infrastructure is provided to meet the needs of new development – housing, economic growth and retail growth. Policy DPS2 therefore sets out the development strategy. The Strategy sets out that housing growth, and other growth can be accommodated by directing development to (in order of hierarchy) sustainable brownfield sites, the urban areas of defined settlements (including Buntingford), urban extensions of defined settlements (not including Buntingford) and limited development in the villages. This strategy shows how the necessary growth in the District can be accommodated in a planned and sustainable fashion. The application site is not located within the urban area of Buntingford and Policy DPS2 does not include an urban extension to Buntingford as part of the District's housing supply.
- 6.8 The appeal site is not a previously developed site; it is not within the designated urban/settlement boundary of Buntingford; and it is considered not appropriate for unplanned (or planned) urban expansion. The planned growth for the district, through new development, is linked with the provision of infrastructure planning with a number of stakeholders and providers.
- 6.9 The appeal proposal is in conflict with Policy DPS2.

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- 6.10 The LPA's Infrastructure Delivery Plan identifies the development strategy for Buntingford to focus upon mitigating and managing the impacts of approved development (CD5).
- 6.11 The Buntingford Settlement Appraisal (CD5) emphasises that the development strategy for Buntingford has been largely shaped through the planning application process, in advance of the adoption of the District Plan. Buntingford is the smallest town in the District and currently has insufficient employment opportunities for the projected increase in the population of the town. The town has no railway station and is not well connected to nearby settlements by bus services. Therefore, the town is a less sustainable location for development in comparison to sites in, or on the edge of, larger towns in the District that have a railway station and better public transport provision.
- 6.12 The residents of Buntingford have a lack of options for sustainable travel (beyond the settlement) to key destinations, which its residents will be reliant upon. Equally, the opportunities to mitigate this accessibility constraint are not considered to be viable or realistically deliverable in particular in an ad hoc manner – or as a result of individual housing sites coming forward. The opportunities to overcome this significant challenge are not obvious - what is clear is that any solutions would require additional dedicated infrastructure that at the very least would be extremely expensive and most likely unviable. This inbuilt reliance on private cars results in disproportionately high impacts on the wider area which is already facing serious issues and challenges. There is little to no scope to mitigate this through the current unplanned approach to development. As such a plan-led approach to Buntingford is the most sustainable approach to growth and the correct place to assess this appeal and future applications as part of a local plan process where the sites/growth could be assessed holistically.
- 6.13 It is considered that further residential development beyond that already approved without an accompanying growth in employment provision (although I do note that

the appeal proposal seeks to provide some employment and retail floorspace) would lead to an increase in out-commuting from the town by car, given the current provision of public transport in Buntingford, and this is not considered to be an environmentally sustainable outcome. Buntingford already has a low self-containment ratio of just 26% (set out in CD5) and it is considered that the development strategy for the town should seek to maintain and, if possible, improve this, with any growth in dwellings being matched by growth in employment opportunities. More recent figures show (2021 Census) that 34% of the residents travel over 10km to work. The LP justification is that significant development in excess of the figure already committed for development in the town would be out of scale with the form and function of the town, and cannot be viewed as being sustainable development.

6.14 The development strategy for the district was proposed and carried through the Local Plan process. The development strategy is a planned approach to district-wide growth that has been prepared with a number of stakeholders and service and infrastructure providers. It enables, for example, schools, health care centres, and transport to be factored into the infrastructure and investment plans from these other providers.

6.15 The Local Plan Inspector stated that: *“The general approach towards directing growth to existing urban areas where there are good facilities and public transport opportunities, and limited development in less accessible areas is consistent with the overarching aim of the NPPF to provide sustainable development...Buntingford has limited services, infrastructure and poor transport links. However, the level of development already committed through the approval of planning applications is over 1,000 homes. Because of its poor infrastructure, no further housing sites are allocated... A very comprehensive and wide range of documents including SHLAA, SA, settlement appraisals, supporting documents, character, environmental, Green Belt, transport and infrastructure studies, support the choices made. They show a*

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comprehensive and well considered evidence base, leading to a preferred approach which has been tested."

- 6.16 The LP seeks to achieve a sustainable form of development, through a development strategy to serve the vision and objectives of the LPA. Although the appeal proposal sets out a series of measures to encourage the use of alternative means of transport and to improve connectivity to and from the town, there are wider and more strategic sustainability factors to take into account, as set out in the development strategy, which is why the location of the appeal proposal and the type of development proposed is contrary to what the LPA is trying to achieve through the Local Plan.
- 6.17 As such, it is my view that the appeal proposal is contrary to the development plan's spatial strategy, and to the plan read as a whole. It conflicts with the development strategy of the Plan to meet its identified needs and objectives for growth.
- 6.18 In addition, the development strategy was devised to meet the identified needs for growth through review and subsequent revisions of the Green Belt boundary. Given the weight that is afforded to the Green Belt and the exceptions required to review the GB boundary, the objectives behind a Plan-led approach to achieving sustainable development across the district, were considered by the LP Inspector to justify amending the Green Belt boundary and allowing the allocation of development sites within the Green Belt, over the allocation of sites in less than sustainable locations – such as Buntingford.
- 6.19 With the 5 year supply of sites, it is demonstrated that the LP's district strategy for housing growth is working and there is no need to deviate from this with schemes (such as the appeal scheme) that are less desirable and in inappropriate locations.
- 6.20 Having considered the development strategy set out in the LP, it is my view that the proposed development of some 350 new homes would exacerbate the mis-match

between houses, employment, retail, community facilities and infrastructure. It would exacerbate existing outward commuting patterns where residents rely on employment, leisure and recreation, convenience and comparison retail stores, and rail travel. I acknowledge that if delivered at the quantum proposed, there could be some employment and retail floorspace that could function to retain some of the workforce and shoppers in the town, but based on the LP evidence, some 76% of the new residents of the proposed development would out-commute to a larger town centre where they can work, shop, undertake leisure recreation and take the train. In the absence of a good bus service to these other centres, the proposal will exacerbate the use of the car as the primary means of out commuting and travel.

6.21 As such, I conclude that the proposal is in conflict with the provisions of the LP and the requirements of the NPPF to achieve a suitably sustainable development. It should therefore be refused unless material considerations justify a grant of permission notwithstanding the terms of the plan.

ii) Effect on the character and appearance of the area

6.22 Under this issue, I rely on the proof of evidence of Bobby Browne who is considering landscape impacts on behalf of the LPA.

6.23 The site is clearly visible from public vantage points and the residential properties in the estate. In its present form and use it provides a visual and landscape benefit in the public interest.

6.24 The higher levels of the land provide long distance views to the south and east beyond the outer limits of the town and towards the countryside. The view is panoramic.

6.25 The impact of the development is to introduce a significant amount of mostly housing development to the site that pays no recognition to the site's locational

context. It fails to offer any visual or spatial transition between the urban edge and the countryside and fails to assimilate the development appropriately and adequately with its context.

- 6.26 The proposed development seeks to accommodate up to 350 dwellings on 10.35 hectares of land. This provision would be broken down into two areas – at the northern section of the site the proposed dwellings would be built to an average density of 30 dwellings per hectare at a height of 10.5m. The residential development at the southern end of the site would be built at 40 dwellings per hectare of some 10.5m and 13.5m in height.
- 6.27 A height of 10.5m can be equivalent to 2.5 storeys and a height of 13.5m can be equivalent to 3 storeys. The building proposed for employment/Class E purposes would be 15m and capable of 3 storeys.
- 6.28 The topography, the finished ground levels of the site (and floor levels of the proposed development) and the amount of development and associated development (such as retaining structures, parking areas, parking and servicing areas, roads, and servicing development that is required for the development) is missing from the detail of the Parameter Plans and the DAS. The varying topography of the appeal land will mean that there will be a variation in heights of buildings across the site. The existing housing to the east is on land that is lower than the appeal site. This means that the proposed development will be and appear elevated above their existing ground levels – due to the varying topography, heights above ground level will vary across the site. The uncertainty around existing ground levels and proposed ground levels gives concern when the proposed density, amount of development and buildings' heights, as sought through the appeal proposal, are applied.
- 6.29 The proposed development by reason of the undulations and varying land form/topography is going to lead to a significant number of retaining structures to

accommodate the changes/variations in levels. For example, the A10 road is higher than the appeal site which means that the road into the site will be at a higher level with a gradient. There is a drop in levels between Parcels B and C and a drop in levels between Parcels A and B. There is a distinct lack of detail in the scheme as currently presented, which emphasises how poorly thought out the proposal is.

- 6.30 There is a lack of reasonable justification as to why the densities vary and have been chosen with the heights of dwellings on the four development parcels. An assessment of density is one of the tools to use in understanding how a development would provide an estate that is well-designed from within and can lead to high quality place making. It can also be used to help understand the relationship with development outside the site, so there is a locational context.
- 6.31 The proposal is dense: it will appear as an urban scheme tightly arranged cheek-by-jowl on four parcels of land within the site – in some locations hard up against the boundaries with residential properties. The amount of residential development (up to 350 dwellings) is excessive on the site.
- 6.32 The adjacent Luyne Rise estate comprises development that is almost entirely two storeys with detached and semi detached properties. The DAS acknowledges that the density is around 28-29 dph. The indicative layout plan contained within the DAS shows a significant number of terraced blocks on the appeal site (around 30 terraces) and blocks of flats. Significant amounts of terraced housing and flats are proposed as they are needed to meet the quantum of development proposed within the four parcels. The height of these terraced blocks (capable of 2.5 or 3 storeys in these locations) is not comparable to the existing development and built context.
- 6.33 In my view, the proposal conflicts with Policy HOU2 – in that the proposed density of development has not been demonstrated to be informed by good design or the character of the local area. The explanatory text of this Policy requires major schemes to include a range of housing density areas to ensure varied character and

appearance. The appeal proposal does not provide this range. It provides two density areas, which is one of the reasons why the proposal fails to achieve good design across the scheme and fails to assimilate with the surrounding built context.

- 6.34 In combination, and in comparison with the existing built context, the dwellings on the appeal site are going to be higher, terraced, flatted, and built at a higher density. The proposal does not represent a transition of the built form into the countryside.

Masterplanning

- 6.35 Despite requests from the officers, the applicant/appellant has not prepared and submitted a Masterplan document and has not submitted a design code at this stage to demonstrate how such development can be suitably provided on the site to achieve good place making. It is an opportunity to demonstrate how the appeal scheme can be considered to have taken into account its built context so that it could be viewed to be a suitable extension to the existing development. A Masterplan is also the opportunity for the appeal scheme to demonstrate why the quantum of development proposed, in mostly taller buildings, higher densities, with terraced and flatted development can be suitably accommodated on the land as an extension to the existing built development.

- 6.36 Not only is the provision of a Masterplan document a requirement of Policy DES1 of the LP, but it is also an important means to provide a basis of information as to how different elements of a scheme can be fitted together. The developers on the district's other (allocated) strategic sites have submitted a Masterplan and this is proven to be a valuable resource and development framework.

- 6.37 Masterplanning is an iterative process that should involve stakeholders and interested parties across the communities. A Masterplan can set the vision and implementation strategy for a development and help to provide understanding of how well designed schemes that focus on designing places (place-making) are

achievable. In the absence of masterplans or other forms of equivalent detail and drawings such as design codes or design principles, there is no reasonable framework – and more often it results, as in this case, in a scheme that appears to have been developed on the basis of a set quantum of development floorspace, retro-fitted onto a site.

- 6.38 The appeal proposal does not provide a Masterplan. The appellant is set on delivering 350 homes and the scheme fails to demonstrate that 350 homes can be appropriately accommodated on the site taking into account context, landscape, green infrastructure, design expectations etc.
- 6.39 The appeal proposal is in effect an ‘anywhere scheme’ – meaning it fails to provide a locational identity –the scheme fails to adequately incorporate the topography, the landscape, the existing vegetation, important views in and out of the site. There are insignificant green infrastructure or landscape links proposed through the developed parts of the site (north to south), only mostly around its edges or where there is already some vegetation. The locations proposed for the housing, at the density and heights proposed, would appear out of place adjacent to the two storey houses close to the appeal site, built at a lower ground level.
- 6.40 In my view, place-making is about designing places where people want to live, visit and enjoy – where they will take pride in their surroundings. The proposed residential development in Fields B and C is more akin to a town centre location – with up to 3 storey buildings, higher density development around a small retail/community and mobility hub.
- 6.41 Understanding topography and context is a critical baseline component for developing or providing an iterative design process, especially as the site is not flat. A two and a half or a three storey building has a greater visual impact if that building is proposed on the higher parts of the site -which is the case with the appeal

scheme. Coupled with this is a significant number of terraced blocks which will provide a greater sense of enclosure.

6.42 In the absence of a Masterplan, the NPPF encourages a design guide or design codes for a site specific scale. The guidance suggests this is carried out in “support of a planning application”. It is not a retrospective approach. The LPA requires large scale development to use a Master planning document as the basis of preparing schemes. A Master planning process is emphasised in the NPPF to be of most benefit if used as early as possible – and particularly important for significant projects such as large scale housing or mixed use developments.

6.43 The lack of a document to provide a detailed baseline for development, to provide a document that has and can go through design iterations, and a document that can involve public and stakeholder input and consultation leads me to conclude that the scheme as currently presented and proposed has missed and is missing an important part of the design process. It is also a reminder that the proposal has been prepared in isolation, on the basis of what quantum of development is desired and is ‘anywhere’ development. The proposal is in conflict with policy DES1 of the LP.

Design

6.44 The National Design Guide is particularly focused on place-making. The NPPF identifies the need to create high quality, beautiful and sustainable buildings and places as fundamental to good design. Good design is a key aspect of sustainable development. It follows in my view that bad design contributes towards unsustainable development.

6.45 The proposed development by reason of the undulations and varying land form/topography is going to lead to a significant number of retaining structures to accommodate the changes in levels across the site. For example, the A10 road is higher than the appeal site which means that the road into the site will be at a

higher level with a gradient. There is a drop in levels between Parcels B and C and a drop in levels between Parcels A and B. There is a distinct lack of detail in the scheme which highlights how poorly thought out the proposal is.

6.46 The NPPF requires development to function well and add to the overall quality of the area. Notwithstanding there is a loss of countryside and open space through the development of the site, the development does not function well. It appears as a contrived scheme that relies on an access from the A10. The road access and egress from the A10 is the only access to serve a stand-alone site in the immediate area. I would describe this not as an extension to the urban area but rather as a 'bolt-on' to the existing urban area. In my view, an extension should be more seamless and transitional whereas the appeal scheme appears as an add-on. The provision of taller buildings, terraced buildings, flats and a greater sense of enclosure in comparison with the existing urban area emphasises the point that the proposal is an add-on and not an extension to the built context.

6.47 The proposal adds a significant degree of engineering to the scheme through the works to provide the roundabout and access into the site. With the exception of the bus service, no vehicles will be allowed through the site and the only access and egress will be from the A10. The appeal proposal does not therefore function appropriately as an extension to the built up area – as vehicles will need to go the indirect route into the town via the A road. A more suitable extension would be for roads to extend into sites so there is a greater physical and functional connectivity to existing development.

6.48 A re-directed bus route to serve the site is intended to achieve a meaningful, alternative means of transport. Whilst this is a benefit to encourage the use of public transport, it comes at a visual cost as the use of signs and CCTV (possibly in place of the originally intended bollards) at the point of access and egress from Luynes Rise, a widened tarmacked area with the removal of grass verges and other changes along Luynes Rise (to meet the requirements for highway safety) will result in additional

‘highway’ engineering and visual clutter in a residential estate that currently benefits from little highway works, interventions or signage.

- 6.49 This is further evidence in my view to support the contrived approach to the development of the site, and how it would not appear as a design-led approach to extending the existing built area.

Means of Access

- 6.50 The proposed access arrangements, with the provision of a roundabout on the A10 and its consequent infrastructure, sightlines etc., will ‘open up’ the site significantly for views into the site and from the site. Planting/landscaping would not be achievable in close proximity to the roundabout as the visibility sightlines need to be retained in perpetuity. The works to provide the roundabout, the sightlines, the change in gradients, the height above the site, the retaining structures and the road itself would stand out as a visual and conspicuous intrusion in the countryside – the proposal would also remove mature hedgerows/existing planting along the site’s boundaries. The loss of the land to built development would have a harmful effect on the local landscape, resulting in the urbanisation of the A10 corridor.

- 6.51 To construct the development, a temporary access would be required from the A10. It would need to be separate from the location of the proposed means of access. Although temporary (and this would require planning permission) a further area of hedgerow planting along the boundary of the site would have to be removed.

Acoustic Bund

- 6.52 The proposed acoustic bund will change the landform of the site – and will comprise an alien feature within the landscape – as it is not otherwise repeated within the immediate area. The bund is anticipated to be 2m in height, with a 2m high fence on top. This represents a 4m high unnatural form of development close to the A10. The

bund with fence would exacerbate the harmful impact of the development on the countryside and landscape form, and will appear as an unduly conspicuous addition.

Green infrastructure

- 6.53 Although the proposal is submitted in outline, the scheme fails to demonstrate how (even as indicative) green and blue infrastructure would permeate the developed parcels of the site. It is important to provide landscape links or corridors on residential layouts as these provide a number of visual and open breaks in development and can help to integrate buildings with spaces and provide/connect ecological corridors. It is also important to provide open space areas within residential schemes as they can be focal points and usable spaces– the proposal locates the open space provision mostly outside the residential parcels.
- 6.54 The main provision of green infrastructure is linear – along the western boundary of the site, alongside two areas close to hedgerows and to the east where the attenuation ponds are proposed. It is not clear how effective the open spaces will be as they do not offer significant width (only length) for usable space for a range of activities. The location of the open space close to the treatment works is not ideal, due to concerns around noise and odour impacts.
- 6.55 I would normally expect to see viewing corridors through schemes that are enhanced by tree planting and landscaping: I would expect to see how spaces connect – and provide green links to destinations on the site.
- 6.56 An ecological enhancement area is being provided off the main site – on the other side of the A10 road within the agricultural field forming part of the extent of the appeal site. In my view, such ecological enhancement should be integrated into the green infrastructure on the main site so that this can be appreciated. The lack of its location on the main part of the site where it can be integrated with the scheme is further evidence that the quantum of development in the locations has led to the

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‘side-lining’ of important parts of green infrastructure. The location shown on the Plan will reduce its appeal to the residents of the scheme. In my view, it should be integrated into the main site.

6.57 In my view, the proposal is contrary to the relevant policies in the LP and the objectives of paragraphs 135 and 180 of the NPPF.

iii) Planning Balance

6.58 I have observed that the proposals are contrary to the provisions of the development plan read as a whole, meaning that permission may only be granted if material considerations justify it. It is thus important to consider the benefits along with the disbenefits of the proposal.

Benefits

6.59 The provision of market and affordable housing is a significant social and economic benefit weighing in favour of the appeal proposal. However, tempered by this provision is the fact that the LPA is meeting and can demonstrate it is meeting its housing need, through the identified housing supply sites. This means that the development strategy is working, and it means that the less desirable locations, such as the appeal site, are not required. Notwithstanding, the provision of additional homes (even above the 5 year requirement) and in particular homes that are affordable provide a recognisable benefit. This is picked up in Mr. Lee’s proof under paragraphs 53-57. Of course, with the provision of housing comes with it the ‘cost’ or ‘harm’ of developing the site.

6.60 The provision of some self-build housing (1% of 350 is 4 houses) which is of a moderate social and economic benefit in favour of the appeal proposal.

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- 6.61 The provision of employment space or other Class E development, retail floorspace and a mobility hub are moderate economic and social benefits in favour of the proposal. This mix of development may assist in reducing the level of out-commuting from the town and may result in some residents and local residents being able to walk to work – thus reducing travel. However, this benefit is tempered by the position that I understand is taken by the appellant that if granted permission, they would not wish to see a planning condition requiring a minimum level of floorspace – only a condition restricting the maximum level of floorspace. The ‘benefit’ can therefore be reduced to negligible unless there is a commitment to provide, and a condition to secure, a meaningful commercial floorspace element to the scheme. I would also not wish to see the level of floorspace ‘whittled down’ over time.
- 6.62 The provision of re-routing a bus service through the site is a moderate economic and social benefit of the appeal proposal. It will benefit the residents and other residents on the Luynes Rise estate.
- 6.63 The provision of financial contributions towards local infrastructure is more of a mitigation of impact rather than an economic and social benefit. I would weigh these contributions as providing a limited benefit.
- 6.64 The improvements to the immediate highway network outside the site and close-by are required to mitigate the impact of the scheme. I would weigh the provision as providing some benefit to existing residents on the estate and therefore carrying a moderate economic and social benefit.
- 6.65 The creation of employment opportunities during the construction of the development is a short term moderate economic and social benefit. Paragraph 85 of the NPPF encourages significant weight to be given to the need to support economic growth, and these 350 homes, with the temporary increase in construction jobs and

longer term additional spend in the local economy do amount to an economic benefit. I give them moderate weight.

Disbenefits

- 6.66 Alongside the harm caused as a result of non-compliance with the adopted development plan, there are a number of specific features of the proposals which amount to additional disbenefits.
- 6.67 The under-provision of educational contributions is a moderate social and economic disbenefit. The appellant's failure to make the correct financial contribution towards the provision of school places does not meet the level of mitigation required and this is a moderate disbenefit.
- 6.68 The loss of Grade 2 and Grade 3a best and versatile agricultural land weighs against the appeal scheme, especially as the site is not required for housing, and is a moderate disbenefit.
- 6.69 There are a number of features of the proposals which, while not harms in themselves, seem to me to make it very unlikely that many, if any, of the proposed homes will come forward in the five-year period, meaning that even if there is a deficit in housing land supply, these proposals won't assist with it. I set them out in the following paragraphs. This matter is also picked up in the LPA's Housing Statement.
- (i) The location of the commercial floorspace would be within a moderately offensive odour contour. The requirement for a full odour assessment and any consequent mitigation measures or changes to the layout of the site is a constraint to the speed at which new housing could come forward. .

- (ii) External lighting and the fragmentation of existing hedgerows will have the potential to have a negative impact upon bats. The consequent need for a further walkover survey is a constraint and may reduce the speed at which the new housing could come forward. This is set out in the LPA's Housing Statement.
- (iii) A further reptile walkover survey is required which is a further constraint which may reduce the speed at which the new housing could come forward to help meet any 5 year supply deficit - as above.
- (iv) A further breeding bird survey is recommended which is a further constraint which may reduce the speed at which the new housing could come forward.
- (v) Further noise impact assessments should be made during the design stage. This is a constraint which may reduce the speed at which new housing could come forward.

6.70 The evidence of Mr. Browne sets out the landscape and visual impact of the scheme, which is significant. I also consider the loss of trees and hedgerows to be a moderate disbenefit of the scheme.

6.71 The need for an acoustic bund and fence to protect the residential properties from noise from the A10 is a moderate disbenefit because of its visual impact.

6.72 The proposal fails to recognise or positively respond to the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. This is a significant disbenefit to the scheme.

6.73 The resulting out-commuting that will arise from the residents of the development is a significant disbenefit. Although I acknowledge that much retail shopping can now be done on line, deliveries to these properties from large stores located away from Buntingford would amount to a significant disbenefit as the location of the appeal

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site and the location from which shopping will be delivered would encourage non-sustainable travel.

6.74 In my view, whilst there are obvious benefits to the proposal, there is clear conflict with the policies of the LP, and significant harms arising.

6.75 If the 'tilted' balance approach to the presumption in favour of granting permission for sustainable development is applied (in the absence of a 5 year supply of housing), I consider when applying the planning balance that the adverse impacts of granting the scheme permission - and ultimately the harm to the strategic and sustainable objectives of the Local Plan - do significantly and demonstrably outweigh the benefits of doing so. As such, even if the tilted balance applies permission should still be refused. It follows that on the 'flat' balance the local plan should prevail and permission should be refused.

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7. Conclusion

- 7.1 The appeal proposal seeks outline planning permission for a residential-led mixed use development for up to 350 homes.
- 7.2 The appeal site is located within the countryside, outside the settlement boundary of Buntingford.
- 7.3 The proposed development would conflict with the objectives and development strategy of the Local Plan in that a significant amount of new development is proposed in an unsustainable location and will give rise to increased levels of out-commuting and car travel away from the town.
- 7.4 The proposed development harms the character and appearance of the area. It will lead to the loss of countryside, the open, semi-rural location of the site and lead to significant landscape harm. The scheme fails to take into account the built context of adjacent development.
- 7.5 The LPA considers that it can demonstrate a 5 year supply of deliverable housing sites and therefore full weight can be attributed to the objectives and policies in the development plan.
- 7.6 For the reasons set out in my proof of evidence, the appeal proposal should be refused.