

**Application Ref: 3/22/1551/FUL**

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

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

### **DECISION NOTICE**

#### **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).**

#### **Land East Of The A10 Buntingford Hertfordshire**

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

#### **Refuse Planning Permission**

For the development proposed in your application received 20th July 2022 and registered on 10th August 2022 and shown on the submitted plans.

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

1. The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance, and distinctiveness of the area contrary to Policies DES1, DES4, GBR2 of the East Herts District Plan (2018), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
2. The proposals represent an unsustainable form of development and residents would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere and the harm demonstrably and significantly outweighs the benefits. The proposal would be contrary to Policies DSP2, INT1, BUNT1 and TRA1 of the East Herts District Plan (2018) policy HD1 of the Buntingford Community Area NP and the National Planning Policy Framework.
3. The proposal due to its design and layout, especially the shallow gardens on the eastern edge, would have an adverse impact upon the adjoining occupiers through overbearingness and would also not provide a useable and functional private amenity space, due to its position either north or east of the dwelling. In addition, the layout of the car parking courtyards adjacent to the private gardens. The compatibility of the uses is a

concern, especially the open space and residential as well as commercial would raise concerns over the potential noise and disturbance to the future occupiers, in addition the layout would mean that commercial servicing would be done through the estate which has the potential to create further noise and disturbance to future occupiers and would not be considered as a high-quality design contrary to policies DES4 and EQ2 of the East Herts District Plan (2018) and guidance in the NPPF.

4. The proposal raises concerns over the layout of the development, in respect of compatible uses of residential and open space adjacent to Waste Water Treatment and A10 as well as the commercial element which would give rise to poor quality spaces which would suffer from odour and general function of these uses which would not provide a good quality useable space contrary to policy DES4,
5. The proposed uses adjacent to the Waste Water Treatment and recycling centre raises concerns over the delivery of the employment land and residential on the southern part of the site and the impact this will have on the future occupiers contrary to policies DES4, ED2 and EQ2 of the East Herts District Plan (2018) and guidance in the NPPF.
6. The proposal would give rise to severe impact upon the local highway network contrary to policy TRA1 of the East Herts District Plan (2018) and NPPF.
7. The proposal fails to make adequate financial provision for infrastructure improvements to support the proposed development. The proposal would thereby be contrary to Policies DEL2, TRA1, TRA2, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan (2018), Policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.
8. The proposal would not allocate any self-build plots. This would be contrary to policy HOU8 of the East Herts District Plan (2018).

**This Decision Relates to Plan Numbers:**

<b>Plan Ref</b>	<b>Version</b>	<b>Received</b>
10537-FPCR-XX-XX-DR-A-0192		
10537-FPCR-XX-XX-DR-A-0274		
10537-FPCR-XX-XX-DR-A-0404		
10537-FPCR-XX-XX-DR-A-0475		
10537-FPCR-XX-XX-DR-A-0481		
10537-FPCR-XX-XX-DR-A-0160		
10537-FPCR-XX-XX-DR-A-0100		
10537-FPCR-XX-XX-DR-A-0103		
10537-FPCR-XX-XX-DR-A-0110		
10537-FPCR-XX-XX-DR-A-0112		
10537-FPCR-XX-XX-DR-A-0120		
10537-FPCR-XX-XX-DR-A-0130		
10537-FPCR-XX-XX-DR-A-0132		
10537-FPCR-XX-XX-DR-A-0140		
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# Development Management

- 01279 655261
- [www.eastherts.gov.uk](http://www.eastherts.gov.uk)
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

- f EastHertsDC
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**Note:**

1. East Herts District Council would like to know what you think about our Planning Service process. We would be very grateful if you could complete the survey, by using this link <https://www.surveymonkey.co.uk/r/FQMRJR9>. There are only four questions to answer, so it will take no time at all. We want to improve our customer experience, so please take the time to let us know what you think.

Dated: 9th November 2022

On Behalf Of Development Management

Signed: 

Head of Planning and Building Control

**SEE ATTACHED NOTES**

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

**Appeals to the Secretary of State**

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

**Appeals under the Control of Advertisement Regulations**

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




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

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

**Purchase Notices**

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

## **Compensation**

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

Please note you will no longer be receiving a hard copy of this communication.;