

**Town and Country Planning Act 1990 (as Amended)
Town and Country Planning (Inquiry Procedure) (England) Rules 2000**

**Appeal by Hallam Land Management Limited Against the Decision
of East Hertfordshire District Council to Refuse to Grant Outline
Planning Permission for:**

**Up to 600 Dwellings (C3), Elderly Accommodation (C3), Mixed Use
Local Centre (Including Flexible Use E, F and Sui Generis), First
School, Informal and Formal Open Space, Associated Works and
Infrastructure Including a New Access from the A507 and
Pedestrian Bridge over the A10, With all Matters Reserved Except
Access**

at

Land North of A507, West of A10 Buntingford, Hertfordshire

Statement of Case on Behalf of East Hertfordshire District Council

PINS Ref: 6008238

EHDC Ref: 3/24/0966/OUT

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1 Introduction

1.1. This appeal by Hallam Land Management (**'the Appellant'**) relates to East Hertfordshire District Council's (**'the Council'**) decision to refuse to grant outline planning permission for a *development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved except access ('the proposed development')* at Land North of A507, West Of A10 Buntingford (**'the Appeal Site'**).

1.2. Planning permission was refused by decision notice dated 24 October 2025 for four reasons:

1. *Due to its siting, the proposals would be isolated and physically severed from the rest of Buntingford by the A10, with poor quality active travel connections to services within the town. As such the proposals are likely to be car dependent and result in increased vehicle trips and pressure upon the highway network. 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 fail to provide a genuine choice of alternative travel modes and would not amount to sustainable development (in accordance with the NPPF) and would result in a form of development outside of the settlement boundary that amounts to a significant conflict with the Development Strategy within the District Plan and objectives of the Buntingford Community Area Neighbourhood Plan. The proposal would be contrary to Policies DPS2 and TRA1 of the East Herts District Plan (2018), policy HD1 of the Buntingford Community Area Neighbourhood Plan and paragraphs 110 and 115 National Planning Policy Framework.*
2. *The proposals by reason of scale, form, visual impact and siting on the west side of the A10 outside of the Buntingford Settlement Boundary, would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007). The development would also fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape. As such the proposals comprise a substantial urban extension outside of and adjacent to Buntingford which encroaches into the rural area beyond the Green Belt. The development would therefore result in significant harm to the rural landscape character and would fail to recognise the intrinsic character and beauty of the countryside, conflicting with Policies GBR2 and DES2 of the District Plan (2018), Policies ES1 and HD2 of the Buntingford Community Neighbourhood Plan (2017) and paragraph 187(b) of the National Planning policy Framework.*
3. *The harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new housing and other public infrastructure, having regard to NPPF paragraph 11d. As such the proposals fail to constitute sustainable development and would therefore conflict with the National Planning Policy Framework and Policies INT1, DPS2, GBR2, TRA1 and TRA2 of the District Plan (2018) and Policies BE2, ES1, HD1 and HD2 of the Buntingford Community Neighbourhood Plan (2017).*

4. *In the absence of a completed legal agreement the application fails to secure appropriate financial contributions to infrastructure to off-set the impact of the development on local infrastructure or to provide any affordable housing, custom/self-build housing, or active travel provisions and public transport improvements. As such the proposal is contrary to policies TRA1, DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan 2018, policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.*
- 1.3. Attached at **Appendix A** is a copy of the Council's Officer Report which should be read as part of this Statement of Case.
 - 1.4. The Appellant also submitted an outline application on land to the south of the A507, West Of A10 Buntingford for the development for employment purposes (reference 3/24/1255/OUT) which was also refused planning permission and is now the subject of another appeal that had yet to be started by PINS at the time of finalising this appeal. PINS have ruled that the appeals will not be heard together.
 - 1.5. That scheme – as with the present scheme - relied on the at grade crossing across the A10 north of the A507/ A10 roundabout to provide pedestrian and cycle access into Buntingford from the appeal sites along Baldock Road. Permission was refused for that scheme for the following three reasons:
 1. *Due to its siting and location, the proposals would be isolated and physically severed from the rest of Buntingford by the A10, with poor quality and unsafe active travel connections to the town. The provision of a signal-controlled crossing, at grade, located on the A10 in close proximity to the Baldock Road (A507/A10) roundabout due to its current road geometry, the characteristics of the traffic flows and unpredictable operation (of signalling) would create an unsafe environment for pedestrians, cyclists and other highways users. As such the proposals represent an unsustainable and unsafe form of development and would not be acceptable in highway safety terms. The proposals would not provide a genuine choice of alternative travel modes, would not ensure that safe and suitable access can be achieved for all users and would not amount to sustainable development (in accordance with the NPPF). The development would also result in a form of development outside of the settlement boundary, which in addition to the above harm identified, amounts to a significant conflict with the Development Strategy within the District Plan and objectives of the Buntingford Community Area Neighbourhood Plan. The proposal would be contrary to Policies DPS2, ED1, TRA1 and TRA2 of the East Herts District Plan (2018), policy BE2 of the Buntingford Community Area Neighbourhood Plan, policies 1 (The Transport Users Hierarchy) and 5 (Development Management) of the Hertfordshire County Council Local Transport Plan 4 (May 2018)), and paragraphs 110 and 115 National Planning Policy Framework).*
 2. *The proposals by reason of scale, form, visual impact and siting on the west side of the A10 outside of the Buntingford Settlement Boundary, would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007). The development would also fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape. As such the proposals comprise a substantial urban extension outside of and adjacent to Buntingford which encroaches into the rural area beyond the Green Belt. The development would therefore result in significant harm to the rural landscape character and would fail to recognise the*

intrinsic character and beauty of the countryside, conflicting with Policies GBR2 and DES2 of the District Plan (2018), Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017) and paragraph 187(b) of the National Planning policy Framework.

3. *The proposed development results in a conflict with Policies BUNT3, INT1, DPS2, GBR2, DES2, ED1, TRA1 and TRA2 of the District Plan (2018) and Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017). Thus, the proposals fail to comply with the Development Plan as a whole. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new employment floorspace and other public infrastructure, having regard to NPPF paragraph 11d, which forms another material consideration. As such, the proposals fail to constitute sustainable development and would therefore conflict with the National Planning Policy Framework. The application of the tilted balance does not constitute a further material consideration which indicate a decision should be made otherwise than in accordance with the Development Plan.*
- 1.6. A copy of the decision notice and site location plan for application reference 3/24/1255/OUT is included at **Appendix B**.
 - 1.7. For the reasons outlined in correspondence with the Appellant (see **Appendix C**) the Council intends to call highway safety evidence to address issues associated with the highway and connectivity proposals associated with the present appeal, notwithstanding that highway safety does not constitute an explicit reason for refusal. In summary the Highway Authority's position on the safety implications of use of the at grade crossing articulated in respect of application 3/24/1255/OUT is self-evidently highly material to the present appeal. Consistent with their position on application 3/24/1255/OUT relating to the same crossing proposals the Council will be inviting the Inspector to dismiss this appeal on highway safety grounds.
 - 1.8. Since the application the subject of this appeal was refused the Education Authority's position has evolved and firmed insofar as they no longer support the provision of a new school at the appeal site and thus the Council will review the weight to be given to the Appellant's offer of land on which the education authority could provide a new lower school.
 - 1.9. Reference to Policy BE2 of the Neighbourhood Plan in reason for refusal 3 is an administrative mistake and should be disregarded.
 - 1.10. Where in this statement or proofs we discuss planning weight, it has regard to the following scale:
 - Substantial
 - Significant
 - Moderate
 - Limited
 - None

2 Site and Surroundings

- 2.1 The appeal site comprises 49.43 hectares of open rural countryside to the north of the A507 Baldock Road and the west of the A10 trunk road. The land is in agricultural use and comprises a significant area (almost 50 hectares) of best and most versatile agricultural land.
- 2.2 The site is bound to the north by Throcking Lane, to the east by the A10 (with Buntingford beyond), Buntingford Business Park and an area of woodland, to the south by the A507 Baldock Road and to the west by open agricultural land. There is agricultural land immediately beyond the site to the north, south and west.
- 2.3 There is a central ditch within the site, associated grassland, a small, wooded area and boundary hedgerows. The site is on undulating topography consistent with surrounding land, rising centrally before descending gradually eastward toward Buntingford, and the north-eastern boundary.
- 2.4 Open views from the A10 alongside the northern part of the appeal site are available over the appeal site as the boundary is delineated by a post and rail fence with some sparse intermittent scrub planting. Throcking Lane is generally open to the appeal site with extensive views available over the appeal site and surrounding countryside from Throcking Lane. Views from the northern part of the A10 are available over the appeal site.
- 2.5 To public rights of way cross the site 'Cottered 41' passes through the north eastern extents of the site; and 'Cottered 40' runs east/west through the centre of the site and in conjunction with the existing footbridge over the A10 links with public rights of way within Buntingford to the east and a network of rural footpaths to the west. Footpaths 'Cottered 46' and 'Aspenden 10' are close to the site.
- 2.6 The closest settlement is Buntingford situated to the east of the A10. Buntingford is identified in the District Plan as being a small town located at the centre of a large rural area in the northern half of the district.
- 2.7 The appeal site is located within the civil parish of Cottered with the west boundary of Buntingford Parish delineated by the A10.

3 The Application the Subject of this Appeal and Planning History

- 3.1 The application seeks outline planning application for development of up to 600 dwellings (including affordable housing and elderly accommodation – both C3), a mixed use local centre (including flexible use E, F and Sui Generis), land for a first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved except access.
- 3.2 The application was accompanied by detailed plans showing the vehicular access to the site and measures for off-site highway works. An illustrative masterplan¹ and a Land Use Components Plan² were also submitted with the application as well as a number of plans purporting to be parameters plans³.
- 3.3 537 letters of objection, 4 neutral responses and 5 letters of support were received in respect of the application. Objections were also received from Buntingford Town Council, Cottered and Throcking Parish Council and Westmill Parish Council. Objections were received from the Council's Landscape Officer, Planning Policy team, Urban Design Officer and the Highway Authority and Archaeology Services. The Design Panel and Active Travel England did not support the application, and Thames Water noted the lack of current foul water treatment capacity. Copies of all responses were included with the Council's Questionnaire, and a summary of the responses was included in the Officer Report at **Appendix A**.
- 3.4 Planning permission was refused for the four reasons set out in Section 1.
- 3.5 The Planning History of the land in the vicinity of the appeal site is set out at section D of the Officer Report attached at Appendix A.
- 3.6 The only update is to record that application 3/24/1255/OUT for the land south of the A507 and west of the A10 has subsequently been refused planning permission for the reasons set out in Section 1 and the Council understands that an appeal has been submitted. At the time of preparing this statement that appeal has yet to be started by PINS. The implications for this appeal of the highway safety concerns raised in respect of that appeal are addressed above.

¹ HLM082/029 Rev H

² HLM082/018 Rev R

³ Including Building Heights Plan HLM082/036 Rev C and Residential Density Plan HLM082/037 Rev D

4 Policy Context

- 4.1 The development plan comprises the East Hertfordshire District Plan 2011-2033 adopted 2018 ('**EHDP**') and the Buntingford Community Area Neighbourhood Plan 2014-2031, made May 2017 ('**BNP**').
- 4.2 The Statement of Common Ground ('**SoCG**') lists the relevant policies of the development plan⁴ and the Council will identify the most important policies for determining this appeal including the following policies of the EHDP:
- INT1 Presumption in Favour of Sustainable Development
 - DPS2 The Development Strategy
 - DPS4 Infrastructure Requirements
 - GBR2 Rural Area Beyond the Green Belt
 - BUNT1 Development in Buntingford
 - HOU3 Affordable Housing
 - DES2 Landscape Character
 - DES3 Landscaping
 - TRA1 Sustainable Transport
 - TRA2 Safe and Suitable Highway Access Arrangements and Mitigation
 - CFLR3 Public Rights of Way
 - HA1 Designated Heritage Assets
 - HA3 Archaeology
 - HA7 Listed Buildings
- 4.3 A review of the Local Plan has commenced but it is not envisaged that a document will be adopted until 2028. The Council agree that no weight can be given to the emerging Plan at this stage and we will update the Inquiry in terms of any progress with the plan and any updates in terms of its timetable.
- 4.4 The SoCG also identifies relevant Supplementary Planning Documents and Other Guidance.
- 4.5 The National Planning Policy Framework was revised in December 2024 ('**NPPF**'). The requirement to provide for the housing needs of the Borough and boost significantly the supply of housing is a long standing policy aim of Government included at §61 of the NPPF. The principle of Policy seeking to significantly boost the supply of housing as a matter of principle is not a matter in dispute between the parties.

⁴ See Section 4

- 4.6 The Local Plan exceeds five years in age and the Council accept that they are unable to demonstrate a five year supply of housing land, therefore policies most important for determining the appeal are out of date and as such the decision will need to be taken in the context of the presumption in favour of sustainable development pursuant to paragraph 11d of the NPPF (the so called *tilted balance*). The presumption is not disengaged by reason of 11(d)(i) and footnote 7 and therefore that means granting permission unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 4.7 Footnote 9 relates to the relevant policies outlined in paragraph 11d ii of the NPPF and it states:

The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

- 4.8 In this regard NPPF paragraph 110 requires significant development to be focussed on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 expects inter alia sustainable transport modes to be prioritised and safe access to be achieved for all users and paragraph 117 sets out a number of expectations for new development including giving priority to pedestrian and cycle movement. Paragraph 116 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios

- 4.9 Paragraph 129 NPPF states inter alia:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

[...]

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-designed, attractive and healthy places.

- 4.10 Paragraph 135 states that planning decisions should ensure developments *inter alia*:

c) 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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

and
f) create places that are safe, inclusive and accessible and which promote health and well-being, [...].

- 4.11 Paragraph 187 relates to the appeal site which comprises land outside any designated settlement, therefore part of the countryside and within an area of attractive landscape, where paragraph 187(b) of the Framework directs that decisions on planning applications should:

“contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services ...”

- 4.12 Consistent with the *Cawrey*⁵ judgment the *De Souza*⁶ judgment accepts that the recognition of the intrinsic character and beauty of the countryside necessarily imparts a degree of protection to those matters. Such protection and the degree of protection will be commensurate to the circumstances of the countryside, its contribution and its condition and quality. In the case of this site the Council considers the degree of protection should be at a high level.

- 4.13 The Council has had cognisance of the Planning Practice Guide (‘PPG’) and National Design Guide (‘NDG’).

- 4.14 The NDG identifies the role of context in design, and it notes:

“The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. [...]”

- 4.15 The NDG as referenced in the PPG sets out 10 characteristics and states that good design considers how a development can make a positive contribution to all 10 characteristics. The NDG notes the importance of context and identity in achieving well-designed places.

- 4.16 The first of the ten characteristics is context within which the role of good design is to enhance the surroundings. The NDG advises that well designed new development responds positively to the surrounding context and details a number of physical features including existing built development including layout form, scale etc.

⁵ *Cawrey Ltd v SoSCLG* [2016] EWHC 1198 (Admin) paragraph 49

⁶ *Alwyn De Souza v SoSCLG* [2015] EWHC 2245 (Admin), para 32.

5 The Council's Case

- 5.1 The Council accepts that for the purposes of this appeal that they can only demonstrate 3.79 years' supply of housing land for the period 2025/26 to 2029/30 and thus are unable to demonstrate a five year supply of deliverable housing land.
- 5.2 Therefore, given the Council's housing land supply position, the presumption in favour of sustainable development i.e. the so called *tilted balance* of NPPF 11(d) is engaged. Further it is accepted that the application of policies in the NPPF that protect areas or assets of particular importance⁷ do not provide a strong reason for refusing permission for the development proposed and thus the tilted balance is not disengaged.
- 5.3 Therefore, the context for determining the application the subject of this appeal is that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
- 5.4 As such, the presumption in favour of sustainable development pursuant to 11(d)(ii) of the National Planning Policy Framework ("**NPPF**") is engaged.
- 5.5 The Council will show that the appeal site comprises part of the countryside beyond any settlement, that the western extent of Buntingford is clearly and unambiguously marked by the A10 trunk road or features to the east of the trunk road.
- 5.6 The appeal site forms part of the countryside rural area of East Hertfordshire wherein only restricted forms of development compatible with the character and appearance of the rural area are permitted in order to maintain it as a valued countryside resource.
- 5.7 The Council will show that development of up to 600 dwellings and the related infrastructure and development conflicts with the spatial strategy of the adopted development plan as well as Policy GBR2.
- 5.8 The appeal site and area is characterised by an open arable landscape, offering extensive views across a gently undulating plateau. This rural setting forms a clear and attractive contrast to the built-up edge of Buntingford to the east.
- 5.9 Development of the scale proposed within this rural area, beyond the existing settlement boundary, would be out of keeping with the prevailing landscape character and agricultural setting.

⁷ Per footnote 7 to the NPPF

- 5.10 Apart from the existing Business Park located to the east of the site, there is limited built development directly west of the A10. The Local Planning Authority considers the A10 to represent a strong and defensible urban edge to the settlement of Buntingford and concludes that development extending beyond this feature would be unacceptable in landscape terms.
- 5.11 The submitted LVIA does not account for this level of change and underestimates the landscape and visual effects arising from the proposed scheme.
- 5.12 Accordingly, the proposed development would not comprise good design and fails to conserve, enhance or strengthen the character and distinctive features of the district's landscape and thus conflict with Policies GBR2 and DES2 of the East Hertfordshire District Plan, Policies ES1 and HD2 of the Buntingford Community Area Neighbourhood Plan and paragraphs 129(d) and (e) 135(c), 187(b) National Planning Policy Framework.
- 5.13 There are significant unresolved concerns regarding the operation, design, and highway safety of the proposed A10 toucan crossing. The findings of the most recent Road Safety Audit highlight persistent doubts about whether a safe and secure crossing can be successfully delivered at this location. In particular the location of a signalised surface crossing close to the A10/ A507 roundabout on the trunk road network as well as the effectiveness of localised speed reduction are not considered acceptable in highway safety terms. As such, the proposal is considered to be contrary to the objectives of the Local Transport Plan and East Hertfordshire District Plan Policy TRA2, as well as paragraphs 115, 116, and 117 of the National Planning Policy Framework.
- 5.14 Furthermore, in respect of the connectivity of the appeal site to Buntingford the Council will show that:
- a) Priority has not been given to active travel in the design of off-site access arrangements such that a genuine choice of transport modes would be available to future occupiers.
 - b) The proposed active travel routes and infrastructure as designed are not suitable for all users (for example disabled cyclists, people who cannot walk quickly, children, older people and people including women and girls who tend to be more vulnerable to attack in areas without good natural surveillance).
 - c) Subjectively and objectively safe accessibility is not achieved by the proposed infrastructure. Safety in this context means both road safety and social safety.
- 5.15 As a result of 5.14(a), (b) and (c) the proposed development would be isolated and likely to be car-dependent due to a lack of exceptional quality, safe and inviting active travel infrastructure that should give priority to active travel modes. This situation exacerbates the site's isolation, making it likely future occupiers will be heavily dependent on the private car. As such the development would conflict with Policies DPS2 and TRA1 of the East Hertfordshire District Plan Policy HD1 of the Buntingford Community Area Neighbourhood Plan and paragraphs 110, 115 and 129(c) National Planning Policy Framework.

- 5.16 Furthermore, the Council will also identify harm arising from the fact that the proposals will result in the loss of agricultural land and will lead to less than substantial harm to the setting of the Grade II* Listed Holly Trinity Church.
- 5.17 The Council recognise that the weight to be given to housing (including 40% affordable housing, C3 housing suitable for elderly persons and up to 6 custom self-build plots) should be very significant. In terms of other benefits, the weight is generally agreed but the Council will re appraise the weight to be given to the offer of land for a lower school having regard to the Education Authority's updated position that the land is not required. Furthermore, we will consider the weight to the local centre having regard to a lack of clarity on what will be accommodated in the centre and any evidence pertaining to the viability of such provision.
- 5.18 The Council will conclude that the proposed development conflicts with the development plan taken as a whole and should be refused and that material considerations (including the NPPF 'tilted balance') do not indicate otherwise.
- 5.19 Notwithstanding the agreed significant benefit of developing the site for housing (as outlined in the Officer Report at Appendix A) the Council will show that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, permission should be refused in the context of the tilted balance being engaged.
- 5.20 In coming to this judgment, the Council will have regard to both policies of the NPPF including those referred to in footnote 9 especially those relating to providing affordable homes, directing development to sustainable locations and achieving well-designed places as well as policies of the development plan as set out above.
- 5.21 In that context the Council will invite the Inspector to dismiss this appeal.

A

Delegated Officer Report

Recommendation: Refuse Planning Permission

Application number: 3/24/0966/OUT

Proposal: Outline planning application for development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved except access.

Site Address: Land North Of A507, West Of A10 Buntingford

A: Site Context:

The application site measures circa 49.43 hectares in area and comprises undeveloped agricultural land to the north of the A507 Baldock Road and the west of the A10. The town of Buntingford is situated to the east of the A10.

Buntingford is identified in the District Plan as being a small town located at the centre of a large rural area in the northern half of the district. It functions as a rural service centre for outlying villages in the north of the district.

The application site comprises agricultural fields (Grade 2 agricultural land), however the accompanying Agricultural Land Classification Survey finds that the Site comprises close to equal proportions of Grade 2 (56.6%) and Grade 3a (43.4%). The site is not designated for its environmental or landscape value.

Public Right of Way 'Cottered 41' passes through the north eastern extents of the site; and 'Cottered 40' runs east/west through the centre of the site and in conjunction with an existing footbridge over the A10 links with public rights of way and streets / public spaces within Buntingford on the opposite side the A10. Footpaths 'Cottered 46' and 'Aspenden 10' are also near to the site.

The site is bound to the north by Throcking Lane, to the east by the A10 and Buntingford Business Park and an area of woodland, and to the south by the A507 Baldock Road. There is agricultural land beyond the site to the north, south and west. The main built-up area of Buntingford lies beyond the A10 to the east. The villages of Aspenden and Throcking lie to the south and east respectively.

There is a central ditch within the site, associated grassland, a small, wooded copse and overgrown boundary hedgerows. The site is on undulating topography, rising centrally before descending gradually eastward toward Buntingford, and the north-eastern boundary.

The site is within Flood Zone 1, at the lowest risk of flooding from rivers and sea. There are no heritage assets on, or adjacent to the site. The Buntingford Conservation Area is focused on the existing settlement to the east and there is a Conservation Area at Aspenden. Listed buildings within 1km include the Grade I Parish Church of St Mary to the south.

The site is not specifically allocated for any use or development within the East Herts District Plan 2018 and is outside of the Buntingford Settlement Boundary. As such the site is within the 'rural area beyond the greenbelt'. The site lies within the Buntingford Community Area which is covered by the Buntingford Community Area Neighbourhood Plan.

The application as submitted comprised a number of plans for approval and supporting documents which are listed within appendix 1 of this report. Following receipt of neighbour / consultee comments during the first round of consultation, revised / additional information in connection with the application was provided on 2nd June and in August 2025 and are listed in appendix 2 of this report. All of the above plans and documents have been considered as part of the assessment of this planning application and report.

B: Application proposals:

The application seeks outline planning application for development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved except access.

C: Planning History (application site):

Request for a screen opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Residential development (up to 600 dwellings) and associated uses (ref: 3/23/2350/SCREEN), determined in January 2024 with no EIA required.

D: Relevant applications in the vicinity of the site:

Land south of A507 Baldock Road, west of the A10, Buntingford:

An outline application (ref: 3/24/1255/OUT) was also submitted in July 2024 by the same applicant as this current application (Hallam Land) on the south / opposite side of the A507 for development of employment land (flexible use B2, B8, E(c) and E(g)), informal open space, accessed from a new junction with the A507, shared with the current application. This application is currently undetermined.

Land East of the A10, Buntingford:

An outline application on a nearby site (Land to the east of the A10 Buntingford) for development of 350 dwellings, with up to 4,400 sq m of commercial and services floorspace (Use Class E and B8) and up to 500 sq m of retail floorspace (Use Class E) and other associated works (ref/23/1447/OUT) was refused by the Council. The application was subject to an appeal to the Planning Inspectorate and considered at a recent public inquiry (appeal ref: APP/J1915/W/24/3340497).

The Planning Inspector's decision letter was released on 22nd August 2024, allowing the appeal. This appeal decision is significant in terms of providing advice from the Planning Inspectorate to the Council on the weight to be attached to various planning considerations for new housing development in Buntingford, and a snapshot of the Council's 5-year housing land supply position. The Inspectors decision considered that the Council could only demonstrate a supply of 4.2-4.49-year housing land supply at the time of the Inquiry.

With regard to the relationship of Buntingford and the surrounding rural area, the Inspector noted that: *"I am satisfied that the A10 would provide a buffer and defensible boundary between the urban edge and the countryside and that the landscaping included in the parameter plan demonstrates an ability to soften the urban edge between the built development, the A10 and the countryside. Indeed, the landscaping parameter plan demonstrates that post development it is possible to create a buffering function greater than currently experienced elsewhere in the vicinity"*.

Land North of Hare Street Road Buntingford:

The Development Management Committee resolved in January 2025 to grant planning permission subject to completion of a S106 agreement for: a) Outline approval for a residential

development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval. b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage and SuDs infrastructure, with associated access to Hare Street Road and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans (ref: 3/24/0294/OUT).

The S106 agreement for this application is in the process of being prepared / negotiated and as such planning permission has not yet been issued in relation to this application.

Land off London Road, Buntingford:

Planning permission was granted following an appeal to the Planning Inspectorate for the erection of 68 Dwellings and all associated works, in May 2025, after an informal hearing (Application ref: 3/23/1390/FUL, appeal ref: APP/J1915/W/24/3353714).

The Inspector's decision letter for this appeal stated that the proposal would conflict with the Council's spatial strategy contained within Policies DPS2 and GBR2 of the DP and Policy HD1 of the Neighbourhood Plan. However, the Council was unable to demonstrate a five year housing land supply with the interim figure being between 3.4 and 3.7 years. As such these policies were considered to be out of date, with moderate adverse weight applied to this conflict.

Significant positive weight was attributed to provision of new housing / affordable housing. This benefit alongside some other more minor benefits in terms of BNG and S106 contributions was considered to outweigh any policy conflicts, leading to the grant of planning permission.

E: Neighbour Responses:

Neighbour Consultations	Contributors	Neutral	Objections	Support
40	546	4	537	5

Summary of Neighbour Responses

Principle of development

- The proposed development is contrary to the neighbourhood and district plans, outside the town boundary and on farmland.
- Proposals will result in loss of agricultural land, which is needed to grow food.
- Buntingford has already been overdeveloped increasing congestion and this will worsen the situation.
- Speculative developments of this type could be avoided, and should be brought forward through the development plan process
- Buntingford is not a sustainable location for further new housing as it lacks a train station, has poor public transport and other health / education / leisure employment facilities are limited, resulting in car commuting.
- Buntingford has already received a lot of development, which affects community cohesion and needs to be absorbed and no more housing is required.
- There are other alternative sites in East Herts which are better suited to accommodate housing development as Buntingford has already delivered its quota.
- Housing of this type is not required.
- Proposals will result in harm the countryside which is of importance in terms of its character as recognised by the Neighbourhood Plan.

- If this proposal is allowed development from Buntingford will merge with Throcking and Cottered over a 30 year period.

Transport

- The footpath along Baldock Road and crossing points over the A10 will not be attractive to use. It will be dangerous for pedestrians to cross the A10.
- Speed limit changes / traffic calming is required along Baldock Road.
- Proposals will result in excessive congestion on the A507, A10, and within Buntingford and the proposed junctions will result increased traffic accidents.
- There will be increased vehicle traffic within surrounding villages such as Throcking.
- There will be increased congestion throughout the town, and connecting roads such as the A10, with increased risk of accidents.

Sewage / Drainage

- Drainage and sewerage infrastructure is struggling already and would be unable to cope with the additional demands of the development, resulting in increased sewage spills in the river Rib and sensitive chalk streams.
- Proposals will increase flood risk
- Proposals will result in unsustainable further water demand from future occupiers.

Urban design / Landscape

- Proposals will result in loss of tree hedgerow loss facing Baldock Road.
- The proposals will be a prominent intrusion on the countryside landscape particularly when viewed from Throcking and Cottered to the west.

Environmental

- Proposals would increase vehicle journeys with associated noise and air pollution.
- The amenity of the area, and quality of life for existing residents will be reduced.
- Proposals will reduce accessibility of existing residents to green space / rural environment, with associated harms to health and wellbeing.
- Proposals will have an adverse impact on wildlife and result in habitat destruction.
- Construction will result in noise and pollution.
- Harm to below ground archaeology
- Loss of habitat for species such as badgers, skylarks, newts and owls.

Social infrastructure

- Existing services such as police, schools, doctors and dentist surgeries, supermarkets and leisure uses such as the swimming school are inadequate to meet the needs of the town and will be made worse by the development.
- The town is already overdeveloped, and the population has grown too much in recent years. Further development cannot be accommodated.
- Infrastructure in Buntingford should be improved first before new housing is built.
- There is no need for the first school proposed, as there are space places in existing schools
- The Council is not in a strong enough financial position to maintain the development and associated infrastructure

Support

- Proposals would help ease the housing crisis.

Consultee / local group / Parish Council Responses

Consultee	Comments
EHDC Landscape Officer	EHDC Landscape Officer: The site is located within landscape character area 'Cherry Green Arable Plateau' (LCA 141) of the East Herts District Landscape Character Assessment (2007). The area is principally an open arable landscape with extensive views over a gently undulating plateau. This rural context provides a natural contrast and boundary with the built development of Buntingford to the east. As such given the above context it is considered that an urbanising development in this location on the west side of the A10 and Buntingford would significantly worsen the extent of landscape and visual impacts. The conclusions of the LVIA with regard to the landscape character of the wider area as well as the site and immediate surroundings are not accepted. It is considered that impacts on landscape character would be moderate, or moderate / major adverse. The impact upon the site and surroundings would be major adverse. In addition a review of wireline images indicates that in views from higher elevations the proposed built form breaks the skyline and therefore doesn't feel well assimilated within the landscape setting. Given the above the proposals are considered to give rise to significant adverse landscape and visual effects. Further detailed comment and review of the landscape strategy / proposals for the development have also been provided. This highlights: a lack clarity around whether areas of open space are designed for biodiversity or amenity; concerns over removal of some existing trees / vegetation; lack of integration of play provision throughout the development; and an overly engineered / urban landscape approach in some views into the development.
EHDC Planning Policy Team	The planning policy team does not support the principle of this proposed development because the location is unsustainable and the proposal is a clear departure from policies in the District Plan (2018) and Buntingford Neighbourhood Plan (2017). Development of this scale should be planned strategically through the update of the District Plan; informed by robust evidence base and a holistic consideration of Buntingford's housing, employment and infrastructure requirements.
EHDC Environmental health	Recommend planning conditions regarding ground contamination, electric vehicle charging points, air quality mitigation.
EHDC Housing officer	40% (240) affordable homes should be provided with a tenure split of 84% affordable rented, 16% intermediate. Four bedroom family sized affordable units should be prioritised and intermediate units should be houses rather than flats as there is poor take up of intermediate flat units.

EHDC Waste recycling	Bin storage for dwellings should be located a convenient drag distance from the dwelling to a kerbside collection location. Residential streets should meet requirements for waste collection vehicles.
EHDC Urban Design Officer	Raised concerns regarding the following: • The site is severed from Buntingford by the A10, thus limiting integration • Despite proposed improvements the site will not be accessible by sustainable modes and will be reliant on private cars • Queries as to the size, use and function of units within the local centre and whether it will be a viable location for businesses.
HCC Highways	Raised concerns regarding the isolated and potentially unsustainable location of the site, and conflict with Hertfordshire Transport Policy 5(f) which states that the Highway Authority will only accept new accesses onto major A roads, where special circumstances can be demonstrated in favour of the proposals. Further concerns were raised regarding the lack of information with regard to bus connections, the suitability of active travel connections into Buntingford, the design of the access with the A507 and assumptions regarding trip generation.
HCC Archaeology Service	Note submission of requested geophysical survey. We advise that further archaeological field evaluation of the site should be undertaken, via a programme of intrusive archaeological trial trenching, prior to determination of the application.
HCC Ecology	Recommend conditions with regard LEMP (including skylark plots), CEMP, lighting design strategy. the level of BNG information necessary for determination has been submitted.
HCC Growth and Infrastructure Unit	Recommend financial contributions towards education, libraries, childcare, waste and youth services. A Land Specification for the site of the proposed first school should also be submitted.
Lead Local Flood Authority (LLFA)	Initially raised concerns with regard to further consideration of surface water flooding extents, suitability of ditches and culvert to receive discharge from the drainage basins, and confirmation that Thames Water will accept discharge of runoff from the southern part of the site into the public sewer. Following submission of revised information the LLFA have confirmed no objection to the application subject to conditions with regard to: Surface Water Drainage details to be submitted with each phase; details of hydraulic modelling to be submitted in advance of reserved matters; details of interim drainage measures; details of maintenance / management of sustainable drainage to be submitted; drainage verification report.
HCC Fire and Rescue Service	Recommend condition with regard to details of fire hydrants.
HCC Minerals and Waste Planning	Recommend that a Site Waste Management Strategy and Site Waste Management Plan for construction phase be secured by condition.
Sport England	The Indicative Sport Pitch Location plan shows illustratively that the proposed playing field in 'Buntingford Park' could support a cricket pitch and an adult football pitch together with a MUGA. The plan is broadly welcomed and responds positively to advice in our initial response as it

	shows that a range of playing pitches could potentially marked out on the space identified for playing fields. However, I would make the following comments: • As the Indicative Sport Pitch Location plan has been submitted as JPG image rather than a PDF document it has not been possible to measure off it to check that the space available would be sufficient to provide suitably sized cricket and football pitches in practice. A plan to scale on a PDF is therefore requested to allow informed comments to be made. • A typical 9 pitch cricket ground meeting ECB guidance has overall dimensions of approximately 119 x 119 metres (allowing for the size of the cricket square, outfield area and minimum run-off beyond the outfield) which equates to around 1.42 hectares rather than the 1.2 hectares referred to on the plan. It is requested that the plans that have been submitted are reviewed to ensure that a cricket ground which meets this guidance can be accommodated in practice. • It is requested that as well as an adult football pitch, provision is also made for a youth football pitch as the District Council's emerging playing pitch strategy has identified local deficiencies in the Buntingford area especially in relation to youth 9v9 football pitches (73 x 46 metres). • Clarity should be provided of whether the MUGA would be an informal MUGA designed and intended for casual use mainly by children/young people or a formal sports MUGA with courts designed for club/group use on a bookable basis As set out in our initial response, a minimum specification for the playing fields and the supporting pavilion/parking will need to be prepared for inclusion in a planning obligation.
Design South East Design Review Panel (site visit and meeting on 24 th September 2024)	The masterplan has many positive features, including proposed public realm improvements, the provision of additional facilities for Buntingford and a good response to topography. However, the design quality and sustainability of the development will be significantly undermined by it being highly car-dependent, given the inaccessible location of the site and the infrequency of buses. As such, we cannot support the proposal in this location due to its inherent lack of sustainability. If this scheme proceeds despite this major constraint, it is vital that a robust design code is put in place to secure the key positive features, as without a design code the outline planning application provides no certainty that the illustrative elements of the proposal would be delivered. Should the decision be made to continue with the application, we would welcome the opportunity to review the design code for this scheme, once the panel's recommendations have been taken into consideration. Key recommendations 1. Reconsider the decision to proceed with a scheme in this location given the site's inherent lack of sustainability on account of its inaccessibility. 2. Develop a comprehensive and robust design code to secure the key positive features of the illustrative parts of the outline proposal.

	3. Develop a more ambitious transport strategy to provide significantly more mitigation of the inaccessible location, through further interventions to encourage sustainable and active travel and to reduce car dominance and dependency. 4. Improve pedestrian and cycle routes into the development by ensuring that they are better lit and more overlooked, to make them safe and secure for all users including vulnerable groups. 5. Integrate Sustainable drainage systems (SuDS) and play spaces into the streetscape, using section drawings to demonstrate how this will function. 6. Ensure the local centre and commercial units are appropriately sized and complement rather than compete with Buntingford's town centre.
Active Travel England	Recommend deferral of the application. Whilst it is understood that off-site active travel enhancements are planned, it has not been possible to identify a full audit of off-site active travel routes commensurate with the specification previously outlined by ATE. <u>Off-Site Transport Infrastructure and Access Arrangements</u> Again, it has not been possible to identify specific responses to ATE's earlier comments regarding off-site active travel enhancements. Some further minor observations have been made below pending a response to those earlier comments. <u>Proposed Site Access Arrangements</u> It is noted that 'the type of junction has been changed from a Dutch-style roundabout, as previously proposed, to a more traditional roundabout design following comment from the LHA'. ATE supports the provision of dedicated cycle tracks segregated from pedestrian routes. The approach to cyclist priority at the roundabout junction, as part of the Dutch-style arrangements, is also supported. ATE continues to maintain that cycle tracks on both sides of the highway provide a better level of service for cyclists than bi-directional tracks. <u>Active Travel Connection to Buntingford Village Centre</u> The use of 'proposed priority narrowing' can be problematic for cyclists and should be reconsidered. While there may be some benefit for pedestrian crossing and vehicle speed management, such arrangements force cyclists into the centre of the carriageway, potentially moving suddenly into the path of following vehicles. See LTN 1/20 para 7.6.3. The applicant should consider arrangements that allow cycles to filter through the deflection without deviating from the desire line or stopping unnecessarily. <u>Footbridge</u> The provision of a footbridge, as well as upgrades to existing infrastructure, is welcome. However, it would be helpful if the applicant could respond to earlier design comments raised in relation to the prior submission and provide an update on how the designs have evolved. These connections are considered essential to the sustainability of the site, and it remains unclear whether routes will be fully upgraded to facilitate inclusive walking, wheeling, and cycling trips to Buntingford.
Thames Water	Waste Comments: Thames Water has identified that the existing FOUL WATER network does not have sufficient capacity to support the proposed

	development. As such, we request that the following condition be attached to any planning permission granted: The development shall not be occupied until confirmation is provided that either: 1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or 2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule. Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
UK Power Networks	There are no overhead powerlines within the vicinity of the development.
Crime Prevention Design Advisor	Recommend that dwellings and other buildings are built to Secure by Design Standards.
Parish Councils	Comment
Buntingford Town Council	The proposals for this application are not sustainable. Infrastructure has been slow to materialise. The town previously had two GP surgeries, but now has one. The additional patient numbers have resulted in capacity issues and residents are struggling to obtain appointments with a GP. The only NHS dental surgery is not taking new patients and cannot accommodate existing patients due to a lack of dental practitioners. The two small supermarkets do not have the capacity to fulfil the needs of a growing population and the public transport is poor, inadequate, and unreliable. The lack of anything other than basic provision has resulted in Buntingford having the highest car usage in Hertfordshire. The lack of employment opportunities means that travel to work by car is in excess of 70%. All these issues do not represent sustainability and are not economically, environmentally or socially sustainable and therefore are contrary to the NPPF. The proposed site would be isolated by two major Roads the A10 & A507 on the outskirts of Buntingford. In effect it would be a separate settlement extending into a rural area. Bridge connections across the A10 will not be acceptable for less able pedestrians / residents. The main way to access the site from Buntingford or to access Buntingford from the site is via the roundabout crossing at the Baldock Road - A10 junction which is not suitable for those cycling, walking using a walking aid or mobility scooter. We have concerns regarding the capacity and effectiveness of the town's sewage works to cope with any further large-scale expansion. Thames Water has acknowledged this in their response to a recent planning application. They have repeatedly exceeded their discharge consent limits into the River Rib which is a protected chalk stream over the past few years, which is obviously linked to the recent and ongoing large-scale expansion of Buntingford. In an EIA Screening application letter dated

	22.3.2022 ref PL/0263/22, Thames Water state that the plant had a capacity in 2018 for a population of 6700, so there is already a shortfall. They envisage the proposed upgrade to have a capacity for a population of 7736 by 2026. Whilst Thames Water has stated that there will be capacity for 7736 by 2026, the population in 2023 exceeds this figure. If this development is approved this will effectively increase the population by approximately 1470. In addition the Sewage Treatment Works does not currently remove Nitrates and Phosphates from treated wastewater. 600 additional homes will only exacerbate the situation. Should the application be approved or allowed on appeal, S106 contributions should be sought from the development to help deliver a new fully equipped sports / leisure centre and two football pitches which are needed in the town. Regarding the revised / additional information submitted by the applicants, the concerns of other consultees such as highways, Thames Water, UKPN should be noted. The need for some proposed sports pitch provision such as the MUGA and cricket pitch are also questioned. The adverse impacts of the proposals would still outweigh the benefits of these proposals.
Cottered and Throcking Parish Council	Cottered and Throcking Parish Council objects on the following grounds: The road infrastructure is inadequate and unsafe, construction traffic and the resultant permanent increase in traffic volume from new residents and visitors attracted to the site, are at odds with the planned weight restriction for the A507, which recognises its unsuitability for use by large, heavy vehicles approaching Cottered, a small, ancient village already blighted by an excess of traffic with a narrow, sharp bend at the Baldock side, where two large vehicles cannot pass each other easily and where traffic passes only feet away from the living spaces of homes. The proposed development does not accord with the sustainability principles set out in the NPPF as the location has limited services and amenities, the site is not connected to mains sewage with concerns, in a water-stressed area, regarding drinking water and wastewater requirements (INFRA4 and INFRA5 of the BCANP refer). Residents and visitors would need to travel by car to larger settlements to meet their daily needs. Access to public transport is limited and the pedestrian route to the nearest services in Buntingford would involve crossing the busy A507 and A10. The proposal would be contrary to TRA1 of the EHDP. Site development would be in direct conflict with paragraph 196 (c) of the NPPF and would neither enhance the defining local characteristics of the area or improve its distinctiveness. The site is close to the village of Throcking and in an area recognised in both East Herts District Landscape

	Character Assessments 140 and 141 as 'quiet and remote', 'distinctive' and 'significant' to the community. Development resulting in the unjustified loss of greenfield space would not contribute to or protect the valued landscape which is a requirement of chapter 15 of the NPPF.
Westmill Parish Council	The A10 passes through the Westmill Parish and provides Westmill residents with access to, and exit from, the village. There are two available junctions, the northern one being within 800m of Buntingford. Both junctions have become increasingly unsafe for road users, in particular our residents and their visitors, due to the volume of traffic and the current layout of the road. An increase in traffic volume on the A10 (inevitably involving Westmill's junctions) arising from construction vehicles, new residents and their visitors would further compromise highway safety and conflict with Policy TRA2 of the East Herts District Plan (EHDP) and paragraph 115 of the National Planning Policy Framework (NPPF). Furthermore, additional pressure on the A10 and the Westmill junctions will arise where the proposed development does not accord with the sustainability principles set out in the NPPF. Buntingford residents and visitors would need to travel by car to larger settlements, such as Hertford, Ware and Bishops Stortford, where there are bigger facilities (and those lacking in Buntingford itself) to meet their daily needs. Combined with poor existing access to public transport this will place further pressure on the A10.
Local groups	Comments
CPRE	The site is designated as 'rural area beyond the greenbelt' and the development is contrary to policy GBR2. The Planning Statement argues that, notwithstanding the East Herts District Plan providing for a five year supply of housing land, the previous under supply of land and under delivery of housing should be factors in determining this application and this is incorrect. The developer's consultants assert that the proposal is a "sustainable development" with no supporting evidence, and the experience of recent development locally is that developments of this nature are almost entirely dependent on private vehicle usage. Buntingford has been subject over recent years to very considerable development without consequent expansion of services and facilities, including public transport provision. The town does not have a railway station and there is limited employment in the town, leading to additional private vehicle use. review of the District Plan is now underway and any further development allocations should only take place within the Local Plan preparation process, incorporating local community consultation and participation, and not through unplanned speculative applications. The provision of affordable housing is irrelevant to decision making, and in any case the site is unsuitable for affordable housing. The location of Buntingford in the River Rib valley is identified in the District Plan and this

	proposal, which is partly on the ridge to the west of the town, marks an unacceptable intrusion into the “extensive rural hinterland” which has already been detrimentally affected by previous speculative development. The proposals would also result in loss of agricultural land.
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Planning Policies:

Main Issue	NPPF	DP policy	NP policy
Principle / type / mix / quality of Housing Development	Chapters 5, 11	INT1, DPS1, DPS2, DPS3, DPS4, DPS5, GBR2, BUNT1, HOU1, HOU2, HOU3, HOU7, HOU8	HD1, HD2, HD4 HD7,
Community and Social infrastructure	Chapter 5	DPS4, DPS5, GBR2, CFLR9	INFRA1
Design / landscape	Chapters 8,11 and 12.	HERT3, DES1, DES2, DES3, DES4, DES5, HA1	ES1, HD2, ES8
Transport	Chapter 9	TRA1, TRA2, TRA3, CFLR3	T1, T2, T3, T4, T6,
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA4, HA7	HD6
Sustainability and Climate Change	Chapters 2, 14	CC1, CC2, WAT4	ES3, INFRA5
Trees / Ecology Biodiversity	Chapter 15	DES2, NE1, NE2, NE3, NE4	ES1; ES5, ES7, ES8
Open / green / amenity space / sports provision		CFLR1, CFLR9, NE4	ES5, ES8
Flood Risk and Drainage	Chapter 14	CC1, NE4, WAT1, WAT2, WAT3, WAT4, WAT5, WAT6	INFRA4
Environmental impacts (noise / air ground / light	Chapter 15	EQ1, EQ2, EQ3, EQ4	
Neighbour Amenity	Chapter 12	DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4	LR3, ES5

F: Considerations

(i) Principle of development

Overview and 5-year housing land supply considerations:

Several policies within the East Herts District Plan 2018, Buntingford Community Neighbourhood Plan and the National Planning Policy Framework are of relevance to the principle of the development. The overall development strategy in the East Herts District Plan 2018 is summarised in adopted Policy DPS1, which identifies the need to deliver new housing growth, with 18,458 new homes required over the plan period 2011-2033 (839 new homes per year) to meet identified needs. Policy DPS2 of the District Plan (DP) sets out the Council's development strategy for East Hertfordshire, which seeks sustainable housing development,

within identified settlements or urban extensions to the largest towns in the district (not including Buntingford) to meet the district plan housing requirements.

The site comprises grade 2/3A Best & Most Versatile agricultural land, located adjacent to the west side of the A10, beyond which is the Buntingford settlement boundary. As such the site falls within the 'rural area beyond the greenbelt' as part of the District Plan.

The application site is located outside of the settlement boundary of Buntingford, which lies to the east of the A10. Buntingford is one of the 5 market towns listed in the District Plan. Given its smaller size and lack of public transport accessibility, Buntingford is not considered appropriate for large scale urban extensions as envisaged by the development plan Strategy as set out in policy DPS2. District Plan Policy BUNT1 of the District Plan states that the strategy for the town is to focus on the delivery of existing sites with planning permission, with no new allocations, to reflect the fact that substantial housing development has taken place since 2011.

Policy GBR2 of the district plan states that: *"I. In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the following types of development will be permitted, provided that they are compatible with the character and appearance of the rural area:*

- (a) buildings for agriculture and forestry;*
- (b) facilities for outdoor sport, outdoor recreation;*
- (c) new employment generating uses;*
- (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);*
- (f) Rural Exception Affordable Housing Sites; accommodation for Gypsies and Travellers and Travelling Showpeople;*
- (h) development identified in an adopted Neighbourhood Plan".*

The Buntingford Neighbourhood Plan ("NP") considers the landscape around Buntingford as being one of the most highly valued in the district. The NP emphasises that proposals for housing should be focused within existing settlement boundaries. For development outside of settlement boundaries the NP also highlights the desirability of conserving and respecting the valley setting of Buntingford. The NP policies (ES1 and HD2) and supporting text recommend that future development of Buntingford is carried out in such a way that the landscape views across the Town are not adversely affected. This requires that building on higher ground is limited in height and that any further housing is developed within the valley setting.

In addition, NPPF paragraph 11d is of relevance and states that *"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes applications for housing where the local planning authority cannot demonstrate a 5-year housing land supply), granting permission unless: i. 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 ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".* The balancing exercise with a presumption in favour of sustainable development, identified above is termed the 'tilted balance' elsewhere in this report.

The proposals amount to a departure from the Development Plan due to the location, scale and form of the development which is positioned outside of the defined settlement boundary of the town to the west of the A10, and in the rural area. The site is not within an identified

settlement, is not on an allocated site (within the District Plan or Neighbourhood Plan) and (in the LPA's view) does not form a sustainable location due to the severance with the town and limited and compromised routes into and out of the town. The proposals therefore conflict with Policy DPS2 which directs development to other more sustainable and appropriate parts of the District.

The proposals also amount to a fundamental conflict with policy GBR2, as the proposals would result in large-scale urban development within the rural area beyond the Green Belt. The proposals would not meet any of the forms of development or exceptions within policy GBR2 and the development would not be compatible with the character and appearance of the area. The proposals would have an urbanising effect on the rural landscape on the western side of the A10 to west of Buntingford. The proposals are also in conflict with Buntingford Neighbourhood Plan and district plan policies regarding landscape impact (landscape impacts are considered further below). In addition, the proposals would result in the loss of around 10ha of grade 2/3A agricultural land. These policy conflicts will be attributed negative weight in the overall planning balance.

Notwithstanding the conflicts with the Development Plan, the proposals would contribute towards meeting housing need. As noted in the recent appeal decisions (land to the east of the A10; Land at London Road, Buntingford), the Council cannot demonstrate a five-year supply of housing; at present it is only able to demonstrate a 3.4-to-3.7-year housing land supply. As such the 'tilted balance' within NPPF paragraph 11d is engaged. This requires that a balancing exercise is undertaken to weigh any adverse impacts against the benefits of the proposals; and given the deficit, the delivery of housing attracts greater weight in decision making than if a five-year supply could be demonstrated. A full balancing exercise is undertaken at the end of this report following assessment of the proposals against all relevant policies.

Both the recent appeals - at London Road and earlier Land east of the A10 - provide some guidance as to the approach taken by Planning Inspectors when considering unallocated sites for significant development around Buntingford. In both these appeals the Inspectors concluded that Buntingford was a sustainable location for new housing development, notwithstanding the approach taken in the local plan, due to the range of services available in the town. However, both appeals also acknowledged the heavily car-dependent nature of the developments given the limited public transport on offer, particularly due to lack of a rail station and a limited bus service.

As such, the recent appeals have considered that given the range of services available in Buntingford, the town itself would be capable of accommodating additional housing development in a sustainable manner. Officers consider the developments were permitted (alongside other factors) on the basis that they could be integrated with and appropriately located adjoining or connected to Buntingford (as an extension of the town), such that occupiers can access these services and amenities conveniently by sustainable modes (walking, cycling and buses).

Further assessment regarding transport and accessibility of the site in relation to Buntingford is provided within the transport section of the report, and any potential policy conflicts with regard to locational sustainability are taken into account as part of the balancing exercise at the end of this report.

Housing:

As noted above the overall District Plan strategy seeks to deliver housing growth, and policy DPS1 seeks to deliver 839 new homes per year, located within existing settlements or sustainably located urban extensions. This policy is more than 5 years old, and so the

Standard Method must be used to determine local housing need. The Standard Method produces a figure of 1328 dwellings per year (including 5% buffer).

Policy HOU1 (mix and type of housing) states that new housing developments should provide an appropriate mix of housing tenures, types and sizes, in order to create mixed and balanced communities, appropriate to local character and taking account of the latest Strategic Housing Market Assessment and other up to date evidence; should include provision of affordable housing in accordance with Policy HOU3 (Affordable Housing); specialist housing will be encouraged for older people and vulnerable groups; provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime; self-building housing in accordance with policy HOU8; Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople.

The application proposals comprise up to 600 new dwellings, and 60 units of accommodation for the elderly (class C3). The application has been submitted in outline with details of housing mix including tenure type and size to follow at reserved matters stage. An illustrative masterplan has been submitted, which shows how a mix of housing could be incorporated on the site. This includes a tenure split of open market housing, 40% affordable and custom build housing.

The above housing mix would make a significant contribution towards meeting housing needs in the district. Provision of 40% affordable housing would help to meet affordable housing need in the district, where the Inspector in the appeal decision for land east of the A10 (ref: APP/J1915/W/24/3340497), noted that there had been previous under delivery. The precise housing mix, and tenure mix for each residential phase could be secured as part of future reserved matters submissions. As such the provision of new housing including affordable housing is broadly in accordance with policies HOU1 and HOU3.

Policy HOU6 states that the Council will encourage the provision of specialist housing, across all tenures, for older and vulnerable people, provided that it is sustainably located and integrated with existing communities. Subject to details submitted at reserved matters stage the provision of 60 units of elderly persons accommodation would help to meet the need for elderly accommodation identified by HOU6. However, the appropriateness of the site in terms of accessibility is considered further in the design / transport sections of the report below.

Policy HOU8 states that to support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply at least 1% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register. The application proposals acknowledge the policy requirements and state that policy compliant options for self building housing provision will be provided at reserved matters stage. This provision would help to meet identified need for self-build accommodation in accordance with policy HOU8 and is a benefit of the proposals within the planning balance.

Policy HOU7 requires that new housing is adaptable for accessible needs in accordance with Building Regulations standard M4(2) and that a proportion of new housing designed to be suitable for potential future wheelchair occupiers in accordance with standard M4(3). Again the application submission acknowledges the policy requirements and states that it is likely that a policy compliant level of M4(2) and M4(3) housing will be submitted at reserved matters stage. As such the proposals are capable of providing housing to meet a range of accessibility requirements in accordance with policy HOU7.

Local centre:

The application also includes a mixed-use local centre including flexible use E, F and Sui Generis floorspace. The application considers that the local centre could include a range of

local services and facilities, including a Health Centre if required. It is noted that provision of a local centre which can accommodate shops and services to meet the needs of existing residents of Buntingford, as well as the proposed new community, would be in accordance with district plan policy CFLR7. As such provision of a local centre within the development would represent a public benefit of the development and could reduce some car dependency on specified trips to local services (for residents in the development) depending on the type of operators, uses and tenants in the centre.

Full details of the local centre including mix of uses, including their floorspace would be submitted at reserved matters stage. As such there is no detail at this stage as to the type of uses / facilities which could be delivered within the centre. The uncertainty around the types of uses / services provided, could temper the positive weight attributed to this aspect of the proposals within the overall planning balance which is discussed further at the end of this report.

School / Education use:

Policy CFLR10 states that development that creates a potential increase in demand for education will be required to make appropriate provision for new facilities either on-site or by making a suitable contribution towards the improvement or expansion of nearby existing facilities. Proposed new school provision is required to be located in sustainable locations, which are accessible by a variety of transport modes.

The application proposals include a 2 Form Entry First School (for children aged 4-7) which can be delivered on-site, if required, to meet the needs of the new residents and existing community depending on existing school capacity. Provision of primary (infant school) education facilities to meet the needs of existing residents within the Buntingford Area and future residents from this development would accord with the requirements of policy CFLR10.

The on-site provision of the First School, together with the provision of a local centre, is capable of reducing some car trips (for residents within the development). The mix of uses overall would be accorded significant positive weight within the overall planning balance. The suitability of the proposed location of the new school is discussed further in the report below.

Sports pitch provision:

District Plan Policy CFLR1 states that new developments should provide open space and outdoor sports provision to meet the needs of future occupiers. Proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations, served by a choice of sustainable travel options.

The Council's Open Space, Sport and Recreation SPD sets out requirements for provision of play space / amenity green space and sports pitches. The SPD refers to Sport England guidance with regard to the provision of sports pitches such as football, rugby and cricket.

Open space / green space provision in the development is considered further in the design section of this report. In terms of sports pitch provision, a development of 600 dwellings is required to provide 0.71 adult football pitches, 0.62 youth football pitches, 0.22 rugby pitches and 0.14 cricket pitches to meet the needs of future occupiers. An illustrative sport pitch layout plan has been submitted which shows that there is sufficient space within the site to provide a cricket pitch (1.2ha), adult football pitch (0.7ha), and Multi Use Games Area (0.08ha). Further sports pitch provision would also be possible within the part of the site allocated for the first school and its associated playing fields. In addition, a sports pavilion is proposed, of approximately 400sqm in size, to meet Sport England specifications, which would include changing rooms and other services required to support the sports pitches.

The full details of sports pitch layout, as well as the design of the sports pavilion would be secured at the reserved matters stage. Nonetheless the submitted illustrative plan is sufficient to demonstrate that the site can provide a range of sports pitches, including a cricket pitch which requires the most space, which would exceed the requirements of the development and would also be of benefit to the wider community. Both Sport England comments and the emerging evidence base for the emerging district plan identify a need for new sports pitch provision in the area. As such the level of proposed sports pitch provision would exceed the requirements of development and would help to meet shortfalls in sports pitch provision in the wider area, in accordance with District Plan policy CFLR1, the sports SPD and Sport England Guidance. As such significant positive weight is attributed to the level of sports pitch provision within the overall planning balance.

The phasing for the proposed provision of the local centre, school, open spaces, sports facilities and other supporting infrastructure is not subject to any proposed controls within the outline application. The delivery of such infrastructure would need to be secured under a phasing plan condition alongside triggers (by s106 planning obligations) at key stages in the construction, if planning permission is permitted. Late delivery and/or minimal provision of floorspace within the local centre would temper the benefits. The absence of agreed triggers for such infrastructure therefore tempers the weight afforded to these benefits, which at their optimum and fully and appropriately secured, would be significant.

Principle of development conclusion

The proposals comprise development of significant scale within the rural area beyond the greenbelt, on a site which is not allocated for development. As such the proposals would conflict with the District Plan strategy (policy DPS2 and GBR2). However the proposed housing would help to meet housing need in the district, and this benefit should be given enhanced weight in decision making, in accordance with paragraph 11d of the NPPF as the Council is unable to demonstrate a 5-year housing land supply. In addition, the provision of further mixed uses and community infrastructure within the development would also be of public benefit.

Officers have taken account of other Planning Inspectorate appeal decisions around Buntingford and consider that given the range of services available in Buntingford, the town itself could be capable of supporting additional housing development in a sustainable manner. However, in line with national policies set out in paras 110-115 of the NPPF, this would need to be dependent upon the site being made sustainable. Officers consider it would require stronger integration with and being more appropriately located adjoining or connecting to Buntingford (as a logical extension of the town) than what is proposed. As such, it is not considered that occupiers in the proposed development could access these services and amenities conveniently by sustainable modes (walking, cycling and buses, unlike the allowed appeal schemes which have qualitatively better connectivity. Further assessment regarding transport and accessibility of the site in relation to Buntingford is provided within the transport section of the report below.

(ii) Transport / Accessibility

Sustainability / accessibility:

Policy TRA1 states that to achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should: primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction; Ensure that a range of sustainable transport options are available to occupants, including improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives; ensure that

site layouts prioritise walking, cycling and, where appropriate, passenger transport; allow for the early implementation of sustainable travel infrastructure; protect existing rights of way.

Paragraphs 110 and 115 of the NPPF are also of relevance and state 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”* and that *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users”*.

The applicant's Transport Assessment (TA) notes the site's context, on the west side of the A10, and relationship to services and amenities within Buntingford which are within 2km of the site. A number of measures are proposed to facilitate access and connectivity including a new main vehicle access junction to the site from the A507 Baldock Road, with footway / cycleway leading to the junction of Baldock Road with the A10, with Toucan crossings proposed at this junction. Improvements to Baldock Road on the east side of the A10 are also proposed to facilitate a 3m wide footway / cycleway link from the A10 roundabout to close to the junction with High Street. Further measures are proposed to support walking / cycling connections to Buntingford, including a new footbridge over the A10 along the route of the PROW41.

An additional new cycle / pedestrian bridge adjacent to the existing footbridge over the A10 on PROW35 as well as widening, resurfacing and provision of bollard lighting for PROW35 from the bridge to Bowling Green Lane, is proposed. A mobility hub is also proposed within the local centre, which will include bus stops, car club provision and potential for bike and scooter hire. Financial contributions towards improvements in the frequency of bus services are also proposed.

The Transport Assessment considers that these measures as well as the services provided on site such as the local centre, school, and potential adjacent employment site would reduce vehicle trips out of the development, as well as resulting in a modal shift towards of walking and cycling of around 15%.

The Highway Authority initially raised concerns regarding the isolated location of the site, and conflict with Hertfordshire Transport Policy 5(f) which states that the Highway Authority will only accept new accesses onto major A roads, where special circumstances can be demonstrated in favour of the proposals. Further concerns were raised regarding the lack of information with regard to bus connections, the suitability of active travel connections into Buntingford, the design of the access with the A507 and assumptions regarding trip generation.

The applicant submitted additional information during June and September 2025, including a redesigned access to the A507 with accompanying Road Safety Audit, further details on active travel route enhancements and public transport provision. The Highway Authority accepts that these revisions / additional information address many of the earlier concerns. However, fundamental concerns remain regarding the isolated character of the site, outside of the town. The site is beyond the A10 with the Baldock Road intersecting roundabout forming a physical barrier between the town and the rural area to the west. There is also a policy conflict with Hertfordshire Transport Policy 5(f) with regard to new accesses to A roads.

Officers are mindful of the conclusions reached by Planning Inspectors in the appeal decisions listed above, that providing satisfactory accessibility to shops and services in Buntingford (by sustainable modes of travel) could justify a departure from the Development Plan, and the conflict with policies DP2 and GBR2.

However, officers consider that there are significant differences between these appeal sites and the application site. In particular, the development scheme is a significantly larger development, and the application site is in a more isolated location on the opposite side of the A10 to the main built-up area of Buntingford, which affects the access from the site to Buntingford by sustainable modes. The development does not sit adjacent to or next to established built up areas and the site is not integrated with the existing settlement or connected through the availability of multiple vehicular, cycle and pedestrian routes from the nearest built-up areas to the other side of the A10. It is accepted that the active travel routes from the site to Buntingford, such as footway / cycleway connections along Baldock Road, with toucan crossing points over the A10, as well as the additional bridge and enhancements to PROW35 have been proposed to be upgraded as much as is feasible, in a cost effective way that is proportionate to the development. It is accepted that the majority of Buntingford would be within 2km (or 20 minutes walking distance) of the site, including the town centre, the supermarket and Buntingford secondary and middle schools.

It is considered, nonetheless, that, given the physical distances involved and physical quality of the routes, a significant proportion of convenience and comparison-shopping trips, journeys to work and the middle and upper schools are still anticipated to be by car. Officers consider that the level of car dependency will be greater in this development than in the other appeal cases, and that residents would not be afforded the same level of sustainable travel options as the other developments. In summary, the recently permitted development sites are more closely integrated with the existing settlement and constitute more sustainable forms of urban extension than the application site.

Officers consider that given the physical isolation of the site on the opposite side of the A10 and degree of severance from the town, these active travel connections would remain qualitatively poor and could remain deterrents to active travel. For instance, the pedestrian route along Baldock Road passes the entrance to an industrial estate used by large vehicles, is not surveyed by any housing and will require crossing the busy A10 and the Baldock Road roundabout. As such officers are of the view that it is unlikely to be a popular or attractive route to travel in hours of darkness or with young children. The proposed cycle / footbridge and route along PROW35 would also be lined with vegetation, would not be surveyed by housing, and would also not be an attractive route in the dark. In addition, this route would not be convenient for access to services at the southern side of Buntingford such as Millfield Primary School or Seth Ward Community Centre.

The proposed bridge on PROW41 would require the use of stairs and would also therefore not be suitable for young children / elderly and mobility impaired. The shortcomings of the above active travel connections would discourage walking and cycling trips and would increase the likelihood of future occupiers resorting to trips by private car to access shops and services in Buntingford. The assumptions with the Transport Assessment with regard to modal shift and a reduction in car trips from the development are questionable and would not be likely to be achieved. Given the concerns over the lack of integration with the settlement pattern and limited overall improvements to the active travel routes into the town, the development would not result in a vision-led approach to delivering sustainable travel options and provide genuine alternative means of inclusive travel (for all) in order to make the location more sustainable.

As such the proposals are considered to conflict with the requirements of policy TRA1 which seek to locate development in locations which are accessible by sustainable transport modes. The proposals therefore amount to significant development at a location which cannot be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes to the extent proposed within this application and the initiatives proposed. This would be contrary to paragraphs 110-115 of the NPPF which require that patterns of growth are

actively managed to achieve sustainable development, ensuring *that “b) safe and suitable access to the site can be achieved for all users”*. This policy conflict is accorded substantial negative weight as part of the overall planning balance.

Accessibility Implications of Employment Application on South Side of Baldock Road

The potential provision of office/industrial/distribution employment development to the south of the site (application 3/24/1255/OUT) would have the potential to enhance the range of services and employment within Buntingford. The proposed additional employment provision could rebalance a proportion of employment floorspace provision relative to housing in the town and would also be sustainably located in relation to the application site, potentially reducing out-commuting private car trips from the development and the wider town. However, this application is currently undetermined and therefore only very limited weight is attributed, with regard to its relationship with the application proposals.

Transport Impact / highway safety:

Policy TRA2 states that Development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment.

The traffic impact of the development has also been assessed within the Transport Assessment submitted with the application. Potential residential trip generation has been assessed to comprise 161 two-way vehicle movements in the am peak and 191 in the pm peak (based on the assumptions regarding modal split / internal trips within the development to the proposed school). Further trips for the accommodation for the elderly and facilities within the local centre such as a doctors surgery have also been anticipated.

The impact of these proposed additional trips upon nearby junctions including the site access has been modelled including all A10 junctions serving Buntingford, Baldock Road / High Street and Hare Street Road / Station Road / High Street. Junction modelling considers that the development would result in an overall average increase in traffic at the junctions of 9% in AM Peak and 7% in the PM peak, which is within the level of daily fluctuations and so not significant. All on and off-site junctions will operate within capacity with minimal queuing at peak times at and off-site junctions.

The proposed highway access onto Baldock Road has been revised following initial highway Authority comments with the proposed ‘Dutch style’ roundabout replaced with a conventional roundabout with Toucan crossing points. This revised layout has been subject to a Road Safety Audit. The Highways Authority have now accepted that the proposed access could be achieved without undue harm to highway safety. As such the proposals are broadly in accordance with policy TRA2 in terms of highways impacts, although the conflict with the Hertfordshire Transport Plan is noted.

Car / cycle parking:

Policy TRA3 states that vehicle parking provision will be assessed on a site-specific basis and should consider the provisions of the District Council’s currently adopted Supplementary Planning Document on vehicle parking. This includes requirements for secure covered, cycle parking. It should be noted that due to the lack of public transport options in Buntingford and high level of car dependency, the Buntingford Neighbourhood Plan states a higher level of car parking provision than the District Plan and SPD (1 bed house/flat - 1.5 off-road car parking spaces; 2 bed house/flat - 2 off-road car parking spaces; 3 bed house/flat - 3 off-road car parking spaces; 4+ bed house/flat - 4 off-road car parking spaces).

No details of car or cycle parking have been submitted for the proposed dwellings, other than to confirm that the proposals intend to comply with vehicle and cycle parking standards. However, this element of the proposals has been submitted in outline only and as such full details of these elements will be required to be submitted as reserved matters. In addition, the proposed Design Code which will be secured by condition (see design section below) will include information with regard to design principles for residential car and cycle parking. As such the proposed car parking provision is capable of compliance with policy TRA3.

(iii) Urban Design / Architecture / Landscape proposals

Master planning process:

Policy DES1 of the DP requires that all significant proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters. The Masterplan should be prepared collaboratively with the Council, town and parish councils and other relevant stakeholders including a public consultation process.

As the application site is not allocated within district plan, a formal masterplan process, with establishment of a steering group and eventual adoption by the Council of a Masterplan Framework has not been undertaken. However, a number of the steps within this process have been undertaken by the applicant. The proposals were also subject to a review process by the Design South East Design Review Panel. The application proposals were discussed at the Development Management Forum.

In addition, further information in the form of a design principles document has been submitted which provides more detailed guidance on design requirements which would inform the design coding process, which would take place at reserved matters stage. As such officers consider that several of the key design development stages as envisaged by policy DES1 have been undertaken.

Urban design approach:

Policy DES4 states that *"All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals are expected to: (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area; (b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation; (c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land; (d) Incorporate high quality innovative design, new technologies and construction techniques, and make appropriate provision for high speed broadband connectivity, (e) Make provision for the storage of bins and ancillary household equipment, including electric vehicle charging points; (f) All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimensions; II. Proposals must not prejudice the development opportunities of surrounding sites; III. Development proposals which create new or have a significant impact on the public realm should: (a) Maximise legibility and accessibility of the public realm through the layout of buildings, landmarks, use of colour, landscaping, paving, high quality public art, street furniture and legible signposting, (b) Maximise opportunities for urban greening, (c) Avoid creating 'left-over' spaces with no clear purpose or function; (d) Ensure that long-term maintenance and management arrangements are in place for the public realm as appropriate; (e) Engage the Hertfordshire Design Review Panel as part of the Pre-application stage and throughout the Development Management process"*.

The parameter plans and illustrative masterplan for the site comprise a main vehicle pedestrian entrance to the site from Baldock Road, with some housing development fronting

Baldock Road. A local centre is located a short distance into the development with further areas of residential development organised on lower ground predominantly on the eastern part of the site closer to the A10, although drainage basins are proposed the eastern edge of the site with the A10. A country park and playing pitches are proposed on higher ground at western periphery of the site.

The illustrative masterplan and the parameter plans have been amended during the course of the application, to include further detail with regard to the different density character areas within the site, as well as key structural streets, building heights, and green corridors. A Design Principles document has also been submitted which provides further guidance on design quality at reserved matters / design code stage, including elements such as the new bridge over the A10, gateway areas of the sites and integration of SUDS and play on the way elements within streets. Design Review Panel comments considered that the masterplan has several positive features. The local centre is well situated in relation to the location of the amenities, the main street provides good connectivity within the development, and the masterplan responds well to topography.

However, the panel considered that the site's lack of sustainable transport connections to be a major issue and to undermine the scheme's sustainability. The DRP considered that *"long bus journey times and relatively low frequency to key destinations such as train stations make the development car dependent"*. The DRP concluded that *"there is very limited scope for mitigation through design solutions given the inaccessible location of the development. It was suggested that a significantly improved bus offer, with improved speed and frequency, could help, but is unlikely to make the scheme sustainable"*.

The Design Principles document includes details on key areas within the site which can be designed so as to provide a welcoming experience, but these features are not sufficient on their own to ensure attractive and user-friendly active travel connections beyond the site itself. For instance, the DRP panel comments note that *"the route into Buntingford along the new bridge is likely to be the predominant active travel preference because of the town centre layout and school location, but it remains narrow and not overlooked by housing. In addition, the route along Baldock Road may be more inviting for some pedestrian journeys because, unlike the central route, the presence of cars brings some overlooking. However, the commercial units here provide no frontage onto the street"*.

As such these comments support officers' view that the proposals, given their isolated location segregated from the main built-up area of Buntingford, would be likely to be highly car dependent and would not therefore represent good design or sustainable development. The location of development and limited provision of a genuine choice of alternative travel modes and routes would result in a large new community that would experience a sense of severance with the Town, and this would amount to a conflict with policy DES4. This policy conflict is attributed negative weight within the overall planning balance.

Proposed landscaping: open / green space provision:

Policy DES3 states that development proposals must 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. II. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.

The Council's Planning Contributions SPD sets out requirements for provision of communal parks / gardens / amenity green space (14,000sqm per 1000 residents), children's play space (2500sqm per 1000 residents), natural / semi natural green space (32,000sqm per 1000 residents) and allotments (3000sqm per 1000 residents) as part of new development, based on the average number of occupiers per dwelling (2.32).

The application proposals retain existing trees and hedgerows around the western and northern edge of the site, as well as an east-west aligned hedgerow and tree group at the centre of the site. An area of hedgerow along the southern boundary of the site with Baldock Road is to be removed to facilitate the access and visibility splays. New hedgerow, tree and woodland planting is proposed along the western and northern peripheries of the site, to help screen the development in views from the west as well framing to the proposed parkland and playing pitch areas, as well as green infrastructure corridors through the development.

The Landscape Mitigation Strategy suggests that these spaces could accommodate a range of landscape features including grassland, woodland, species rich margins, viewing platform, pond / SUDs basin features and play on way facilities. Landscape officer comments are noted which raise some concerns with regard to some detailed areas of the landscape strategy. However, these concerns are capable of being addressed as part of required future reserved matters submissions, and detailed requirements within the Design Code required by condition. As such the proposed landscaping is considered to respond to the site context, retain landscape features where possible and include new landscape features which would mitigate and enhance the appearance of the development in accordance with policy DES3.

The amount of the site comprising green infrastructure / open space is 24.67ha (246,700sqm), out of a total site area of 50.12ha. The Planning Contributions SPD requirements for children's play space, parks / gardens / amenity open space, natural / semi natural space, and allotments for a development of this size (600 dwellings / 1392 occupiers) would be 71,690sqm. As such the proposals include enough space to exceed the above requirements and provide open space as at a significant scale which would benefit the wider community.

Landscape officer comments with regard to the lack of clarity with regard to which areas of open space will be designed and provided to meet these different open space requirements are noted. This level of detail can be secured during submission of future reserved matters submissions, and it will be necessary at this point to ensure sufficient space is provided to meet separate requirements for the different types of space. However, given the above surplus of available open space within the development it is considered that this aspect of the proposals will be accorded positive weight as part of the overall planning balance.

(iv) Landscape / visual impacts

Paragraph 187 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by *inter alia* (b) recognising the intrinsic character and beauty of the countryside.

Policy DES2 states that "Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape...Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping...Where relevant, development proposals will have regard to the District Council's currently adopted Landscape Character Assessment Supplementary Planning Document".

Buntingford Community Area Neighbourhood Plan (BCANP) policy ES1 states that "Development proposals should be appropriate to and maintain the Rib Valley setting of the BCA. Development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape of this area and parts of the Cherry Green Arable and Wyddial Plateaux".

BCANP policy HD2 states that "*All new housing developments should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding*

countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape. Where appropriate, a Landscape and Visual Impact Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed”.

The intentions of the landscape policies in the District Plan and Neighbourhood Plan are broadly consistent with the requirements in para 187 of the NPPF in that the policy texts advocate for recognising the intrinsic character and beauty of the countryside through a range of requirements. The landscape character assessment (SPD) expands upon the intentions further by characterising the landscape character area. The Neighbourhood Plan sets out that the landscape is highly valued and important from a local perspective.

A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application and has been updated during the course of the application to include wire line images to allow for a fuller assessment of landscape impacts. The site is located within landscape character area ‘Cherry Green Arable Plateau’ (LCA 141) of the East Herts District Landscape Character Assessment (2007). The area is principally an open arable landscape with extensive views over a gently undulating plateau. This rural context provides a natural contrast and boundary with the built development of Buntingford to the east.

The LVIA identifies a number of potential viewpoints of the site from public footpaths and public highway, within the site and from higher ground to the west towards Throcking, with a smaller number of viewpoints on the opposite side of the Rib Valley to the east. Impacts on receptors from these viewpoints range from ‘minor’, ‘moderate’ to major adverse’ in the worst case at year [?]. However, the LVIA considers that visual impacts would reduce by year 15 of the development to no more than moderate adverse. This is due to several mitigation measures within the proposals, the location of development closer to the A10, with over half the site undeveloped, submission of a building heights parameter plan with restrictions on building heights to 10-12m, and with buildings located at lower levels within the site to reduce their prominence.

The LVIA, as well as additional LVIA addendum and wireline images have been reviewed by the Council’s Landscape Officer who states that the conclusions of the LVIA with regard to the landscape character of the wider area as well as the site and immediate surroundings are not accepted. It is considered that impacts on landscape character- even at Year 15 - would be moderate / major adverse. The impact upon identified viewpoints within the site and surroundings would be major adverse. In addition, a review of wireline images indicates that in views from higher elevations the proposed built form appears in some instances above ridgelines, landscape features and skylines and therefore doesn’t appear well assimilated within the landscape setting which covers a substantial area to the west of the A10 in the open countryside.

Officers consider that development of this scale within the rural area outside of the settlement would not be compatible with the landscape and agricultural character of the area. There is no other significant built development beyond the A10 to the west, apart from the Business Park to the east of the site. The LPA considers that the A10 provides a strong urban boundary to the town and that development beyond this feature is fundamentally unacceptable in landscape terms. The Inspector noted in the 2024 Appeal and Land east of the A10 that:

“The A10 would provide a buffer and defensible boundary between the urban edge and the countryside”

Therefore, officers consider the reference given by the Inspector to the A10 is significant as the statement recognises that the A10 performs a role in defining the existing settlement boundary and provides a buffering function between the urban edge and countryside beyond.

Officers consider that this statement underlines the physical importance of maintaining the existing A10 as the defining western edge of Buntingford.

Given the above conclusions, the proposals are considered to give rise to significant adverse landscape and visual effects and the development would fail to recognise the intrinsic character and beauty of the countryside. As such the proposals would result in a conflict with NPPF para 187 (b), and District Plan Policy DES2. There is some scope for the visual impacts to be mitigated to some extent by the design of the development and the proposed landscaping strategy, over time. However, from the outset for a significant period of time whilst construction occurs, and landscape impacts would be irreversible and permanent once the housing is completed and occupied, although they would reduce, but would still remain after year 15, when landscaping is established. This adverse visual impact and conflict with District Plan policy DES2, and BCANP policies ES1 and HD2, and the NPPF para 187 (b) will need to be considered as part of the proposals overall planning balance.

(v) Impact on heritage assets / Archaeology

Impact on above ground heritage assets:

District Plan Policy HA1 states that development proposals should preserve and where appropriate enhance the historic environment...proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal.

A Heritage Statement has been submitted with the application which identifies the only heritage asset potentially affected by the proposals to be the grade II* listed Holy Trinity Church, Throcking, located around 1km the west of the site. The LVIA considers that there would be partial intervisibility with the development. However, the setting of the church within the churchyard within a hamlet setting in Throcking would still be apparent. As such the proposals are assessed to result in less than substantial harm (at a low level) to this heritage asset.

As noted within the conservation / design officer comments, officers accept the conclusions of the Heritage Statement that there would be some less than substantial harm as a result of the proposals. This harm is assessed as part of the overall planning balance for the application at the end of this report. It is, by itself, outweighed by the public benefits of the scheme and so does not, of itself, provide a 'strong reason' for refusing the application.

Archaeology:

District Plan policy HA3 states that where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should submit an appropriate desk based assessment and, where necessary, the results of a field evaluation...where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.

A desk-based Archaeology Assessment has been submitted with the application, which noted that the site has moderate potential for prehistoric, iron age and Roman remains. As such further survey and evaluation of the site is recommended to establish if this is the case. HCC's Archaeology advisor advised that due to the size of the site it would have potential to impact upon archaeological remains and that in addition to the desk-based assessment, further geophysical surveys and archaeological trial trenches should be excavated. Geophysical surveys were subsequently submitted by the applicants, although trial trenching was not

undertaken as this was considered to be unduly onerous a requirement at the application stage. Officers consider that it would be possible to secure trial trenching through appropriately worded planning conditions, and it would be unreasonable to require this work at the application stage given the outcome of the application is unknown. As such subject to recommended conditions the proposals would accord with policy HA3.

(vi) Drainage

Policy WAT1 of the District Plan states that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people or property on site and to neighbouring land or further downstream. Policy WAT3 of the District Plan states that development proposals will be required to preserve or enhance the water environment.

Surface Water Drainage:

The submitted flood risk assessment identifies that the site predominantly slopes from west to east, down toward the A10, but with a further hill crest in the southern part of the site, resulting in this part of the site sloping down towards Baldock Road. Some west-east flow paths were evidenced across the site with drainage ditches at field margins. The proposed drainage strategy proposes that drainage patterns will mimic the existing patterns of drainage across the site. The northern and central parts of the site will drain to attenuation basins on the eastern side of the site, and will then be discharged to a drainage ditch, into a culvert beneath the A10 and from there into an existing ordinary watercourse on the east side of the A10. There are no suitable discharge points on the south side of the site and so surface water runoff is proposed to discharge into an existing public sewer which runs along Baldock Road. SUDs features such as swales are proposed to be incorporated into streets and green infrastructure corridors throughout the development to facilitate this strategy.

The submitted details have been reviewed by the LLFA who initially raised concerns around the extent of surface water flooding, the condition of drainage ditches and culverts, and confirmation that Thames Water will accept surface water runoff into the existing sewer. The applicants have submitted additional information to address these concerns, and an updated response from the LLFA has confirmed that their initial objection has been removed. Several conditions are recommended in the LLFA response with regard to submission of full drainage details for each phase as well as during construction, details of maintenance and management, and verification. Subject to these conditions officers consider that the surface water drainage proposals would adequately manage flood risk and would accord with policy WAT1.

Foul water drainage:

Foul water drainage from the proposed development will be discharged to existing public network and from there to existing Thames Water treatment facilities. Concerns are noted, including from Buntingford Town Council regarding capacity of wastewater treatment facilities to manage any increased demand. However, Thames Water have commented that they have no objection to the application proposals, subject to a planning condition to secure a phasing and infrastructure package with the applicants.

In addition, separate legislation requires that water companies such as Thames Water have a duty to accept connections from new developments to the wastewater drainage network, but water companies can require developers to make contributions to increase capacity if required. As such officers consider that there are no grounds for refusal of the planning application in relation to this issue.

(vii) Ecology / biodiversity

Policies NE1 and NE3 of the District Plan state that proposals should not result in detrimental impacts to biodiversity and should seek to enhance biodiversity and create opportunities for wildlife. Policy NE2 of the District Plan outlines that all proposals should achieve a net gain in biodiversity (BNG). The Environment Act 2021 requires that new developments achieve a minimum BNG of 10%.

The applicant's submitted Ecology Report states that the existing site baseline conditions comprise arable land of limited ecological value. The proposed development would retain most existing features of value such as trees and hedgerows. In addition, the proposals will include areas of open green space which provide new habitats, such as grassland, wetland, tree and shrub planting.

The HCC ecology team initially raised some queries with regard to the submitted information, in terms of the lack of protected species surveys, but have now confirmed that the submitted Ecology Report and BNG metric are supported, subject to planning conditions to secure a Landscape Environmental Management Plan (including biodiversity enhancements such as Skylark plots to mitigate loss of habitat). A standard BNG condition / or S106 head of term is also required to secure habitat mitigation to achieve the forecast a 11.22% BNG and 49.78% uplift in hedgerow units. As such the proposals would accord with policies NE1, NE2 and NE3 of the District Plan. Provision of a BNG of 11.22% is considered to form benefit of limited positive weight within the planning balance.

(viii) Sustainability

Policies CC1 and CC2 of the District Plan state that all proposals must demonstrate how the design, materials, construction, and operation of the development would minimise overheating, reduce the need for heating, integrate green infrastructure and minimise carbon dioxide emissions. Policy WAT4 of the District Plan states that development must minimise the use of mains water through water saving measures, the recycling of grey water, and reducing mains water consumption.

A sustainability statement has been submitted which states that the proposed dwellings will be designed to be capable of meeting forthcoming 'Future Homes' Building Regulations requirements. This includes regard to the energy hierarchy with measures in the first instance to reduce carbon emissions through building fabric measures such improved insulation and air tightness. In addition, Future Homes requirements are likely to include further measures such as all electric supply of heating and hot water through Air Source Heat Pumps, smart heating controls and incorporation of photovoltaic (PV) panels to some dwellings.

Given the above measures the proposals are considered to demonstrate an acceptable response to climate change and have been developed in accordance with sustainable design principles in accordance with the requirements of policy CC1 and CC2.

(ix) Socio economic impacts

A Health Impact Assessment (HIA) and an Economic Benefits Statement have been submitted with the application. The HIA considers that the proposals will have a positive health effect, through provision of new housing, healthcare facilities, and measures within the development to promote accessibility, active travel and access to nature.

The Economic Benefits Statement considers that during the construction phase the proposals would result in around 119 construction jobs in connection with the development with around 50% of these jobs taken by East Herts residents., with a further 86 jobs created in local supply

chains (a total of 205 jobs created by the development during the construction phase). Further jobs would be generated during the operational phase from the proposed uses on site within the local centre and school. There would be further economic benefits arising from spending benefiting businesses within the local centre as well as spending by future residents in the local economy, Council tax contributions and new homes bonus. The economic benefits of the proposals have been accorded moderate positive weight within the planning balance.

(x) Ground / air pollution

Noise:

Policy EQ2 states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Consideration should be given to the proximity of noise sensitive uses. A Noise report has been submitted with the application which states that the noise profile of the site is suitable to accommodate a residential led mixed use development.

Officers consider that some mitigation measures may be required for dwellings situated the closest to the A10, such as higher performing windows, with Mechanical Ventilation Heat Recovery (MVHR). However, it is considered that the application is capable of complying with policy EQ2 and providing an acceptable noise environment for future occupiers, subject to a condition requiring details of mitigation measures, as part of reserved matters submissions.

Air Quality:

Policy EQ4 states that the effect of development upon air quality is a material consideration. All applications should take account of the Council's Air Quality Planning Guidance Document.

The applicant's Air Quality Assessment considers the air quality impacts arising from the development. Construction phase air quality impacts such as dust from construction vehicles are identified. However, this issue is addressed by a condition requiring submission of construction and logistics management plans which can ensure measures reduce dust are implemented.

The occupiers of the development are not considered to be at risk of adverse air quality. In addition, the proposed buildings would be air quality neutral. Whilst there would be some adverse emissions from transport arising from the development, this will be mitigated by increasing use of electric vehicles. As such the proposals are considered to accord with policy EQ4.

Light pollution:

Policy EQ3 requires that external lighting schemes must not have an unacceptable adverse impact on neighbouring uses or the wider landscape. A lighting strategy has been submitted which considers that lighting can be provided with a neutral effect on amenity, highway safety or biodiversity. As such the proposals are considered to be in accordance with policy EQ3, subject to suitable conditions requiring lighting strategies across the site.

Ground contamination:

Policy EQ1 states that the remediation of contaminated land to ensure that land is brought back into use is encouraged. The Council will require evidence, as part of any application, to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact.

The ground contamination risk assessment submitted with the application considers that the ground conditions at the site would result in a low risk to human health and controlled waters as no potential sources of significant contamination were identified. A watching brief is recommended during construction phase, so that if contamination is discovered, appropriate

investigation and if required remediation is carried out. As such conditions are proposed requiring that appropriate investigation reports are undertaken for each phase. Subject to these conditions the proposals the proposals are considered to accord with policy EQ1.

(xi) S106 Planning Obligations

The proposals would require a number of financial contributions / heads of terms within a S106 agreement in order to mitigate impacts. In the absence of these contributions / mitigation the proposals would be contrary to a number of district plan policies:

HCC Growth and Infrastructure

- Education Contributions
- Childcare Contribution
- Contribution towards new Severe Learning Difficulty (SLD) special school places
- Library Service Contribution
- Youth Service Contribution
- Waste Service Transfer Station Contribution

HCC Transport

- Travel Plan;
- financial contribution with regard to bus improvements
- sustainable travel contribution
- S278 agreement with regard to off site highway works.

EHDC contributions

- Allotments contribution
- Buntingford Community Transport Scheme (BCAT) Contribution
- Community Centres & Village Hall contribution
- Fitness Gyms Contribution - financial contribution
- Studio Space Contribution
- Swimming Pool Contribution
- Outdoor Sport Contribution
- Recycling Receptacles per dwelling Contribution

NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development

Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Details of longer-term stewardship, maintenance and managements
- Retention and maintenance of significant on site BNG mitigation areas for 30 year period

S106 Monitoring fees

- EHDC Monitoring fee and HCC Monitoring fees

(xii) Equality Considerations

Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic, and local) and any relevant

supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out above.

One factor which weighs against the development from an inclusive/accessible design perspective relates to the provision of the pedestrian bridge over the A10 to the northern PROW which in outline form, is not designed to support use for all user groups. This could have adverse implications on groups of people with the following protected characteristics; mobility/disability, age (elderly) and maternity. Notwithstanding this, inclusive access is provided on the southern PROW.

The detailed design of all buildings and uses within the development can be considered in detail in respect of the impact on individuals or groups with protected characteristics under the Equality Act, at reserved matters and/or conditional stage. There is adequate detail at this outline stage to consider the implications with the main concerns being in regard to the pedestrian bridge and its non-inclusive outline design.

Other relevant issues, including the adopted Supplementary Planning Guidance (Affordable Housing and S106 Agreements/Planning Obligations) policy considerations are referred to in the 'Considerations' section above.

(xiii) Planning Balance and Conclusion

The report provides a comprehensive officer consideration of the Outline planning application and its supporting documentation, including the further/additional information submitted and any representations received. The report has considered the proposals in light of the adopted development plan policies and other material considerations or representations relevant to the environmental effects of the proposals.

In addition, regard needs to be given to the 'tilted balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision-making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means: (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: i. 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 ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF explains that, due to the lack of a five-year housing land supply, the policies relating to the provision of housing should be viewed as out-of-date.

In terms of paragraph 11(d)(i), the NPPF defines 'areas or assets of particular importance' as: habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of these listed areas or assets would be adversely impacted by the development. The limited heritage harm would be outweighed, taken by itself, by the benefits of the scheme.

Paragraph 11(d)(ii) requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

As noted above the proposed scheme would give rise to public benefits, which range from limited to significant. When taken cumulatively, the proposals would attract very significant positive weight in favour of the granting planning permission for the outline development. However, the proposals would also give rise to several major adverse impacts addressed earlier in this report. The proposals are in conflict with development plan policies as outlined in the report and would not comply with the Development Plan as a whole. These adverse impacts range from limited to substantial and cumulatively attract substantial adverse weight. Both these positive and negative impacts are set out in the table below. Planning considerations not listed in the table below are of neutral value:

Planning issue	Positive weight
Provision of around 600 new dwellings contributing towards the Councils 5YHLS. (Hallam considers that circa 150-250 dwellings are deliverable in 5 years from this site).	Very significant positive weight
40% of new dwellings to be affordable (25% Affordable ownership / 75% rent)	Very significant positive weight
Provision of Self/Custom Build Housing plots	Significant positive weight
Provision of new community facilities (school, other community uses in local centre)	Significant positive weight
Provision of new green / open space to meet the needs of the development	Limited positive weight
Provision of new green / open space including Country Park to meet wider need in Buntingford	Significant positive weight
Biodiversity Net Gain of 11.22%	Limited positive weight
Provision of sports pitches (cricket pitch, 2x football pitches, MUGA) and associated pavilion to meet wider need in Buntingford	Significant positive weight
Financial contributions towards bus services and sustainable transport initiatives in the town, of benefit to the wider community	Moderate positive weight
Economic benefits of new employment during construction / operational phases and increased local expenditure from local residents.	Moderate positive weight
Planning Issue	Negative Weight
Conflict with development plan strategy, as proposals comprise large scale development in the Rural Area Beyond the Greenbelt.	Significant negative weight.
Conflict with HCC Transport sustainability policies, physically isolated site location, severed from the rest of Buntingford, resulting in increased number of vehicle trips / pressure on highway network.	Substantial negative weight
Loss of agricultural land (grade II BMV)	Limited negative weight.
Adverse landscape visual impact and harm to landscape character	Significant negative weight, reducing by year 15.
Less than substantial harm (low level) to the setting of Holly Trinity Church (Grade II*)	Limited negative weight.

Given the above assessment officers consider that public benefits of the proposal - principally in terms of delivery of new housing, affordable housing, custom and self-build housing, local centre, a first school, open space and a playing pitches - are significant. However substantial concerns remain that the proposals would remain physically isolated and severed from the rest of Buntingford, by the A10, which forms a substantial physical barrier to active travel and sustainable movement. The A10 also forms a strong urban feature which defines the town of Buntingford to the east in contrast to the rural landscape to the west. The effective settlement limit (defined by the A10) would be breached were this development built out. The lack of integration with Buntingford would be likely result in a car dominant form of development that would not be sustainable. The NPPF states that the purpose of the planning system is to achieve sustainable development, and given the isolated location of the site, the proposals are not considered to deliver a sustainable form of development. As such the harms of the proposals are considered significantly and demonstrably outweigh the benefits.

Officers have carefully weighted the benefits and adverse impacts for this development, on the basis of the merits of the application whilst acknowledging the recent Appeal decisions and the approaches undertaken by Inspectors in other appeals in Buntingford. Of particular significance is the weight applied to the District Plan and the most relevant policies DPS1, DPS2, GBR2, TRA1, DES1, DES2 and DES3. However, these policies are also relevant with regard to delivering sustainable development in appropriate locations, which is of primary importance within the NPPF as noted in paragraphs 7, 110 and 115. As such the overriding importance with regard to sustainability within the NPPF means that substantial weight is accorded to this issue as part of the decision-making process, even though the policies are out of date.

Inspectors dealing with other sites in Buntingford considered East Herts to have less than 5 years supply of housing and noted that the District Plan is over 5 years old. Therefore, reduced weight has been applied to some development plan policies in the Appeal decisions. Moderate weight (to the policy conflicts with GBR2 and DPS2) was afforded in the Land East of A10 Appeal. Whilst officers acknowledge the weight given to these policies cannot be given full or substantial weight in the decision making process, Officers consider it is justified to accord significant weight to the breach of these policies here, for the reasons set out in this report in respect of the locational and landscape impact. They consider that the scale, form and isolation of the development would amount to substantial harm overall and would represent a significant conflict with the Development Plan. Officers consider that the proposals will result in significant adverse landscape impacts (in Year 1) but this could reduce by year 15 following the landscaping assimilating with the context over time. However, when considered alongside the fundamental conflict with the Development Plan due to the concerns over the unsuitability of the location and absence of sustainable and inclusive travel modes being identified to support the development, the proposals do not constitute a sustainable form of development and these matters combine to form substantial adverse weight which is considered to outweigh the benefits of the proposals.

As such overall, it is considered the substantial harm arising from the proposals would significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal for the following reasons:

Reason(s) for Refusal:

- 1) *Due to its siting, the proposals would be isolated and physically severed from the rest of Buntingford by the A10, with poor quality active travel connections to services within the town. As such the proposals are likely to be car dependent and result in increased vehicle trips and pressure upon the highway network. 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 fail to provide a genuine choice of alternative travel modes and would not amount to sustainable development (in accordance with the NPPF) and would result in a form of development outside of the settlement boundary that amounts to a significant conflict with the Development Strategy within the District Plan and objectives of the Buntingford Community Area Neighbourhood Plan. The proposal would be contrary to Policies DPS2 and TRA1 of the East Herts District Plan (2018), policy HD1 of the Buntingford Community Area Neighbourhood Plan and paragraphs 110 and 115 National Planning Policy Framework.

- 2) The proposals by reason of scale, form, visual impact and siting on the west side of the A10 outside of the Buntingford Settlement Boundary, would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007). The development would also fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape. As such the proposals comprise a substantial urban extension outside of and adjacent to Buntingford which encroaches into the rural area beyond the Green Belt. The development would therefore result in significant harm to the rural landscape character and would fail to recognise the intrinsic character and beauty of the countryside, conflicting with Policies GBR2 and DES2 of the District Plan (2018), Policies ES1 and HD2 of the Buntingford Community Neighbourhood Plan (2017) and paragraph 187(b) of the National Planning policy Framework.
- 3) The harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new housing and other public infrastructure, having regard to NPPF paragraph 11d. As such the proposals fail to constitute sustainable development and would therefore conflict with the National Planning Policy Framework and Policies INT1, DPS2, GBR2, TRA1 and TRA2 of the District Plan (2018) and Policies BE2, ES1, HD1 and HD2 of the Buntingford Community Neighbourhood Plan (2017).
- 4) In the absence of a completed legal agreement the application fails to secure appropriate financial contributions to infrastructure to off-set the impact of the development on local infrastructure or to provide any affordable housing, custom/self-build housing, or active travel provisions and public transport improvements. As such the proposal is contrary to policies TRA1, DPS4, DEL1, DEL2, HOU3, CFLR1, CFLR7, CFLR9 and CFLR10 of the East Herts District Plan 2018, policies of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

Plans

Appendix 1 Originally submitted plans / Supporting documents

Name	Reference	Date
Plans		
Location Plan	HLM082/021 RevB	10.05.24
Land Use Components Plan (superseded)	HLM082/018 RevH	10.05.24
Supporting Documents		

Ecological Impact Assessment by CSA Environmental	CSA6755/02 RevB	15.05.24
Economic Benefit Statement by Marrons	900011.121.SM	March 2024
Flood Risk Assessment and Drainage Strategy by Jubb	23161-FRADS(N)01-V5	15.05.24
Transport Assessment by Jubb	23161-TA-01	May 2024
Framework Travel Plan by Jubb	23161-TP-01-V4	May 2024
Heritage Statement by Orion		May 2024
Landscape and Visual Impact Assessment by Stantec	332511087 Land North of A507 Buntingford revA	20.03.24
Lighting Impact Assessment by WLC Lighting Design	WLC990-NA507-LA001 Rev2	May 2024
Noise Impact Assessment by inAcoustic	23-325-N Version 5	13/05/24
Planning Statement Including Affordable Housing Statement by Marrons	900011.88	May 2024
Statement of Community Involvement by Meeting Place		May 2024
Sustainable Construction Energy and Water Statement by Turley	Rev D	May 2024
Utilities Assessment	2361-UTIL(N)-01 Version 5	May 2024
Health Impact Assessment by Marrons		
Statutory BNG calculation		16.05.24
Agricultural Land Classification by Wardell Armstrong	12665-001 V3	May 2024
Air Quality Assessment by Air Pollution Services	APS-P1207A-A1 Rev6	13.05.24
Arboricultural Impact Assessment by Barton Hyett Associates	5798 RevC	14.05.24
Archaeological Desk Based Assessment by Orion	PN4006/DBA/4	May 2024
Phase 1 Desk Study Report by Jubb	23161-JCE-XX-XX-RP-GE-001RevP4	15.5.24
Biodiversity Net Gain Assessment Design Stage by CSA Environmental	CSA/6755/03 RevB	16.05.25
East Hertfordshire Housing Need Evidence Base Review by Marrons		March 2024
East Herts 5YHLS statement by Emery Planning		30.04.24

Design and Access Statement by David Lock Associates		May 2024
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Appendix 2 Additional plans / Supporting documents now listed for decision

Name	Reference	Date
Revised plans for approval		
Building Heights Parameter Plan	HLM082/036 RevC	27.05.25
Land Use Components Plan	HLM082/018 RevR	27.05.25
Residential Density Plan	HLM082/037 RevD	27.05.25
Active Travel Connection to Buntingford Centre	23161 SK 003 P4	
Forward Visibility Plan	23161 SK 023 P8	22.8.25
Baldock Road roundabout northern access	23161 SK 029 P3	22.8.25
Proposed widening of PROW36	23161 SK 034 P2	22.8.25
Design Principles Document by David Lock Associates		May 2025
Tree Retention and removal plan (within Barton Hyett AIA)	BHA_5798A_02	27.05.25
Supporting documents		
Illustrative masterplan	HLM082/029 RevB	27.05.25
Arboriculture Impact Assessment by Barton Hyett Associates		June 2025
Landscape and visual impact Assessment Addendum by Stantec	RevA	27.5.25
Phase 1 Desk Study Report by Jubb	23161-JCE-XX-XX-RP-GE-001RevP4	15.5.24
Planning Statement Addendum by Marrons	900011.88	May 2025
Sustainability Statement by Marrons	900011.88	May 2025
Transport Technical Note by Jubb	23161 TN11	June 2025
Biodiversity Net Gain Assessment Design Stage by CSA Environmental	CSA/6755/03 RevF	30.05.25
Biodiversity Metric Calculation Tool		22.05.25
Illustrative Sports Pitch Layout	HLM082-035 RevC	May 2025
Ecological Impact Assessment by CSA Environmental	CSA/6755/02 RevE	21.02.25
Drainage Technical Note	01 Version 1	25.07.2024

Archaeology Geophysical Overlay Plan		
Archaeological Geophysical Report by Headland Archaeology	2024-124	December 2024
Design and Access Statement Addendum by David Lock Associates		May 2025

Recommending Officer and Date

Steve Fraser-Lim
21st October 2025

Authorising Officer and date:

Neil Button
24th October 2025



B

Application Ref: 3/24/1255/OUT

Mr Reiss Sadler
Marrons
Bridgeway House
Bridgeway
Stratford-upon-Avon
CV37 6YX

Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

Outline planning application for development of employment land (flexible use B2, B8, E(c) and E(g)), informal open space, associated works and infrastructure including a new access from A507, with all matters reserved except for access. Land South Of A507, West Of A10 Buntingford

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

Refuse Outline Permission

For the development proposed in your application received 4th July 2024 and registered on 11th July 2024 and shown on the submitted plans.

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

1. Due to its siting and location, the proposals would be isolated and physically severed from the rest of Buntingford by the A10, with poor quality and unsafe active travel connections to the town. The provision of a signal-controlled crossing, at grade, located on the A10 in close proximity to the Baldock Road (A507/A10) roundabout due to its current road geometry, the characteristics of the traffic flows and unpredictable operation (of signalling) would create an unsafe environment for pedestrians, cyclists and other highways users. As such the proposals represent an unsustainable and unsafe form of development and would not be acceptable in highway safety terms. The proposals would not provide a genuine choice of alternative travel modes, would not ensure that safe and suitable access can be achieved for all users and would not amount to sustainable development (in accordance with the NPPF). The development would also result in a form of development outside of the settlement boundary, which in addition to the above harm identified, amounts to a significant conflict with the Development Strategy within the District Plan and objectives of the Buntingford Community Area Neighbourhood Plan. The proposal would be contrary to Policies DPS2, ED1, TRA1 and TRA2 of the East Herts District Plan (2018), policy BE2 of the Buntingford Community Area Neighbourhood Plan, policies 1 (The Transport Users Hierarchy) and 5 (Development Management) of the Hertfordshire County Council Local Transport Plan 4 (May 2018)), and paragraphs 110 and 115 National Planning Policy Framework).

2. The proposals by reason of scale, form, visual impact and siting on the west side of the A10 outside of the Buntingford Settlement Boundary, would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007). The development would also fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape. As such the proposals comprise a substantial urban extension outside of and adjacent to Buntingford which encroaches into the rural area beyond the Green Belt. The development would therefore result in significant harm to the rural landscape character and would fail to recognise the intrinsic character and beauty of the countryside, conflicting with Policies GBR2 and DES2 of the District Plan (2018), Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017) and paragraph 187(b) of the National Planning policy Framework.
3. The proposed development results in a conflict with Policies BUNT3, INT1, DPS2, GBR2, DES2, ED1, TRA1 and TRA2 of the District Plan (2018) and Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017). Thus, the proposals fail to comply with the Development Plan as a whole. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new employment floorspace and other public infrastructure, having regard to NPPF paragraph 11d, which forms another material consideration. As such, the proposals fail to constitute sustainable development and would therefore conflict with the National Planning Policy Framework. The application of the tilted balance does not constitute a further material consideration which indicate a decision should be made otherwise than in accordance with the Development Plan.

This Decision Relates to Plan Numbers:

Plan Ref	Version	Received
HLM082/020	C	4th July 2024
HLM082/019	G	10th June 2025
HLM082/038		10th June 2025

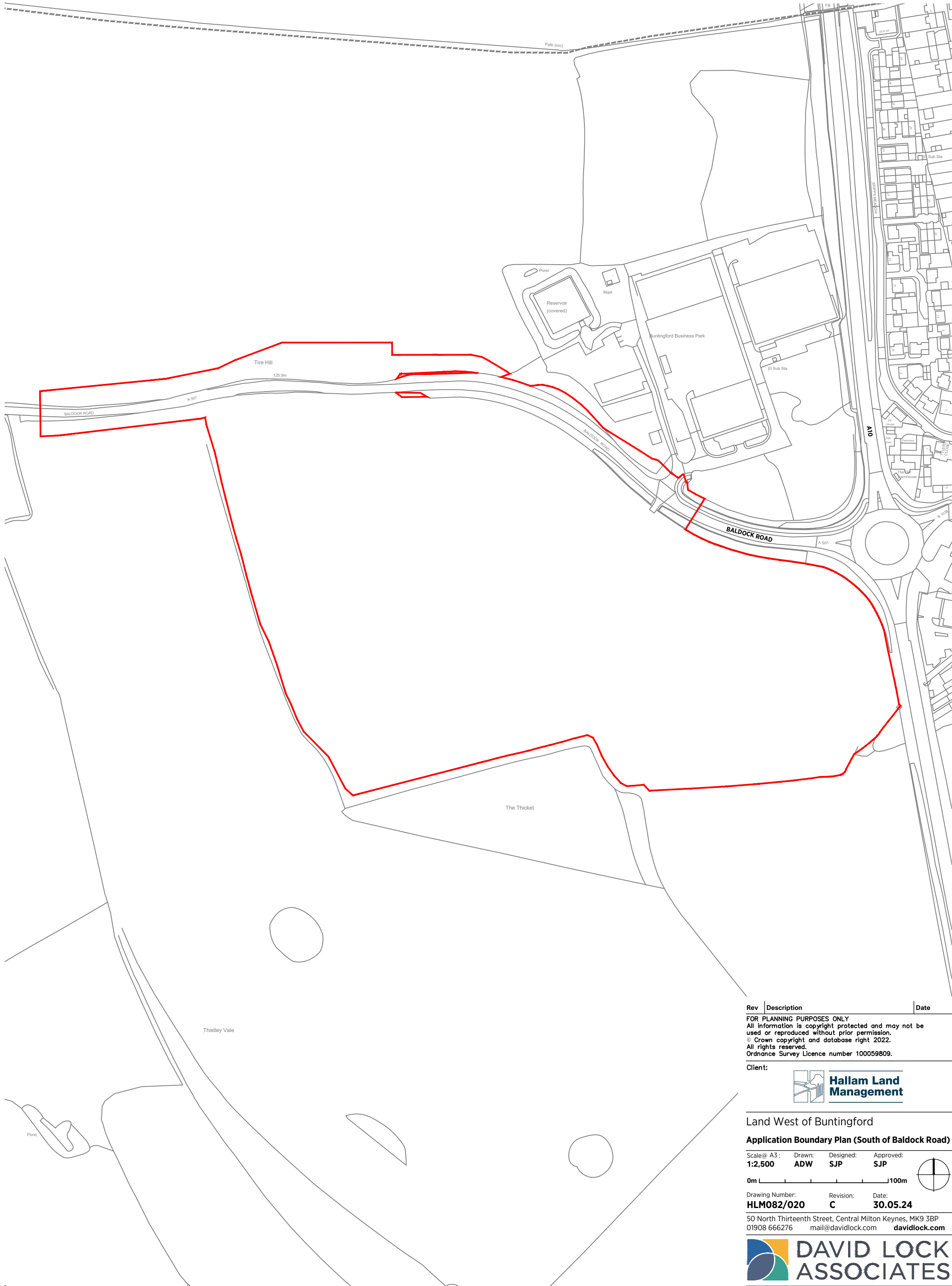
On Behalf Of Development Management

Dated: 6th May 2026



Signed:
Head of Planning and Building Control

We are interested in your feedback. Please complete the survey by clicking here [SURVEY](#)



Rev	Description	Date
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Client:



Hallam Land Management

Land West of Buntingford

Application Boundary Plan (South of Baldock Road)

Scale@ A3:
1:2,500

Drawn:
ADW

Designed:
SJP

Approved:
SJP

0m L

100m

Drawing Number:
HLM082/020

Revision:
C

Date:
30.05.24

50 North Thirteenth Street, Central Milton Keynes, MK9 3BP
01908 666276

mail@davidlock.com

davidlock.com

C

From: Steve Fraser-Lim <Fraser-Lim.Steve@eastherts.gov.uk>
Sent: 05 June 2026 15:53
To: Reiss Sadler <Reiss.Sadler@marrons.co.uk>; Development Management - Planning Tech <Planning.Tech@eastherts.gov.uk>; Max Morgan <Max.Morgan@marrons.co.uk>
Cc: Gary Stephens <Gary.Stephens@marrons.co.uk>; Neil Button <Neil.Button@eastherts.gov.uk>
Subject: Re: 6008238 - Land North of A507, West of A10, Buntingford, Buntingford, SG9 9ER

Dear Reiss

Thanks for your email. The draft Statements of Common Ground are nearly ready and will be sent over by the end of the day. The Council has been reviewing its position in light of this appeal and the subsequent decision to refuse to grant planning permission at land south of the A507 (which is now the subject of an appeal that has yet to be started).

You will be aware that the Highway Authority raised highway safety concerns relating to the toucan crossing proposals in the application the subject of this appeal and that the Council has refused permission in respect of your application south of the A507 on *inter alia* highway safety grounds relating to the same toucan crossing.

Reason for refusal 3 (of the northern appeal scheme) refers to Policy TRA2 in respect of the harms (in application of the tilted balance) but the reasons do not explicitly refer to matters of highway safety.

Given the evolving position regarding the toucan crossing and the position of the Highway Authority (on this appeal scheme and the southern land site) the Council will, as part of their case at this appeal, invite the Inspector to refuse planning permission and dismiss this appeal on highway safety grounds relating to the safety of the proposed toucan crossing arrangements.

Further detail will be set out in the Statement of Case which is in the final stages of being completed.

Regards,



Steve Fraser-Lim
Principal Planner
Development Management
East Herts District Council
Tel: 01992 531571
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