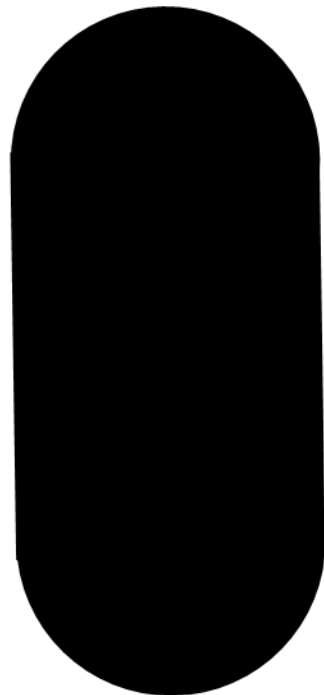




Planning Appeal in respect of Land North of A507,
West of A10, Buntingford

Planning Proof of Evidence of Gary Stephens on behalf of the
Appellant (Hallam Land Management Limited)

Application Reference: 3/24/0966/OUT
Planning Inspectorate Reference: 6008238





CONTENTS

		Page No
	Summary	2
1	Qualifications and Experience	4
2	Introduction	5
3.	Assessment against the Main Issues	8
4.	Response to Other Issues Raised	22
5.	Planning Balance and Conclusions	26
Appendix 1	DEFRA Predictive Agricultural Land Classification Map for England	40



SUMMARY

This Proof of Evidence sets out the case for planning permission for residential development and associated uses on land North of A507, West of A10, Buntingford. The Local Planning Authority refused the application for reasons relating to the Site's proposed active and sustainable travel connections with the town, its perceived unacceptable harm to landscape character, that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, and the absence of a completed legal agreement. Subsequently, the Council's Statement of Case introduced a highway safety objection.

It is common ground with the Council that it cannot demonstrate a five year supply of deliverable housing sites. Accordingly, the presumption in favour of sustainable development and Paragraph 11(d) of the Framework is engaged. The policies of the development plan most important for determining the appeal are therefore out-of-date.

The benefits of granting permission are significant. These comprise the provision of new homes (substantial positive weight); provision of affordable housing (substantial positive weight); provision of elderly accommodation (substantial positive weight); provision of self-build/custom build housing plots (substantial positive weight); provision of community facilities within a local centre (significant positive weight); provision of land for a two form entry First School to meet the needs of the development and wider needs of the town (significant positive weight); provision of a Country Park to meet the needs of the development and wider needs of the town (significant positive weight); provision of sports pitches and pavilion to meet the needs of the development and wider needs of the town (significant positive weight); provision of a minimum 10% on-site biodiversity net gain (limited to moderate positive weight); landscaping enhancements (moderate positive weight); the provision of sustainable drainage systems (limited positive weight); provision of active and sustainable travel improvements (moderate positive weight); and economic benefits (moderate positive weight).

There will be adverse impacts from the granting of planning permission. The conflict with the Spatial Strategy to which I attribute limited weight; the loss of agricultural land to which I attribute limited weight; less than substantial harm to the setting of a Grade II* building,



to which I give limited weight; and harm to the landscape character of the area to which I attribute moderate weight.

In conclusion, having regard to my weighting above, the adverse impacts would not significantly and demonstrably outweigh the benefits.

Having particular regard to the key policies referenced in paragraph 11 (d) ii., the Appeal Site is a sustainable location to direct development given its proximity to existing services, facilities and employment opportunities within the town of Buntingford and the opportunities for residents to use active and sustainable travel, in addition to the provision of services and facilities as part of the Appeal Scheme; the proposed development makes effective use of the land as evidenced by the proposed density; the ability to secure well-designed places can be achieved at reserved matters stage guided by the Design Principles; and the proposed development will make an important contribution of 264 affordable homes towards the local need as evidenced.

It is on this basis that I respectfully request that the Appeal be allowed, and planning permission granted.



1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Gary Stephens. I am a Partner at Marrons, based in the Stratford-on-Avon office. I am instructed to present planning evidence to this Appeal by the Appellant.
- 1.2 I hold a Bachelor of Arts degree in Countryside Planning, with a subsequent Master of Arts Degree in Town and Country Planning from the University of West of England. I am a chartered Member of the Royal Town Planning Institute (RTPI).
- 1.3 I have over 28 years' experience of working in town planning both in local government (forward planning and development management) and the private sector. Prior to my employment by Marrons in 2013, I was Development Manager at Warwick District Council overseeing teams dealing with planning applications, planning appeals and the preparation of the Council's Local Plan. This included acting as a case officer in the determination of applications for major development.
- 1.4 In my current role, I act for a number of developers in preparing applications for planning permission for a variety of uses. In addition, I have represented housebuilders, landowners and local authorities at planning appeals. During my career, I have therefore given evidence at a number of Section 78 and Local Plan Inquiries, and Examinations on housing and related issues.
- 1.5 I am familiar with the Appeal Scheme, development plan policies and the key material considerations affecting the Appeal's determination. I first became involved with the Appeal Site in 2021, and have been involved in progressing the Appeal Scheme through the pre-application process and through application submission. I have also been involved in making representations to the Local Plan and Neighbourhood Plan consultations.
- 1.6 The evidence set out in this proof of evidence is true and has been prepared in accordance with the guidance of my professional institute, the RTPI. The opinions expressed are my true and professional opinions.



2. INTRODUCTION

- 2.1 This Proof of Evidence sets out my view as to why planning permission should be granted for the following description of development (the Appeal Scheme). Minor amendments to the description were discussed at the CMC and are agreed within a revised Statement of Common Ground (revised July 2026 and CD15.1) and are reflected in the description below.

Outline planning application for development of up to 600 dwellings (C3), up to 60 units of 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 bridges over the A10, with all matters reserved save for access.

- 2.2 The planning application was refused by the Council in a Decision Notice dated 24th October 2025 (see CD6.1). The reasons for refusal are as follows:

REASON 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.

REASON FOR REFUSAL 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.

REASON FOR REFUSAL 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 11 (d). 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).

REASON FOR REFUSAL 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.

2.3 Further, the Council's Statement of Case (CD6.3) introduced a highway safety objection.

2.4 My proof of evidence is structured as follows:

- Section 3 provides an assessment of the Appeal Scheme against the main issues/substantive technical reasons for refusal (related to transport and landscape):
- Section 4 responds to other issues raised in other representations:
- Section 5 provides my overall conclusions and opinion on the planning balance for the determination of this appeal.



3. ASSESSMENT AGAINST THE MAIN ISSUES

The Development Plan

- 3.1 In addressing the main issues, it is necessary to first consider the age and status of the development plan (both existing and emerging), five year housing land supply, and as a consequence the weight to be given to the policies which are most important for determining the appeal.
- 3.2 The existing adopted development plan comprises the East Herts District Plan (EHDP) (CD5.1) approved in October 2018 and covering the Plan period 2011-2033, and the Buntingford Community Area Neighbourhood Plan (BCANP) (CD5.2) made in late 2017 and covering the Plan period 2014-2031. The Buntingford Community Area extends to include the town of Buntingford, along with surrounding parishes. The Development Plan is therefore nearly 8 and 9 years old respectively.
- 3.3 The Framework Paragraph 34 requires local plans to be reviewed at least once every 5 years. In October 2023 (the 5th anniversary of the Local Plan), the Council reviewed the Local Plan and determined it needed updating, and that work commence in 2023/24 on gathering evidence and a 'call for sites' (see Committee Report at CD5.18). There were a number of reasons given for the decision as set out in paragraph 3.31 of the report, including the significant change (33%) in local housing need (839 to 1,112 dwellings per annum), the potential requirement to identify new sites to ensure the Council can demonstrate a five year housing land supply, and the ongoing requirement to address affordable housing targets (noted elsewhere in the report these had increased from 217 to 315 dwellings per annum).
- 3.4 Paragraph 3.36 therefore identified the need to proactively commence work on updating the evidence base so that the Council would be in a strong position to commence formal stages at the earliest opportunity from Autumn 2024. The risk of not undertaking an update of the Local Plan were highlighted in paragraph 5.4 with reference to not being able to demonstrate a five year housing land supply, losing control of planning decisions, and increasing



likelihood of speculative applications.

- 3.5 The Council did undertake a 'call for sites' in Summer 2024 and the Appeal Site was submitted by the Appellant. No assessment of the sites submitted has been published since that date. The Council have gathered and published evidence on open space (2025/2026) and employment land (2025/2026). But no further evidence has been published and the Council have indicated on its website in June 2026 that a suite of evidence documents is being prepared. Further, no formal stages of consultation were undertaken in 2024 or 2025.
- 3.6 In June 2026, the Council gave notice of its intention to commence preparation of the East Herts Local Plan (2029-2044) (see CD5.19). The Council hopes to commence plan-making after passing the Gateway 1 Self-Assessment on October 15th 2026. The indicative timetable can be found at CD5.20, and the Council hope to adopt the Local Plan in April 2029. No weight can be attached to this Plan as agreed with the Council in the Statement of Common Ground.
- 3.7 The Council acknowledge at paragraph 3.6 of CD5.21 that the timetable is indicative and may be affected by a range of factors outside the Council's control, for example it is not possible at the outset to predict either the volume or nature of representations received during consultation stages. Paragraph 3.7 explains that East Hertfordshire is undergoing local government reorganisation and this may affect the programme for plan preparation.
- 3.8 In the three years therefore since deciding it needed to update its Local Plan on the basis of a significant change in local housing need, it has made little progress and has yet to formally commence plan-making. Furthermore, it will not have an adopted Local Plan until at least April 2029 with a great deal of uncertainty as to whether that date would be met. There has been a failure in plan making in East Hertfordshire and the absence of an up-to-date local plan at least for the period 2023 to 2029 is a significant material consideration in determining this appeal.



Five Year Housing Land Supply

- 3.9 The Council cannot demonstrate a five year supply of deliverable housing sites as agreed in the Five Year Housing Land Supply Statement of Common Ground (CD15.2). The Council have been unable to demonstrate a five year supply since at least December 2022 (see Appeal References 3303408, 3303413 and 3288702 at CD7.17, which found 4.41 years supply), with persistent under delivery against even the historic lower Local Plan requirement of 839 dwellings per annum (see Table 4.5 of Ben Pycroft's evidence) and a supply now down to between 2.21 and 2.88 years, and is unlikely to have a five year supply until adoption of its Local Plan which will not be until April 2029 at the earliest (and assuming the Council are able to demonstrate a five year supply on adoption). The length of time for which the Council has been and will be unable to demonstrate a five year supply, coupled with the absence of plan-making during this period is a significant material consideration in determining this appeal.

Important Policies and Weight

- 3.10 As the presumption in favour of sustainable development and Paragraph 11. (d) of the Framework is engaged, it is necessary to consider what are the policies most important for determining the appeal which are out-of-date and what weight should be given to them.
- 3.11 The weight given to the policies of the Development Plan must have regard to inter alia their consistency with the Framework paragraph 232. Further, having regard to the judgement in *Hallam Land Management v SSCLG*, weight must also be considered in light of the nature of the restrictive policies, the interests they are intended to protect, whether they find support in policies of the Framework, and the implications of them being breached.
- 3.12 Policy DPS2: The Development Strategy 2011-2033 of the EHDP (cited in reason for refusal 1 related to active travel) establishes a housing requirement for the Plan period and a hierarchy that determines where new housing development will be permitted. It limits development to specific sites, and in



the context of this appeal, precludes development outside of the urban area of Buntingford. Aligned with the strategy and requirements of DPS2, Policy GBR2 Rural Area Beyond the Green Belt (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) limits development outside of the urban area to specific types of development that excludes new housing (save for rural exception sites).

- 3.13 These are important policies for determining this appeal, and are deemed to be out-of-date as a consequence of paragraph 11. (d) of the Framework. Policy DPS2 only establishes a housing requirement for the District to April 2033 (less than 7 years), which is in a Plan now over five years old (adopted in 2018), and superseded by the local housing need using the standard method set out in national guidance. The policy therefore conflicts with the Framework in failing to provide sufficient homes to meet local housing need. This policy is therefore of limited weight in the determination of this appeal.
- 3.14 Similarly, Policy GBR2 limits development based upon a housing requirement for the District which is in a Plan now over five years old, and superseded by the local housing need using the standard method set out in national guidance. The policy therefore conflicts with the Framework in failing to provide sufficient homes to meet local housing need. This policy is therefore of limited weight in the determination of this appeal.
- 3.15 Moreover, given the scale of the shortfall in housing land supply below five years (2.21 to 2.88 years as agreed in CD11.2 which equates to 3,463 to 2,721 to dwellings), there is an inevitability that Policies DPS2 and GBR2 will need to be breached in order for the Council to be able to demonstrate and maintain a five year supply of deliverable sites. The Council's settlement boundaries are tightly constrained and the opportunities for windfall developments on previously developed land within the urban areas are not of sufficient scale to address the shortfall (75 dwellings per annum) (see paragraph 3.3.10 3. of the Local Plan at CD5.1).
- 3.16 Further, opportunities to address this shortfall in supply outside of the settlement boundaries are limited. Approximately the southern third of the



District is Green Belt (see paragraph 2.2.3 and Appendix A Key Diagram of the Local Plan at CD5.1) and it is a valued resource for many residents in East Herts (see paragraph 3.3.14 of the Local Plan at CD5.1). The Government attaches great importance to Green Belts and their fundamental aim is to prevent urban sprawl by keeping land permanently open as reflected in national policy (Section 13 of the Framework). The Council is therefore very unlikely to address this shortfall in supply through granting permissions for housing on a third of its District outside of settlement boundaries on Green Belt land given the strength of national and local policy.

- 3.17 Further still, the opportunities available to address the shortfall in supply outside of the settlement boundaries and outside of the Green Belt (the remaining two thirds of the District) are limited by the absence of urban areas. Buntingford is the only urban area not surrounded by Green Belt in the District (see Key Diagram) and therefore the only location that is capable of accommodating housing development where the need to travel is limited and where there is a genuine choice of transport modes.
- 3.18 In this context, land surrounding Buntingford represents the location that can best address the shortfall in housing land supply without compromising the District's valued Green Belt resource and without resulting in unsustainable patterns of development. Further still, having regard to the evidence of Natasha Jones on landscape for the Appellant (see paragraph 5.6.1), save for the Appeal Site there is little remaining undeveloped land around Buntingford that would face into the Rib Valley Landscape cell. Built form in areas outside of the landscape cell, would have greater effect on the landscape beyond.
- 3.19 Policy HD1 of the BCANP (cited in reason for refusal 1 related to active travel and 3 related to the planning balance) was prepared in the context of the emerging EHDP and limits new housing development outside of the settlement boundary to small scale infill development, rural exception sites, and housing that requires a countryside location.
- 3.20 As above, this is an important policy for determining this appeal and it is
-



common ground with the Council that it is out-of-date (see paragraph 6.17). Policy HD1 limits development based upon a housing requirement for the District which is in a Plan now over five years old, and superseded by the local housing need using the standard method set out in national guidance. The policy therefore also conflicts with the Framework in failing to provide sufficient homes to meet local housing need. This policy is therefore of limited weight in the determination of this appeal.

- 3.21 As above, it is inevitable that in order to best address the shortfall in housing land supply, Policy HD1 will be breached.

- 3.22 The Council's reasons for refusal also cite conflict with other policies of the Development Plan which are therefore considered by the Council important policies in the determination of this appeal.

- 3.23 Policy TRA1: Sustainable Transport of the EHDP (cited in reason for refusal 1 related to active travel, 3 related to the planning balance, and 4 related to infrastructure) establishes non site specific and general requirements in relation to accessibility improvements and promoting sustainable transport. Policy TRA1 is not consistent with the Framework as it does not recognise that sustainable transport modes include ultra low and zero emission vehicles as defined in the Glossary to the Framework. For example, criteria (d) requires layouts to prioritise the provision of modes of transport other than the car. Accordingly, the policy is considered of limited weight.

- 3.24 Policy TRA2 (cited in reason for refusal 3 related to the planning balance) establishes general requirements related to highway access and measures designed to mitigate trip generation. These general requirements are broadly consistent with the Framework and therefore of full weight.

- 3.25 Policy DES2 Landscape Character (cited in reason for refusal 2 related to landscape) of the EHDP establishes non site-specific and general requirements in relation to landscape design. The purpose of this policy is to ensure that landscape features are conserved and enhanced and that appropriate mitigation will be taken into account when considering the effect



of development on landscape character. Policy HD2 of the BCANP (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) has similar provisions with reference to the Buntingford Community Area. Policy ES1 of the BCANP (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) requires development to be appropriate to and maintain the Rib Valley setting of the BCA. These general requirements are broadly consistent with the Framework and therefore of full weight.

- 3.26 Policy INT1 Presumption in favour of sustainable development (cited in reason for refusal 3 related to the planning balance) of the EHDP reiterates national planning policy as set out in paragraph 14 of the 2012 Framework. The wording of the presumption in favour of sustainable development has since been amended in the 2023 version, and accordingly Policy INT1 is not consistent with the Framework and of limited weight in the determination of this appeal.
- 3.27 Policy BE2 of the BCANP establishes requirements for the development and expansion of existing industrial sites. This policy is not relevant to the Appeal Proposal, as confirmed in the agreed Statement of Common Ground.
- 3.28 Reason for refusal 4 alleges a number of policies are breached in respect of the absence of a Section 106 Agreement, namely Policy DPS4 Infrastructure Requirements, DEL1 Infrastructure and Service Delivery, DEL2 Planning Obligations, HOU3 Affordable Housing, CFLR1 Open Space, Sport and Recreation, CFLR7 Community Facilities, CFLR9 Health and Wellbeing and CFLR10 Education of the EHDP. These general requirements related to infrastructure and affordable housing are broadly consistent with the Framework and therefore of full weight.

(i) Whether the proposed toucan crossing to be provided at grade level over the A10 would be safe, the acceptability of proposed speed limit reductions on the A10, the extent to which the site would be capable of delivering safe access and route connections for all users in accordance with an acceptable Road Safety Audit, and whether the proposed access



from the A507 would be suitable and safe.

3.29 I have had regard to the transport evidence prepared by James Duffy on behalf of the Appellant and agree with his conclusions.

3.30 I concur with James Duffy that the provision of toucan crossings in the vicinity of roundabouts is a common feature across A roads, and James Duffy has provided examples. The proposed toucan crossing design has been audited and no safety issues have been raised. Further, these are works off site that are proposed to be secured by condition and Section 278 Agreement. There is a significant area of highway land around the proposed crossing and junction to allow for amendments at the detailed design stage to address any residual concerns of the Local Highway Authority. Proposed speed limit reductions on the A10 are not proposed by the Appellant, but in any event the proposals would act as a traffic calming feature slowing speed. The Road Safety Audit undertaken is considered robust and has followed due process. Finally, it is agreed with the Councils that the access on the A507 is suitable and safe.

(ii) Whether the development would be in a sustainable location with convenient access by all to a choice of sustainable modes of transport including socially safe and quality pedestrian and cycling routes to reach day to day amenities, facilities and services, including employment and food/comparison shopping facilities further afield, and the extent to which the proposed cycle and pedestrian route connections and bus improvements would make a suitable modal shift towards reducing car usage.

3.31 I have had regard to the Sustainable Transport Evidence prepared by Peter Blair on behalf of the Appellant and agree with his conclusions.

3.32 I concur that the site is in a sustainable location with reference to the DfT's Connectivity Tool, and is well related to the town and its facilities (including the adjacent Business Park). Further, the development can provide a choice of sustainable modes of transport through:



- on-site facilities within walking distance;
- public transport provision serving the site (namely an increased frequency 30 minute service 331 between Buntingford, Puckeridge, Ware and Hertford; an increased frequency hourly service 18 between Buntingford and Royston, and a two hourly service 37 between Buntingford and Stevenage);
- safe and suitable accesses for active travel across the A10 and onto the A507; and,
- off site improvements to routes to schools, facilities and the town centre (all 45 existing facilities within 2km walking distance).

3.33 Further, there is no evidence the routes proposed would be socially unsafe for users or that the quality would deter their use. Employment and food/comparison shopping facilities further afield can be reached by public transport with a wide choice of locations, and this has consistently not been a reason for refusal for other major residential developments within the town. Finally, the mode shift target is realistic and has been evidenced to be achievable.

3.34 I agree with the evidence therefore that the site is sustainable, well connected, and includes safe and suitable access for all modes of travel to a wide range of facilities within the town and further afield. Further, there is no conflict with the Development Plan in this regard, and as agreed with the Council, the proposed active and sustainable travel measures are a benefit to be given moderate positive weight in the planning balance.

(iii) The effect of the proposal on the character and appearance of the area including landscape character;

3.35 I have had regard to the Landscape Evidence prepared by Natasha Jones and agree with her conclusions.

3.36 The features of the area are defined by the Council in its Landscape Character



Assessment (LCA) Supplementary Planning Document (September 2007) which supports its application of Policy DES2. This SPD provides a structured evaluation of these landscapes, a landscape strategy and guidelines for strengthening, reinforcing, improving, reconstructing, conserving and restoring the character of each area. The document also provides a framework for assessing planning applications.

- 3.37 The Council allege a significantly harmful urbanising impact upon the Cherry Green Arable Plateau (LCA 141) and conflict with Policy DES2. That view is not shared.
- 3.38 The Proposed Development would comprise an extension to the urban area within a small part of the northeastern area of LCA 141, and this would be at odds with the characteristics of LCA 141. However, the proposed built form at the Appeal Site would be located where there is existing influence from the A507 and A10 road corridors and where there is some intervisibility with parts of the existing settlement of Buntingford. Additionally, I note that LCA 141 is described as a large-scale character area, which is not rare or distinctive.
- 3.39 Therefore, I agree with Natasha Jones that the Proposed Development's urbanising effect upon LCA 141 would be limited and would not substantially change or redefine the key characteristics of the LCA or affect the integrity of the distinctive features of LCA 141 Cherry Green Arable Plateau.
- 3.40 The Council also allege the development would 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. That is incorrect.
- 3.41 The BCANP (Appendix 1) provides views that show the nature of the landscape around the Buntingford Community Area and supports the application of Policies ES1 and HD2 of the BCANP.
- 3.42 The evidence illustrates that the proposed new built form of the Appeal Site would be located to the east of and, crucially, below the western spur, as well as south of the short spur located to the northwest of Buntingford and thus
-



would be contained within the Rib valley landscape cell formed by the series of spurs which wrap around and contain the River Rib valley slopes, the valley floor, and Buntingford. Therefore, the proposed new built form would be developed within the valley setting. Moreover, the evidence also illustrates that the Appeal Site is the least constrained land around Buntingford to accommodate development within the Rib Valley landscape cell.

3.43 Finally, the Council allege significant harm to the rural landscape character and that the appeal proposal does not recognise the intrinsic character and beauty of the countryside.

3.44 However, I agree with the evidence of Natasha Jones in respect of the level of harm to the rural landscape character. Moreover, the Appeal Site does not exhibit a high landscape quality or condition, does not exhibit high scenic quality and is representative of the wider agricultural landscape, and does not exhibit wildness as it is in an intensively managed agricultural land use. Further, it is not designated for its value and does not comprise a 'valued landscape'.

(iv) Whether the proposal would provide the necessary infrastructure to make the development acceptable including affordable housing, custom/self-build housing, active travel provisions, education, and public transport provisions

3.45 The Appellant has worked with both Councils to prepare a draft Section 106 Agreement that contains planning obligations in accordance with the Framework paragraph 58 and the CIL Regulations. The draft Agreement (as at August 11th) includes the below obligations (save for Local Centre and Active Travel provisions which is covered by condition).

Affordable Housing

Provision of 40% affordable housing (up to 264 dwellings) across the development, comprising a mix of shared ownership and affordable rented homes, including a requirement for 10% of affordable dwellings to be wheelchair-accessible homes (M4(3)).



Elderly Accommodation

Commitment to market land for the provision of no more than 60 dwellings for elderly accommodation (occupancy restricted to over 55's).

Custom/Self-build Housing

Commitment to market land for the provision of no more than 7 dwellings for custom/self-build housing.

Education/Childcare/Youth Services

Provision of land for a new First School and financial contributions based on a formula approach towards childcare provision (0–2 years and 5–11 years), first school education, middle school education, upper school education, SEND provision, and youth services.

Public Infrastructure

- 3.46 Financial contributions based on a formula approach towards library services, waste transfer station, fire and rescue service, and recycling provision.

Public Transport

- 3.47 A financial contribution of £1.5 million towards bus service enhancements (£300,000 per annum for five years) to enable bus service 331 to be delivered at 30 minute intervals between Buntingford, Puckeridge, Ware and Hertford. This service will enter the site and serve the proposed development, and along with contributions secured from other developments in Buntingford, there will be an increased frequency hourly service 18 between Buntingford and Royston, and a two hourly service 37 between Buntingford and Stevenage that enter the site and serve the proposed development.
- 3.48 In addition, a financial contribution of £500 per dwelling towards the Buntingford Community Area Transport (BCAT) scheme to support public and community transport provision. This will provide residents with access, via a sustainable mode of travel, to supermarkets and comparison shopping within



Brookfield Farm (which contains a Marks and Spencers and Tesco) and Royston (which contains an Aldi, Marks and Spencers and Tesco). The service currently operates twice a week, however the financial contribution could be used towards increasing the frequency of the service.

Health Facilities

- 3.49 A financial contribution of £1,672 per dwelling towards increasing healthcare capacity and medical services within Buntingford.

Indoor Sports Facilities

- 3.50 Financial contributions of £254.38 per dwelling towards indoor fitness facilities/fitness gyms and £585 per dwelling towards swimming pool provision and improvements serving Buntingford and the surrounding area.

Sports Pavillion and Outdoor Sports

- 3.51 Provision of on-site sports infrastructure including a cricket pitch, adult football pitch, youth football pitch, multi-use games area and sports pavilion building, together with an outdoor sports contribution of £406 per dwelling towards pickleball and bowls facilities.

Local Centre

- 3.52 The description of development seeks planning permission for a Mixed Use Local Centre (including flexible use E, F and Sui Generis). The wording is flexible to allow for a range of uses. Draft condition 6 specifies an upper floorspace limit of 2,000m². Page 40 of the Design and Access Statement Addendum describes the nature of the local centre use, and the Illustrative Masterplan on page 45 illustrates a potential layout of buildings and uses.
- 3.53 The Appellant has undertaken soft marketing as no operator will commit to spending time and resource on opportunities that do not have planning permission. Two letters from HDD Group (CD5.22) and Plunkett (CD5.23) show the level of interest in taking the centre on once permission has been secured. Further, draft condition 47 sets out specific requirements related to



marketing and delivery of the Local Centre. The Appellant commits to agreeing a marketing strategy prior to commencement of development, and to the provision of a temporary facility in the Local Centre prior to the 100th dwelling (pending a permanent development coming forward).



4. RESPONSE TO OTHER ISSUES RAISED

4.1 The following provides a succinct response to other issues raised in representations.

Objection	Response
Capacity of wastewater and foul drainage infrastructure.	Thames Water have a statutory duty to provide sufficient wastewater and foul drainage infrastructure. To that end, Thames Water have advised that they have no objection to the proposed development subject to a planning condition to secure a phasing and infrastructure package, which is agreed in principle by the Appellant.
Lack of infrastructure in the town including retail and healthcare facilities.	Buntingford is identified in the adopted District Plan as one of the largest settlements in East Hertfordshire. The town is served by a high level of existing services and facilities, including retail and healthcare facilities, the majority of which are within 2km of the Site as set out in the Statement of Common Ground. Furthermore, the proposed development makes land and financial contributions towards improving infrastructure; including education, health care, library and youth services, public and community transport, indoor and outdoor sports, waste and recycling,
Lack of employment	There are a number of employment



opportunities in the town.	opportunities with the town, namely at the adjacent Buntingford Business Park and Park Farm Industrial Estate, as well as employment opportunities associated with the services and facilities in the town. Furthermore, the Appeal Scheme will generate approximately 122 on-site jobs at the proposed First School and Local Centre. Hallam Land are also promoting an employment scheme to the south of the A507 which would be readily accessible from the Appeal Site.
Scale of development proposed is inappropriate.	The Appeal Scheme is of an appropriate scale for its location on the edge of Buntingford, in particular given the scale of the shortfall in housing land supply in East Hertfordshire. Furthermore, development at this scale allows for secondary uses to be provided on-site to meet the needs of the development but also the wider community, in the case of the Appeal Scheme this includes a Local Centre, other community uses including a First School, provision of open space including a new Country Park, and provision of sports pitches.
Impact on small rural settlements in the vicinity of the Appeal Site, as the	The Appeal Scheme is located on the edge of the urban area of Buntingford and its wider context. Impacts on nearby rural



Appeal Scheme is incompatible with the character and appearance of the rural area.	settlements including Throcking and Aspenden would be negligible.
Appeal Scheme fails to protect the local historic environment.	The submitted Heritage Statement identifies the only heritage asset potentially affected by the proposals to be the Grade II* listed Holy Trinity Church in Throcking which is located around 1km west of the site. There would be partial intervisibility with the Appeal Scheme, 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, to which only limited negative weight can be afforded in the planning balance.
Appeal Scheme will cause harm to biodiversity.	The Appeal Scheme will result in a forecast net gain in biodiversity of 11.22%, including an uplift in hedgerow units of 49.78%. Whilst the exact level of Biodiversity Net Gain will be confirmed at Reserved Matters stage, it will need to achieve a minimum of 10% to comply with the Environment Act.
Impact on safety of the A10 and increased pressure on existing junctions.	The submitted Transport Assessment concludes that there would not be a safety issue arising from the Appeal Scheme, and would not result in a severe impact to the



	highway network. HCC Highways have not objected in that regard.
Development should be Plan-led and not speculative.	In situations like in East Hertfordshire where the Local Plan is more than five years old, having not been reviewed and/or updated within five years as required, and where the Council are not able to demonstrate sufficient housing supply, the Framework applies a tilted balance to assessing development proposals and requires the grant of planning permission unless adverse impacts significantly and demonstrably outweigh the benefits.
Loss of agricultural land.	The Appeal Scheme would result in the loss of Grade 2 and 3a agricultural land, however only limited negative weight can be afforded to this in the planning balance.
Impact on below-ground archaeology.	An Archaeology Assessment has been prepared and subsequent Geophysical Surveying undertaken. Trial trenching would be required prior to the determination of any future Reserved Matters application, however in principle below-ground archaeology is not considered a constraint to development of the Appeal Site.



5. MAIN ISSUE (V) PLANNING BALANCE AND CONCLUSION

5.1 In light of the Council's lack of a five year housing land supply, it is agreed with the Council that paragraph 11 (d) of the Framework applies. Further, there are no policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development proposed (paragraph 11 (d) i.). The land is not subject to any environmental or heritage designation, is not at risk of flooding, nor within the Green Belt. This is agreed with the Council.

5.2 The determination of this appeal therefore relies on paragraph 11 (d) ii and whether any adverse impacts of granting permission 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.

5.3 The Council's reason for refusal 3 considers the harm and policy conflicts would significantly and demonstrably outweigh the benefits. I disagree and set out my view on the planning balance. The benefits are as follows:

Housing

- Provision of homes
- Provision of affordable homes
- Provision of elderly accommodation
- Provision of self-build/custom build housing plots

Community Infrastructure

- Provision of land towards a two form entry First School (with nursery provision) to meet the needs of the development and the wider needs of



the town

Green and Blue Infrastructure

- Provision of a Country Park to meet the needs of the development and the wider needs of the town for natural and semi natural greenspace and parks and gardens
- Provision of sports pitches and associated pavilion to meet the needs of residents and the wider needs of the town
- Provision of a minimum of 10% on-site biodiversity net gain
- Provision of landscaping enhancements
- Provision of sustainable drainage systems to control surface water run off and improve water quality

Other benefits

- Provision of active and sustainable travel improvements within the town for the benefit of new and existing residents
- Economic benefits of new employment during construction / operational phases and increased local expenditure from local residents.

5.4 The weight that I attribute to these benefits and justification for doing so is set out below. For the purposes of my assessment, I have adopted the proposed weighting terminology in the Council's Statement of Case for consistency.

Provision of homes

5.5 The provision of new homes should be afforded **substantial positive weight** given the lack of a deliverable five year housing land supply, the contribution that the scheme can make towards addressing local needs and housing waiting lists, and reflecting the Government's ambitions to deliver 1.5 million homes over the parliamentary period. This level of weight is agreed with the Council.

5.6 Provision of new homes is significant in the context of the national housing crisis and Written Ministerial Statement of 30th July 2024: Building the Homes



we Need (Rt Hon. Angela Rayner, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government). This includes a commitment to *“turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years”*.

- 5.7 I have had regard to the housing land supply evidence prepared by Ben Pycroft on behalf of the Appellant and agree with his conclusions. The five year housing land supply amounts to between 2.21 and 2.88 years as agreed with the Council. Moreover, as evidenced at paragraph 4.4 of his evidence, it is likely the Council will fail the 2026 and 2027 Housing Delivery Test based on using the local housing need calculated using the standard method.
- 5.8 The Appeal Scheme provides an opportunity for up to 660 homes, of which at least 150 dwellings could be considered deliverable in the Council's next monitoring update of its five year housing land supply assessment (2027-2032). Subject to the conclusion of the appeal in 2026, Hallam Land Management as a land promoter will market and dispose of the site to a housebuilder in Q2 27, in anticipation that reserved matters for a first phase will be approved in Q2 28, and commencement of works on site in Q1 29. That would leave three monitoring years for completions (29/30, 30/31, and 31/32). The housebuilder(s) would be expected to deliver circa 50 dwellings per annum per outlet, with the potential for two outlets that would boost delivery.
- 5.9 Having regard to the relevant tests from case law on the weight to be attributed to the benefit of housing land supply (see paragraph 51 of Hallam Land Management and SoS/Eastleigh Borough Council at CD8.3), this is a substantial shortfall in housing land supply (some 2,700 to 3,400 homes); there has been less than a five year housing land supply since at least December 2022 (4.41 years); it is getting worse and it will persist at least until April 2029; there is no evidence the local planning authority has taken any action thus far to reduce the shortfall in supply; and this development will make a notable contribution. In this context, substantial positive weight is demonstrated.



Provision of affordable housing

5.10 I have had regard to the affordable housing evidence prepared by Mr Jamie Roberts and agree with his conclusions.

- The following affordability indicators are an important part of understanding the 'real world' context for households seeking a home in East Hertfordshire:
- 2,315 households on the Housing Register on 31 March 2025, of whom 1,805 have a statutory 'reasonable preference';
- 176 households being placed in temporary accommodation on 31 March 2025, at a cost of almost £1.1 million to East Herts Council that year;
- The lower quartile home costs 10.85 times lower quartile earnings; this ratio has risen for two successive years despite improvements at the regional and national level;
- High lower quartile house prices in East Herts, well in excess of the regional and national lower quartile figures;
- Rapidly rising private sector rents, which are above the regional and national average and now stand at £1,426 per calendar month in East Herts; and
- An existing tenure mix which is skewed towards home ownership and away from rented tenures, especially affordable tenures.

5.11 The local context for affordable housing in Buntingford is even more challenging:

- High lower quartile house prices relative to East Herts as a whole;
- 516 households on the Housing Register have expressed a locational preference for Buntingford, of whom 123 have a high housing need, and 267 have dependent children;



- Just 46 affordable housing lettings in Buntingford 2023/24;
- Average bids per affordable dwelling advertised ranging from 43 bids to 111 bids depending on the size of the property;
- A 'pipeline' of 265 affordable dwellings with planning permission in Buntingford, which is not enough to address the identified needs on the Housing Register.

5.12 I share Mr Roberts view that East Hertfordshire is facing a housing crisis, which calls for strong action to alleviate the very real effects that poor quality, overcrowded, insecure and expensive housing has upon real people in this District.

5.13 In my opinion, the provision of affordable housing should be afforded **substantial positive weight** as agreed with the Council and secured through the Section 106 Agreement.

Provision of elderly accommodation

5.14 I have had regard to the retirement housing evidence prepared by Iain Warner on behalf of the Appellant and agree with his conclusions.

5.15 His evidence demonstrates there is a significant shortfall in the provision of retirement housing, notably in the leasehold or private rent sector with a current requirement for a total of 1,223 additional units. By 2030, when accounting for the pipeline from a single scheme under construction, the need increases to 1,405 additional units. This assessment is also only based on need for those aged 75 and over. The benefits of this provision are therefore the release of under occupied family housing; tackling isolation and loneliness; maintaining independence; addressing issues with unsuitable accommodation for older people; contribution to overall housing supply through freeing up of under-occupied housing; and employment generation.

5.16 I concur therefore that the provision of elderly accommodation should be afforded **substantial positive weight** as originally agreed with the Council in



the pre CMC SoCG, although the Council have subsequently downgraded this to significant positive weight in the post CMC SoCG without explanation. The Appellant commits through the Section 106 Agreement to market the land for elderly accommodation (restrictions occupied to over 55s).

Provision of self-build/custom build housing plots

- 5.17 The provision of self/custom build housing should be afforded **substantial positive weight** as originally agreed with the Council in the pre CMC SoCG, although the Council have subsequently downgraded this to significant positive weight in the post CMC SoCG without explanation. The Appeal Scheme makes provision for 1% of dwellings to be self-build / custom build housing plots to be secured through the Section 106 Agreement to support prospective self-builders that meets an identified need as acknowledged by the Council. The Council is not currently meeting its legal duty for provision.

Provision of community infrastructure within the local centre, including healthcare facilities

- 5.18 The provision of community infrastructure within the local centre should be afforded **significant positive weight** as agreed with the Council in the pre CMC SoCG.
- 5.19 The Appeal Scheme includes provision of a Mixed Use Local Centre (including flexible use E, F and Sui Generis). The wording is flexible to allow for a range of commercial uses; including retail, professional services, fitness, medical or health services, nursery, employment uses, and community uses. These facilities would be accessible to residents of the proposed development, as well as people using the nearby Buntingford Business Park and existing residents within the town, and there would therefore be economic and social benefits beyond the development. Similar weighting was given by the Inspector in the appeal on land east of the A10 (Appeal reference 3340497 at CD7.1). The provision of the Mixed Use Local Centre will be secured through planning conditions.

Provision of land to enable delivery of a two form entry First School (with



nursery provision) to meet needs of the development and future wider needs of the town

- 5.20 I have had regard to the education evidence prepared by Ben Hunter on behalf of the Appellant and agree with his conclusions.
- 5.21 There is a clear future need for additional First School and Nursery provision places based on the existing committed developments within the town which the Council expect will be delivered over the coming years. That need is in addition to that arising from the development. This need will be best met within the Appeal Site.
- 5.22 Paragraph 100 of the Framework requires local planning authorities to take a proactive, positive and collaborative approach to meeting the requirement for school places, and to development that will widen choice in education. Further, great weight is given to the need to create, expand or alter schools through decision making. I concur therefore that the provision of land towards the provision of a two form entry First School (including nursery provision) to provide greater choice and capacity for the residents of the town should be afforded **significant positive weight** as secured through the Section 106 Agreement.

Provision of Country Park, to meet needs of the development and wider needs of the town

- 5.23 The provision of a Country Park to meet wider need in Buntingford for parks and gardens and natural and semi natural greenspace should be afforded **significant positive weight** as agreed with the Council. This can be secured by condition and the Section 106 Agreement.
- 5.24 The Council's Open Space Assessment Report (April 2026) (CD5.24) states that in Buntingford there is currently one park and garden within Buntingford providing 0.90ha (or 0.14ha per 1,000 population). The Field in Trust (FiT) Standard is 0.80ha per 1,000 population as a guideline quantity standard. The Council's Open Space, Sport and Recreation SPD (2020) (CD5.5) has a higher requirement of 1.4ha per 1,000 population for amenity green space,



parks and gardens.

- 5.25 The Land Use Components Plan (CD2.5) illustrates 24.67ha of green infrastructure, of which 2.1ha is indicatively shown on the Landscape Character Plan on page 25 of the Design and Access Statement Addendum (CD2.15) as park and garden. The FiT standards would require 1.22ha for the proposed development based on 660 dwellings with 2.32 people per dwelling (0.8ha x 1.531 population) which means there is an over provision of circa 0.9ha against the FiT standard and will therefore contribute to addressing the shortfall in provision in Buntingford. Notwithstanding the above, even against the Council's higher requirement as set out in the SPD, this would require 2.1ha, which the development would meet and would be accessible to the wider community in Buntingford.
- 5.26 The Council's Open Space Assessment Report (April 2026) (CD5.24) states that in Buntingford there is currently two natural and semi natural greenspaces within Buntingford providing 0.95ha (or 0.15ha per 1,000 population). The Field in Trust (FiT) Standard is 1.80ha per 1,000 population as a guideline quantity standard. Furthermore, Natural England's Accessible Greenspace Standards (2023) cite a benchmark of three hectares of accessible greenspace per 1,000 population. The Council's Open Space, Sport and Recreation SPD (2020) (CD5.5) has a higher requirement of 3.2ha per 1,000 population for natural and semi natural greenspaces.
- 5.27 The Land Use Components Plan (CD2.5) illustrates 24.67ha of green infrastructure, of which 21.73ha is indicatively shown on the Landscape Character Plan on page 25 of the Design and Access Statement Addendum (CD2.15) as natural and semi-natural greenspace. The FiT standards would require 2.76ha for the proposed development based on 660 dwellings with 2.32 people per dwelling (1.8ha x 1.531 population) which means there is an over provision of circa 19ha against the FiT standard and will therefore address the shortfall in provision in Buntingford. Notwithstanding the above, even against the Council's higher requirement as set out in the SPD, this would require 4.83ha of natural and semi-natural greenspace, which would leave an over provision of circa 17ha to address the shortfall within the town.



Provision of sports pitches and pavilion to meet wider need in Buntingford

- 5.28 The provision of sports pitches and associated pavilion should be afforded **significant positive weight** as agreed with the Council.
- 5.29 The Council's Playing Pitch and Outdoor Sport Assessment (CD5.25) and Strategy and Action Plan (CD5.26) (July 2025) states that Buntingford has an insufficient future supply/demand balance of youth 11v11 (0.5 football pitch), youth 9v9 (2 football pitches), and mini 5v5 (1.5 football pitches), as well as an insufficient future supply/demand balance of 8.5 senior rugby union pitches.
- 5.30 The Land Use Components Plan (CD2.5) illustrates 3.46ha of playing fields, of which an indicative layout is provided on page 28 of the Design and Access Statement Addendum (CD2.15) showing potential pitch layout. The Council's Open Space, Sport and Recreation SPD (2020) (CD5.5) require 1.85ha of sports pitches for 660 dwellings. This shows there is an over provision of circa 1.6ha against the standard and will therefore help address the shortfall in provision in the town. The form of that provision can be secured by condition and through the Section 106 Agreement to best address the shortfall.

Provision of a minimum of 10% on-site biodiversity net gain

- 5.31 The provision of a minimum of 10% Biodiversity Net Gain on-site should be afforded **limited to moderate positive weight** as agreed with the Council. On the basis of the proposals as illustrated, a net gain of 11.22% in habitat units and 49.78% in hedgerow units can be achieved and secured by condition.

Provision of landscaping enhancements

- 5.32 The provision of landscaping enhancements in the north-western area of the Site within the proposed Country Park as illustrated on Figure L6: Landscape Mitigation Strategy (CD2.11iv) will create a layered edge between the proposed development and the wider countryside which would contribute to the Strategy and Guidelines for Managing Change of the East Hertfordshire



Landscape Character Assessment Area 141 (CD9.1). This should be afforded **moderate positive weight** and can be secured by condition.

Provision of sustainable drainage systems

- 5.33 The provision of a Sustainable Urban Drainage System (SuDS) will restrict surface water runoff to existing greenfield rates, including a 40% allowance for future climate change as described in Section 6 of the Flood Risk Assessment (CD1.11i). Further, runoff from new hardstanding areas will receive water quality treatment before being discharged improving water quality as described in Section 7 of the Flood Risk Assessment (CD1.11i). This benefit should be afforded **limited positive weight** as agreed with the Council and can be secured by condition.

Provision of active and sustainable travel improvements for the benefit of new and existing residents of the town

- 5.34 The provision of a significant package of active travel improvements will improve choice of transport modes for existing residents within the town and accessing the countryside to the west, and assist the Council with implementation of its Local Cycle and Walking Infrastructure Plan for the town.
- 5.35 These include footway/cycleway improvements from the A507 site access to the town centre and Millfield First School providing improved choice and safety for existing and new residents wishing to access the town centre, Millfield First School and Buntingford Business Park by foot or cycle along this route.
- 5.36 Further, two new active travel bridges over the A10. One immediately adjacent to the existing pedestrian bridge over the A10 providing level access for all users, alongside improvements to surfacing and lighting of the public right of way which it connects with towards schools, facilities and the town centre. In addition, a new active travel bridge further north replacing the current at grade crossing along with surfacing and lighting improvements of the connecting public right of way connecting with schools, facilities and the town centre. Both sets of improvements will provide more choice and safety



for existing and new residents wishing to walk and cycle in this area and safer access to the open countryside beyond to the west.

5.37 Separately, the financial contribution to public transport improvements namely to facilitate an increase in frequency of the existing 331 bus route from hourly to every 30 minutes between Buntingford, Puckeridge, Ware and Hertford which will be of benefits to new and existing residents alike who wish to travel by bus within the town or to destinations outside of the town.

5.38 These measures should be afforded **moderate positive weight** as agreed with the Council and can be secured by condition and planning obligation.

Economic benefits

5.39 At a time of economic uncertainty across the UK, and where the Government sees housebuilding as a key plank of their strategy to deliver economic growth, the Appeal Scheme will support the local economy through the following:

- Jobs at construction stage: c. 100 Full Time Employees (FTE) locally and 205 FTE at a regional/national level (inclusive of local).
- Operational phase jobs: c. 122 created on-site.
- Spending in local retail and services to support the local economy (c. £8.9 million per annum).

5.40 In my view this should be afforded **moderate positive weight** as agreed with the Council.

Adverse Impacts

5.41 There are adverse impacts that need to be weighed in the planning balance as follows.

Conflict with the Spatial Strategy

5.42 The proposed development would conflict with the spatial strategy within the



Local Plan, namely policies DPS2 and GBR2, as the proposal would be located outside of the settlement boundary of Buntingford. That conflict is tempered by the fact the spatial strategy and its policies are out of date, the Council are unable to demonstrate a five year supply of deliverable housing sites, and there is an inevitability the Council will need to amend its spatial strategy to meet its housing needs. On that basis, I give this conflict **limited negative weight**.

Loss of agricultural land

- 5.43 There will be a loss of circa 48.54 hectares of best and most versatile agricultural land from the development of the appeal site, with the southern half of the site and the north-western area of the site classified as Grade 2 (29.54 hectares) and the remainder classified as Grade 3a (18.91 hectares).
- 5.44 Having regard to application s62A/2024/0045 decision (CD7.18), 37.3% of land in East Hertfordshire is classified as Grade 2, and 54% classified as Grade 3 land. Although a breakdown of Grade 3a and 3b land is unavailable, there is likely to be a high proportion of the land available within the Grade 3a category. Furthermore, as evidenced by Appendix 1, the vast majority of land on the edge of Buntingford and the wider District is also best and most versatile agricultural land. There is an inevitability therefore that to meet the housing requirement of the District, and achieve a five year supply of deliverable housing sites, there will be a loss of best and most versatile agricultural land. This tempers the weight to be given to its loss. Accordingly, I give this **limited negative weight** as agreed with the Council.

Heritage

- 5.45 There will be less than substantial harm (low level) to the setting of Holy Trinity Church (Grade II*) as agreed within the Statement of Common Ground with the Council (CD15.5). Accordingly, I give this **limited negative weight** as agreed with the Council. In coming to that view, I have taken into account Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the considerable weight and importance given to the preservation



of heritage assets when harm is found.

Landscape and Visual Harm

- 5.46 There will be harm to the landscape character of the area arising from the proposed development and a visual harm on local receptors. However, this effect is limited for the reasons set out in Section 3 and the Proof of Evidence of Natasha Jones. Accordingly, I give this **moderate negative weight**.

Conclusion

- 5.47 In conclusion overall, having regard to my weighting above, the adverse impacts would not significantly and demonstrably outweigh the benefits and the appeal scheme represents sustainable development. Having particular regard to the key policies referenced in paragraph 11 (d) ii.,

- for the reasons set out above the Appeal site is a sustainable location to direct development given its proximity to existing services, facilities and employment opportunities within the town of Buntingford and the opportunities for residents to use active and sustainable travel, in addition to the provision of services and facilities as part of the Appeal Scheme;

- the proposed development makes effective use of the land at a range of densities as defined on the submitted Density Parameter Plan;

- the ability to secure well-designed places can be achieved at reserved matters stage as articulated in the Design Principles Document;

- and the proposed development will make an important contribution of up to 264 affordable homes towards the local need.

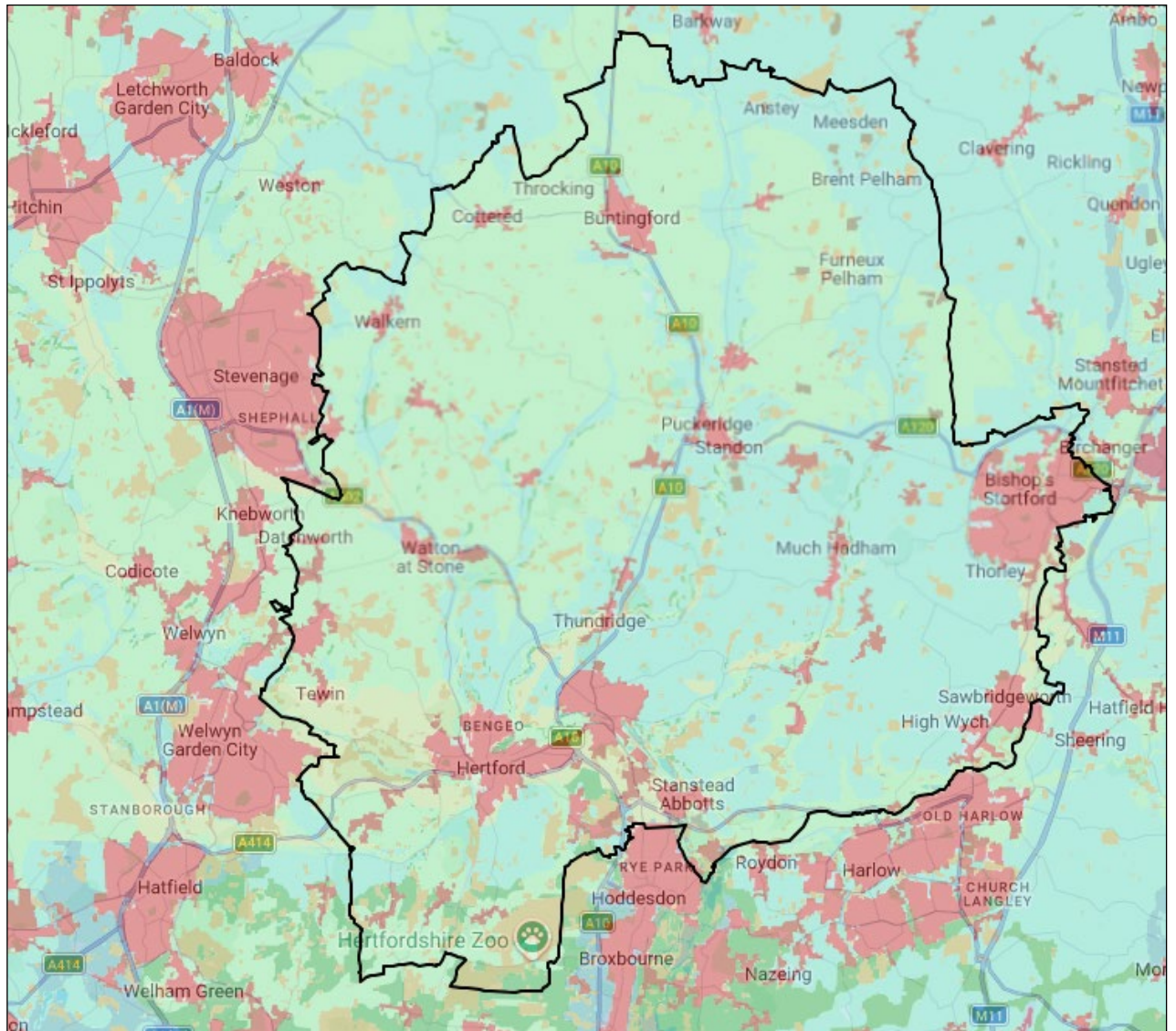
- 5.48 In the context of paragraph 11. (d) ii. and applying the 'tilted balance', the exercise that is required is to weigh adverse impacts and benefits. It is therefore not the case that the existence of any adverse impacts means permission should automatically be refused. The exercise described in paragraph 11. (d) ii. clearly envisages there will be adverse impacts and they are to be expected in order to realise the benefits. Further still, it is not a 'flat

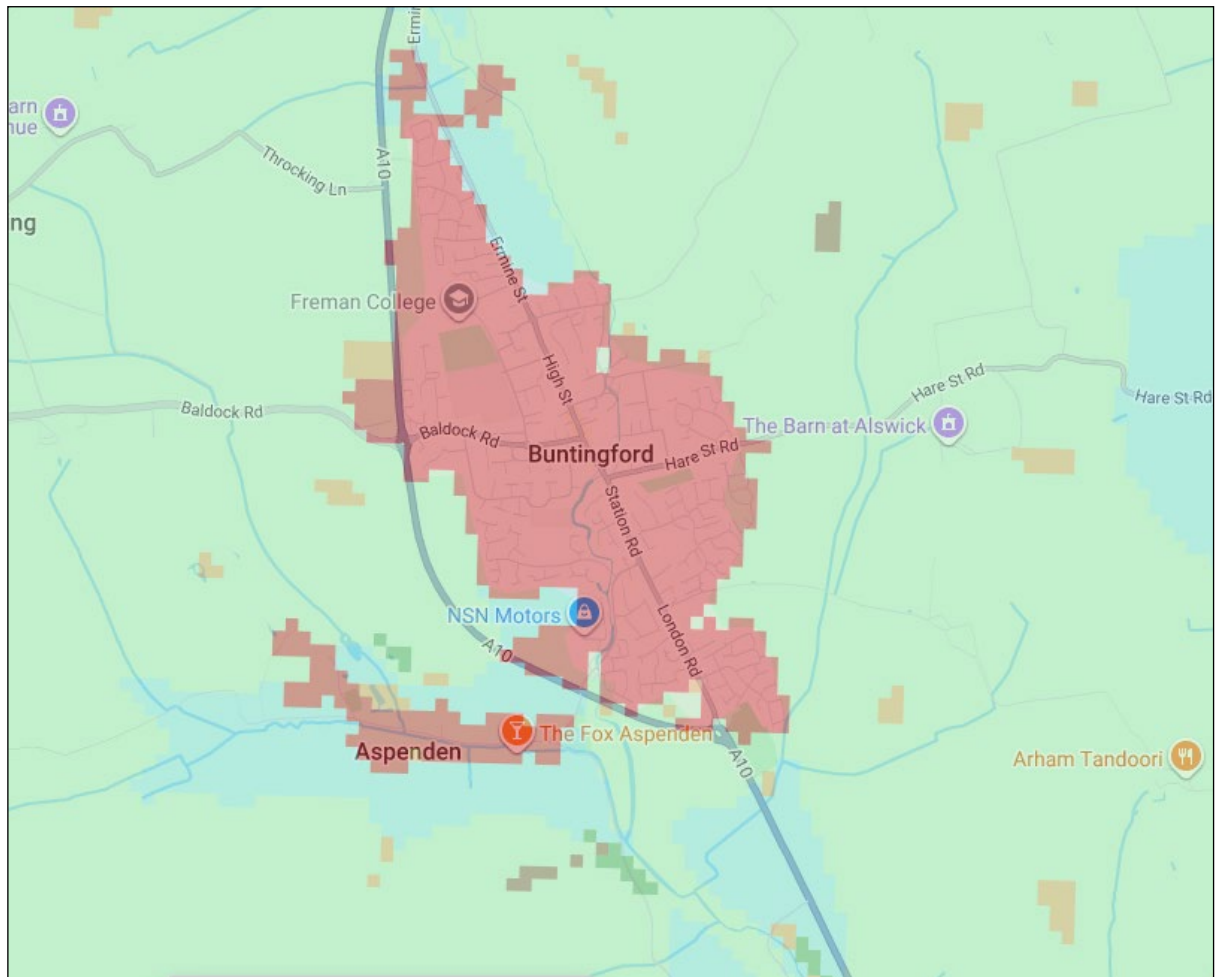


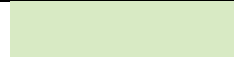
balance', i.e. impacts and benefits should not be treated equally. The adverse impacts must significantly and demonstrably outweigh the benefits, and therefore not just outweigh the benefits. Paragraph 11. (d) ii. therefore establishes a 'high bar' that needs to be met if permission is to be refused. In my view, although there are adverse impacts as expected with the delivery of new homes and infrastructure to address a significant shortfall in housing land supply, the adverse impacts do not come near to outweighing the benefits.

- 5.49 The Section 106 Agreement agreed with the Council will secure the affordable housing, land, and other financial contributions towards the infrastructure necessary to make the development acceptable, and planning conditions have been agreed between the Council and the Appellant to ensure necessary details can be secured to satisfy all policy requirements.
- 5.50 It is on this basis that I respectfully request that the Appeal be allowed, and planning permission granted.

APPENDIX 1 – DEFRA PREDICTIVE AGRICULTURAL LAND CLASSIFICATION MAP FOR ENGLAND





Key	
Grade 1	
Grade 2	
Grade 3a	
Grade 3b	
Grade 4	
Grade 5	
Non Agricultural	
Urban	

Source: Department for Environment, Farming and Rural Affairs – Predictive Agricultural



Land Classification Map for England.