

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

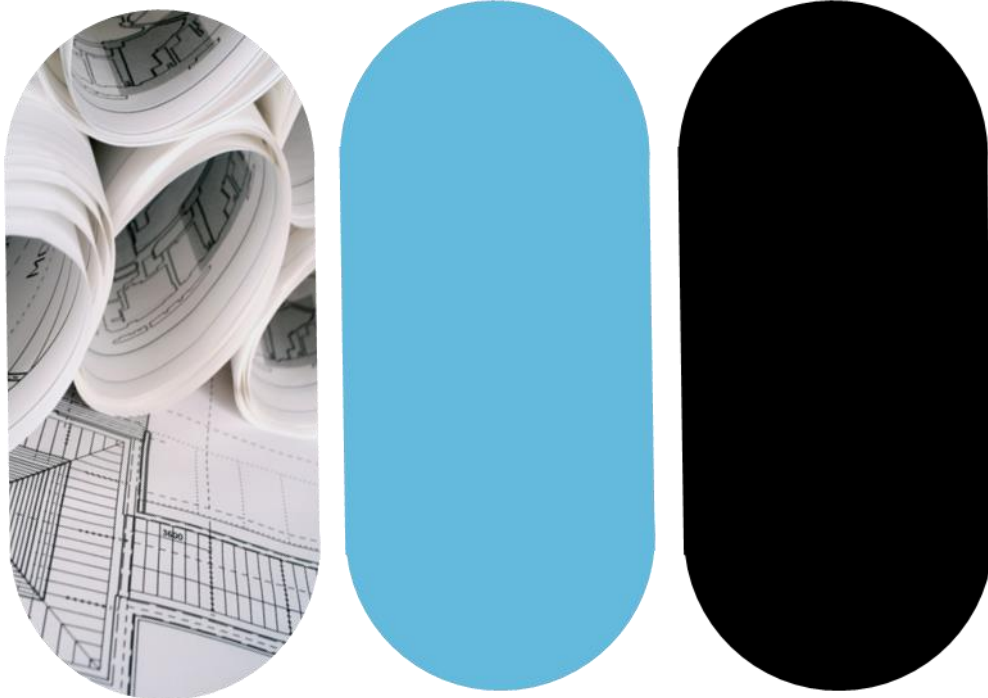
Appellant: Hallam Land Management Limited

Local Planning Authority: East Hertfordshire District Council

Application Reference: 3/24/0966/OUT

APPELLANT'S STATEMENT OF CASE

April 2026



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1 Introduction

1.1 Hallam Land Management (“the Appellant”) applied to East Hertfordshire District Council (“the Council”) on 20th May 2024 for outline planning permission on land north of A507, West of A10, Buntingford.

1.2 The description of development was as follows.

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 save for access.

1.3 The planning application was refused by the Council in a Decision Notice (DN) dated 24th October 2025. This Appeal is made against that decision under Section 78(1) of the Town and Country Planning Act 1990 (as amended).

1.4 Following an extensive pre-application process and positive engagement between the Appellant and Council (supported by a Planning Performance Agreement between the parties) during the planning application process most technical issues were resolved, resulting in three substantive reasons for refusal. There is a fourth reason for refusal, but this concerns the lack of a legal agreement to cover infrastructure contributions by way of planning obligations which would have been provided had planning permission been granted; it is expected that this will be resolved by the time of the determination of the appeal by the provision of the proposed planning obligations.

1.5 The reasons for refusal are as follows:

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.

- 1.6 The Appellant will submit evidence to demonstrate that all of the reasons for refusal in the DN can be readily overcome, and that the appeal should be allowed. The Council have published an Officer's Report (submitted separately) which explains the reasons for refusal, and which has informed this Statement of Case.

Structure of this Statement of Case

- 1.7 The Statement of Case sets out the Appellant's grounds of appeal, concerning the main matters relevant to the Appeal's determination to assist the Inspector. The Statement is structured as follows.
- Section 2 describes the Appeal Site.
 - Section 3 provides an overview of the Appeal Scheme.
 - Section 4 addresses the reasons for refusal on the DN.
 - Section 5 sets out the Appellant's position on why the Appeal should be determined through an inquiry procedure.
 - Section 6 provides a schedule of key documents that are to be referred to by the Appellant during the appeal process.

Appendices

- 1.8 The Statement of Case is supported by the following appendices.
- Appendix 1: Schedule of Planning Application Documents
 - Appendix 2: Summary of Statutory Consultee Responses

2 The Appeal Site

- 2.1 The Appeal Site comprises circa 50 hectares (ha) of agricultural land adjoining the western edge of Buntingford. The Appeal Site borders Throcking Lane to the north (from where access is proposed); the A10 to the east (including overbridges of the A10 where active travel access is proposed); the A507 (from where access is proposed) and Buntingford Business Park to the south; and open countryside to the west. Between the Buntingford Business Park and the Appeal Site is an Employment Allocation of 2.8ha from the East Hertfordshire District Plan which has yet to be constructed.
- 2.2 The remaining urban area of Buntingford lies to the east of the A10. Buntingford is a market town with a population of just under 8,000 in the 2021 Census. It acts as an important rural service centre for villages in the wider rural area, and has an extensive range of services and facilities that serve the day-to-day needs of residents, and a vibrant local community¹. The Appeal Site is within 10 to 15 minutes' walk of the town centre and within a 20 minute walk to most other services and facilities within the urban area.
- 2.3 The Appeal Site presently comprises three relatively ordinary arable fields, save for a small number of trees, a ditch, and boundary hedgerows. The land gradually falls eastwards towards the urban area, and sits within the Rib Valley within which the majority of the urban area of Buntingford falls. The Site's character is influenced by the A10, and nearby urban land uses.
- 2.4 The Appeal Site is not designated for its environmental or landscape value, sits within Flood Zone 1, and does not contain any heritage assets or fall within the setting of any heritage assets. Two public rights of way run through the Appeal Site and connect the Site to the urban area via an existing footbridge over the A10, and an at grade crossing of the A10.
- 2.5 There is no relevant planning history on the Appeal Site.

¹ Text taken from Paragraph 6.12 of the East Hertfordshire District Plan

- 2.6 In summary, the Appeal Site is relatively featureless, ordinary agricultural land which sits adjacent to an existing urban area. It has no physical or environmental constraints to its development.

3 The Appeal Scheme

Plans and Documents

- 3.1 The description of development is set out paragraph 1.2, confirming that the planning application is in outline with all matters reserved for future determination except for access. Other matters are reserved for future determination.
- 3.2 The plans submitted for approval comprise the following.
- Site Location Plan
 - HLM082/036 Rev C Building Heights Parameter Plan
 - HLM082/018 Rev R Land Use Components Plan
 - HLM082/037 Rev D Residential Density Plan
 - 23161_SK_T_021 (P1) Southern Bridge Crossing Plan
 - 23161_SK_T_022 (P2) Southern Bridge Crossing – Elevations
 - 23161_SK_T_025 (P4) Northern Parcel Throcking Lane Access (NB this has been subject to amendment since determination of the planning application to include a label setting out which part of the access is for detailed consideration)
 - 23161_SK_T_029 (P5) Baldock Road Roundabout – Northern Access Plan (NB this has been subject to amendment since determination of the planning application to include change of carriageway surfacing on approach to the access roundabout to increase prominence; art features west of the access as a gateway feature; amendment to access central island to increase overrun to enhance deflection; and provision of annotation relating to direction signage north of the A10 roundabout to confirm it will be raised to improve active travel visibility)
 - 23161_SK_T_032 (P1) Northern Bridge Crossing Plan
 - 23161_SK_T_033 (P1) Northern Bridge Crossing – Elevations
- 3.3 Illustrative plans, not submitted for approval, are as follows.
- HLM082/029-H Illustrative Masterplan
 - HLM082/035-C Indicative Sport Pitch Location
 - 23161_SK_T_023 (P13) Forward Visibility Plan (NB this Plan demonstrates how access to the Appeal Site and the Appellant's employment application

(see Paragraph 3.6 below) can deliver a comprehensive access strategy, and has also been updated in line with amendments to 23161_SK_T_029 (P5))

3.4 The full schedule of application documents is set out at **Appendix 1**.

Off-Site Transport Improvements

3.5 The proposed development proposes a number of off-site transport improvements on adopted highway land which can be secured by planning condition or planning obligations within the Section 106 agreement. The Appellant has proposed the works shown on the following plans in consultation with the Local Highway Authority:

- 23161_SK_T_003 (P5) Proposed Active Travel Enhancement on Baldock Road East of A10 Plan (NB this has been subject to amendment since determination of the planning application to include further traffic calming in the form of a raised table feature on entry to Buntingford centre)
- 23161_SK_T_018 (P2) Proposed Cross Sections (PROW Enhancements)
- 23161_SK_T_034 (P3) Potential for Widening on PROW 36 Plan (NB this has been subject to amendment since determination of the planning application to amend a drawing number labelling error)
- 23161_SK_T_035 (P3) Proposed 40mph Speed Limit and Crossing Signage Plan (NB this is a new plan not previously submitted prior to determination)
- 23161_SK_T_040 (P2) Proposed Active Travel and Wayfinding Strategy (NB this is a new Plan not previously submitted)

Employment Application

3.6 The Appellant has an undetermined application for employment to the south of the A507 (planning reference 3/24/1255/OUT). In the Council's consideration of this application, the Local Highway Authority has requested amendments to the off-site transport improvements relating to the at grade crossing of the A10 which the Appellant has responded on.

3.7 Although safety was not raised as a concern in the submitted Road Safety Audit or indeed a reason for refusal for the appeal scheme by the Council, the Appellant

is assessing alternative improvements, including potential repositioning of the at grade A10 crossing, and will continue to liaise with the Local Highway Authority to reach an agreed position in respect of off-site transport improvements as part of agreeing suggested conditions and/or obligations for this Appeal.

Environmental Impact Assessment

- 3.8 A formal request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to the Council in December 2023 (reference 3/23/2350/SCREEN). The Council issued its formal Screening Opinion on 5th January 2024, confirming that EIA was not required for the proposed development. There have been no material changes since that decision which might warrant revisiting that conclusion.

Key elements of the Appeal Scheme

- 3.9 The Appeal Scheme has been designed to respond to the character and environment of the Appeal Site, and the social and economic needs of Buntingford and East Hertfordshire. The key elements of the proposed development are:
- Up to 600 dwellings (Use Class C3) towards meeting the housing land supply shortfall within the District. The District Council currently claim between 3.4 and 3.7 years supply of deliverable housing sites, although this figure has not been formally published and will be reviewed once the Council's position has been issued prior to the Inquiry;
 - Up to 240 dwellings (40%) would be affordable meeting an identified need, including local need within the town which will be evidenced;
 - A proportion of the dwellings (1%) to be made available for custom and self-build housing to meet an identified need;
 - Elderly accommodation units (Use Class C3) meeting an identified need, including local need within the town which will be evidenced;
 - A Mixed Use Local Centre and Community Hub (0.53ha), comprising commercial units to meet the day-to-day retail/service needs of residents of

the development, potential health facility if required, residential uses, mobility hub, and public realm to reduce the need to travel outside of the Site which will be evidenced;

- A 2 Form Entry First School to meet the needs of the new residents and provide capacity for needs arising from the existing community which will be evidenced;
- Green infrastructure totalling 24.67ha (circa 50% of the site), including formal sports provision (3.46ha and sports pavilion) to meet an identified shortfall within the town, children's play (0.42ha), and natural and semi-natural green space (21.73ha) to meet the needs of residents of the development and the identified need of the town which will be evidenced;
- Access (for which detailed permission is sought) off the A507 Baldock Road to the south and off Throcking Lane to the north which is safe and suitable for all users;
- Active travel improvements to the A507, including provision of a shared use footway / cycleway from the Site access and towards the town centre with associated raised crossings to improve safety and prioritise sustainable transport modes for the benefit of residents of the development and existing pedestrians and cyclists;
- Provision of a new active travel bridge which will be constructed immediately adjacent to the existing pedestrian bridge over the A10, which is also to be improved, linking Public Rights of Way (PROW) 36 and 40, including improvements to the PROW in terms of lighting, surfacing and width, providing a second safe and suitable access (including via suitable ramped access) for residents of the development to existing facilities within convenient distance in the town;
- Provision of a new pedestrian bridge over the A10 which will connect Public Rights of Way 41 and 35, providing a third safe and suitable access for existing PROW users and for residents of the development to existing facilities within walking distance in the town;

- Contributions towards improving public transport services from and within the town and into the Site, including a contribution of £1.5m towards increasing the frequency of bus services from the Site to nearby towns from hourly to every 30 minutes;
- Extensive further contributions towards improvements to schools, health, and community facilities within the town, in addition to on-site facilities proposed;
- Existing site features of interest such as trees and hedgerows will be retained and strengthened, unless necessary to be removed to enable development, and supplemented with additional planting and areas for wildlife to enable an anticipated biodiversity net gain of 11.22%; and,
- The creation of jobs (estimated around 122 direct jobs on site as well as indirect jobs in the wider town) and economic output during the construction phase (an estimated 205 full time equivalent jobs with total temporary economic output of £91m, of which £45m within East Hertfordshire) and operational phase (an estimated contribution of £36.8m to the UK economy and £15.6m to the local economy within East Hertfordshire), as well as additional expenditure within the local economy from future residents.

3.10 In summary, the Appeal Scheme represents a comprehensive package of development and infrastructure that aims to address the need for growth in the town and maximising the economic, social and environmental benefits, and making it more sustainable in terms of limiting the need for residents to travel and providing genuine choice of transport modes.

4 The Case for the Appellant

- 4.1 There are only three substantive reasons for refusal. Reason for refusal 4 concerns the lack of a signed Section 106 Agreement which will be addressed through the Appeal process by the Appellant.

Reason for Refusal 1

- 4.2 The different elements and policies referred to in Reason for Refusal 1 are now taken in turn.

Isolated and ‘Physically Severed’

- 4.3 The reason alleges that the Site is isolated and physically severed from the rest of the town. The words ‘isolated’ and ‘physically severed’ are not defined within the Development Plan, the NPPF, nor are they within any of the policies referenced in the reason for refusal. Where the word ‘isolated’ is used in local and national policy, it is ordinarily used in the context of buildings which are located within the open countryside, policies which are not relevant to this appeal given the Site’s adjacency to the employment and the Site’s relationship to the existing urban context.
- 4.5 It is recognised that the A10 is in cutting to the immediate east of the Site, and that as a result the Appellant proposes extensive improvements so as to enable future and existing residents to travel between the existing urban area to and from the east on foot or by bicycle. These will comprise attractive and convenient alternative means of travel other than by the private car. Thus, it is misplaced to allege that the proposals, and therefore future residents, will be isolated or severed from the rest of Buntingford.
- 4.6 In any event, the Site is immediately adjacent to Buntingford Business Park and the employment allocation to the north of the Business Park. Additionally, further employment development is proposed by the Appellant to the immediate south of the A507. Thus, the location of the Site adjacent to urban development to the east and south means it cannot properly be described as isolated.

Active Travel Connections

- 4.7 The reason for refusal also alleges poor quality active travel connections to services within the town. It is understood that this statement is based on the existing connections rather than proposed connections, and that will be clarified through a Statement of Common Ground.
- 4.8 It will be demonstrated through transport evidence that the proposed active and sustainable travel connections to the services within the town are not of poor quality with reference to proposed improvements illustrated within the submitted plans, and are capable of being secured within wording in proposed planning obligations and conditions, that commit the Appellant to deliver the proposed improvements. It will also be evidenced that these improvements will give the residents of the site a realistic choice to travel by a sustainable mode. Notably there is no outstanding request from the LHA for any additional measures to be addressed or further improvements to be made. It is assumed that it can be agreed that the Appellant has done all that can be reasonably done in order to secure the sufficient connectivity of the site to the remainder of the settlement.

Car Dependent

- 4.9 The reason alleges the proposals are likely to be car dependent, and result in increased vehicle trips and pressure upon the highway network. It specifically alleges that residents and visitors to the development would be heavily reliant on the private car to access employment, main food and comparison shopping elsewhere. It will be demonstrated that the highway network can accommodate the forecasted peak traffic demands of the proposals and that some level of reliance upon the private car of itself, does not equate to a reason for refusal. It is not clear why there is reference to visitors to the development in this context and this will be clarified within the Statement of Common Ground. The reason goes on to state there would not be a genuine choice of alternative travel modes. This is strongly refuted.
- 4.10 It will be demonstrated that the mix of uses proposed within the development will reduce the need to travel for some journey purposes, and that there will be a realistic choice to travel by sustainable travel modes. Further, it will be

demonstrated that the active travel connections from the development to jobs and other services within the town will be safe, convenient and attractive, and provide a genuine choice of sustainable transport modes. The range and quantum of job opportunities and services within the town will also be explained. Further still, it will be demonstrated that the public transport services from the Site to other nearby towns including Hertford, Royston and Ware will be a frequent, attractive, and a genuine alternative to the private car. These improvements will be secured by wording within planning obligations to be submitted to the appeal. Reference will also be made to planning appeal reference 3340497 where planning permission was granted for 350 dwellings in August 2024 to the east of the A10 in Buntingford, and where matters of sustainability including access to services and facilities was considered by the Inspector in allowing the appeal.

- 4.11 Notwithstanding the above, it will also be demonstrated through transport evidence that there are no residual cumulative impacts on the highway network that would be severe, taking into account all future scenarios. Further, planning permission has not been refused on the grounds there are residual cumulative impacts on the highway network that are severe.

Policy Conflict

- 4.12 Finally, the reason alleges 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 (2017), and paragraphs 110 and 115 National Planning Policy Framework.
- 4.13 The policies will be described and considered in light of the Council's failure to demonstrate a five year supply of deliverable housing sites, which the Council consider is likely to be between 3.4 and 3.7 years supply although this has not yet been formally published and therefore remains to be scrutinised. It will be demonstrated that the policies which are most important for determining the appeal are out of date, and this includes policies DPS2 (the Development Strategy) of the Local Plan and HD1 of the Neighbourhood Plan. The weight to be given to the conflict with these policies in the planning balance will therefore be demonstrated to be very limited.

- 4.14 The policies of the Development Plan will also be considered having regard to paragraph 232 of the NPPF. As the policies are 8 and 9 years old respectively, they were adopted before the current version of the NPPF and therefore their consistency with the NPPF will be considered in evidence.
- 4.15 Policy TRA1 (Sustainable Transport) has a number of criteria. The Officer's Report would appear to indicate it is only criteria a) that has been breached and this will be clarified through the Statement of Common Ground. In any event, it will be demonstrated that in respect of each criteria; (a) the proposals are located in a place which enables sustainable journeys to be made to key services and facilities, (b) takes account of the Local Transport Plan, (c) there are a range of sustainable transport options available to occupants, and (f) where existing rights of way are protected. Other criteria in relation to (e) timing of sustainable travel infrastructure and (g) maintenance of routes will be addressed through planning obligations and conditions. Criteria in relation to (d) layouts prioritising non car modes would be addressed at reserved matters stage, although it will be shown that the illustrative masterplan demonstrates how this can be achieved. It will therefore be concluded there is no breach of Policy TRA1.
- 4.16 In respect of paragraphs 110 and 115 of the NPPF, it will hopefully be clarified through the Statement of Common Ground which criteria the Council consider to be breached. However, it will be demonstrated that this location is sustainable, with the development proposed limiting the need to travel and offering a genuine choice of modes of travel. Further, it will be demonstrated how sustainable transport modes have been prioritised with reference to the proposed works, how a safe and suitable access can be achieved for all users. Criteria related to (115 b)) the design of streets would be addressed at reserved matters stage, and there are no significant impacts from the development on the transport network (criteria 115 d)).
- 4.17 The Appellant's case is therefore that there is no conflict with policy TRA1 and paragraphs 110 and 115 of the NPPF. And whilst it accepts there is some conflict with policies DPS2 and HD1, these policies are out of date and of limited weight in the determination of this appeal. Extensive measures have been proposed pursuant to a vision-led transport approach to ensure that there is a clear opportunity for future residents to access new and existing facilities by sustainable travel modes.
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Reason for Refusal 2

- 4.18 The different elements and policies referred to in Reason for Refusal 2 are now taken in turn.

LCA141

- 4.19 The Council alleges the scale, form, visual impact and siting of the development 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).

- 4.20 It will be demonstrated through landscape evidence that although the Site would encroach onto a small part of the northeastern area of LCA 141, furthermore, the built form of the development would be located where there is existing urban influence from the A507 and A10 road corridors and where there is intervisibility with parts of the town. It will be concluded that the development's urbanising effect upon LCA 141 would be limited, capable of mitigation and any effects would not alter LCA 141's key characteristics.

Rib Valley

- 4.21 The Council also alleges 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.
- 4.22 It will be demonstrated through landscape evidence that the development would be well 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. The development would be well contained within the valley setting in which most of Buntingford presently sits and, with mitigation, avoids far reaching impacts on the wider, rural landscape.

Harm

- 4.23 The Council alleges significant harm to the rural landscape character and would fail to recognise the intrinsic character and beauty of the countryside. It will be demonstrated through landscape evidence that the level of harm to the rural landscape, with mitigation, is limited, with effects highly localised and not significant or harmful to the wider intrinsic character and beauty of the countryside beyond the appeal site.

Policy Conflict

- 4.24 Finally, the reason alleges conflict 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 NPPF.
- 4.25 The policies will be described and considered in light of the Council's failure to demonstrate a five year supply of deliverable housing sites, and the fact that the prospects of this position altering in the near future is unlikely. It will be demonstrated that the policies which are most important for determining the appeal are out of date by reason of the absence of a positive Five Year Housing Land Supply, and this includes policies GBR2 (Rural Area beyond the Green Belt) of the Local Plan which is a general policy which seeks to restrict development beyond the settlement boundary across a wide area of the District irrespective of its landscape value. The weight to be given to the conflict with this policy in the planning balance will therefore be demonstrated to be very limited.
- 4.26 The policies of the Development Plan will also be considered having regard to paragraph 232 of the NPPF. As the policies are 8 and 9 years old respectively, they were adopted before the NPPF and their inconsistency with the NPPF will be considered in evidence.
- 4.27 Policy DES2 (Landscape Character) and Policy HD2 of the Neighbourhood Plan have a number of very similar criteria and it will be clarified through the Statement of Common Ground which criteria the Council consider to be breached. It will be demonstrated that the development complies with Policy DES2 and Policy HD2

when read as a whole, and that it is sensitive to the landscape and of a height which limits views of the development from the surrounding countryside. Further, it will be demonstrated through landscape evidence that the development conserves, enhances and strengthens the character and distinctive features of the BCA landscape, beyond the appeal site.

- 4.28 Policy ES1 requires development proposals to be appropriate to and maintain the Rib Valley and the setting of the BCA. As above, it will be demonstrated that the development would be within the valley setting and appropriate to the setting of the BCA. The appeal site is unremarkable and is part of the ‘ordinary’ countryside and is alleged to be ‘valued landscape’. In respect of paragraph 187. b) of the NPPF and recognising the intrinsic character and beauty of the countryside, it will be demonstrated how the development has been designed with respect to the landscape character of the area.
- 4.29 The Appellant’s case is therefore that there is no conflict with policies DES2, HD2 and ES1 and paragraph 187. b) of the NPPF. And whilst it accepts there is conflict with policy GBR2, this policy is out of date and of limited weight in the determination of this appeal.

Reason for Refusal 3

- 4.30 The Council alleges 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.
- 4.31 The level of harm and policy conflicts identified by the Council in the reasons for refusal and Officer’s Report will be weighed having regard to the evidence presented and the fact the most important policies for determining this appeal are out of date and therefore of limited weight. Further, the benefits of the proposal will be weighed having regard to evidence of need which will be presented. The Appellant will seek to reach agreement through the Statement of Common Ground with the Council as to the relative weight to be afforded to the respective matters.

- 4.32 It will be demonstrated that the harm and policy conflict (policies which are noted to be out of date and have limited weight) in no way reaches the high bar of paragraph 11d of the NPPF in being capable of significantly and demonstrably outweighing the benefits. This assessment will also have 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 as per paragraph 11d of the NPPF.

Policy Conflict

- 4.33 The reason for refusal also alleges conflict with a number of policies of the Development Plan. Some of these policies are listed within other reasons for refusal, namely DPS2, GBR2, and TRA1 of the Local Plan, and ES1, HD1 and HD2 of the Neighbourhood Plan, and do not relate to this reason for refusal. These policies will be addressed as set out above.
- 4.34 The reason for refusal also alleges conflict with policy INT1 and TRA2 of the Local Plan. Policy INT1 (Presumption in Favour of Sustainable Development) replicates a previous version of national policy, but is now not consistent with current wording of the NPPF. Accordingly, it will be explained the policy is of limited weight and, in any event, it will be demonstrated the proposed development accords with Policy INT1 with reference to the harm not outweighing the benefits as set out above. Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) is not relevant to this reason for refusal and the Officer's Report confirms the proposals are in accordance with this policy, and this will be clarified through the Statement of Common Ground. Similarly, Policy BE2 of the Neighbourhood Plan relates to proposals to upgrade, intensify or extend the main industrial sites in the town and is not relevant to this reason for refusal. This will be clarified through the Statement of Common Ground.

Reason for Refusal 4

- 4.35 A signed S106 Agreement (or Unilateral Undertaking) will be submitted prior to the inquiry to overcome this reason for refusal.

Other Matters

- 4.36 Although not forming part of the reasons for refusal, the Appellant will review objections made on other matters by respondents to the application and provide evidence accordingly in demonstrating these matters do not warrant a reason for refusal as agreed with the Council.
- 4.37 To the contrary, the Appellant will demonstrate that the Local Plan is failing to deliver much needed development and that there is little or no prospect of this position changing in the near future. There is an immediate need for additional general market housing and an acute need for affordable housing. The Appellant will demonstrate that in the event that the appeal is allowed, that the Site will deliver quickly, with likely delivery rate reaching up to 100 dwellings per annum.
- 4.38 In addition the scheme will deliver multiple other benefits resulting in a sustainable extension to the existing settlement. Those benefits are set out in Paragraph 3.6 of this Statement, and include provision of custom and self-build housing, specialised elderly accommodation, new First School, Mixed Use Local Centre and Community Hub, significant Green Infrastructure provision, improved active travel connections and public transport provision, and significant contributions to local infrastructure to the benefit of new and existing residents alike.
- 4.39 It will be demonstrated that the presumption in favour of sustainable development will be engaged and not disengaged, and that the benefits of the appeal proposals will significantly and demonstrably outweigh the limited harms which would arise.
- 4.40 Finally, it will be demonstrated that there are no reasonable alternatives to the growth of Buntingford that would have a lesser environmental and amenity value than the Appeal Site. Moreover, it will be demonstrated there are no reasonable alternatives for growth of this scale across East Hertfordshire on sites outside of the Green Belt and in sustainable locations that would have less environmental and amenity value than the Appeal Site. It will be argued therefore that the Local Plan Review will have limited alternative options to meeting future needs that do not need to rely on the Appeal Site coming forward for development. Given the Local Plan Review is some time away from being adopted, the Appeal Site should be granted planning permission in the interim period.

5 How the Appeal Should Be Heard

- 5.1 The Appellant considers that a public inquiry is necessary to determine the Appeal in accordance with the 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals' (Planning Inspectorate Guidance; 21st April 2022).
- 5.2 The Appellant considers that an inquiry is required because of the extent and level of detail that needs to be interrogated and scrutinised in relation to the appropriateness of active travel connections, landscape and visual impact, and the 'planning balance'. The extent and complexity of the matters raised need to be tested through formal cross-examination by an advocate.
- 5.3 It is expected that expert evidence will be provided in the following areas to address the reasons for refusal and third party concerns:
1. Sustainable Transport;
 2. Landscape;
 3. Housing Land Supply;
 4. Affordable Housing;
 5. Education;
 6. Highways; and
 7. Planning

6 Documents

6.1 The Appellant will refer to the following documents:

Local Planning Policies and Documents

- East Herts District Plan (October 2018)
- Buntingford Community Neighbourhood Plan 2014-2031 (May 2017)
- East Herts Affordable Housing Supplementary Planning Document (2020)
- West Essex and East Herts Strategic Housing Market Assessment (2015)
- Affordable Housing Update (2017)
- Affordable Housing Needs Assessment (2022)
- East Herts Local Development Scheme (October 2024)
- East Herts Strategic Vision (March 2025)
- Annual Monitoring Reports and Five Year Housing Land Supply Position Statements
- The District Plan Evidence Base and Inspector's Report
- Planning appeal reference 3340497 (August 2024)
- Statement of Common Ground
- East Herts District Landscape Character Assessment (2007)

National Planning Policy, Guidance and Other Documents

- National Planning Policy Framework (NPPF) (December 2024)
- National Planning Practice Guidance

Appeal Decisions and Case Law

6.2 Relevant planning appeal decisions and court decisions will also be referenced as part of the Appellant's case.

Other Documents

6.3 The policies and documents referred to in this document are not exhaustive, and the Appellant reserves the right to refer to other material as necessary, in response to further information received during the course of the Appeal, in response to the Council's Statement of Case and to any policy changes or material appeal decisions that occur before the opening of the Inquiry.

Appendix 1: Schedule of Planning Application Documents

As Submitted and Validated (May 2024)

0. Application Form
1. Covering Letter

Plans

2. HLM082/021 Rev B Site Location Plan
3. HLM082/018 Rev H Land Use Components Plan
4. HLM082/029 Rev B Illustrative Masterplan
5. Landscape Mitigation Strategy Plan

Documents

- 6.i Ecological Impact Assessment (Part 1)
- 6.ii Ecological Impact Assessment (Part 2)
7. Economic Benefit Statement
8. Planning Statement (Including Affordable Housing Statement)
9. East Hertfordshire Housing Need Evidence Base Review
- 10.i Flood Risk Assessment and Drainage Strategy (Part 1)
- 10.ii Flood Risk Assessment and Drainage Strategy (Part 2)
- 10.iii Flood Risk Assessment and Drainage Strategy (Part 3)
- 11.i Transport Assessment (Part 1)
- 11.ii Transport Assessment (Part 2)
12. Framework Travel Plan
13. Heritage Statement
- 14.i Landscape and Visual Impact Assessment
- 14.ii Landscape and Visual Impact Assessment Appendix F - Site Photographs (1)
- 14.iii Landscape and Visual Impact Assessment Appendix F - Site Photographs (2)
- 14.iv Landscape and Visual Impact Assessment Figure L1 - Landscape Designations Plan
- 14.v Landscape and Visual Impact Assessment Figure L2 - Topography Plan
- 14.vi Landscape and Visual Impact Assessment Figure L3 - Landscape Character Plan
- 14.vii Landscape and Visual Impact Assessment Figure L4 - Viewpoint Location Plan
- 14.viii Landscape and Visual Impact Assessment Figure L4a - Preliminary ZTV Plan
- 14.ix Landscape and Visual Impact Assessment Figure L5 - Opps and Cons Plan
15. Lighting Impact Assessment
16. Noise Impact Assessment
17. Statement of Community Involvement
18. Sustainable Construction Energy and Water Statement
- 19.i Utilities Assessment (Part 1)
- 19.ii Utilities Assessment (Part 2)
- 19.iii Utilities Assessment (Part 3)
- 19.iv Utilities Assessment (Part 4)
- 19.v Utilities Assessment (Part 5)
20. Statutory Biodiversity Metric Calculation
21. Biodiversity Net Gain Assessment Design Stage
22. Agricultural Land Classification
- 23.i Air Quality Assessment (Part 1)
- 23.ii Air Quality Assessment (Part 2)
24. Arboricultural Impact Assessment

- 25. Archaeological Desk Based Assessment
- 26.i Phase 1 Desk Study Report (Part 1)
- 26.ii Phase 1 Desk Study Report (Part 2)
- 26.iii Phase 1 Desk Study Report (Part 3)
- 27. East Hertfordshire Five Year Housing Land Supply Review Statement
- 28.i Design and Access Statement (Part 1)
- 28.i Design and Access Statement (Part 2)

Addendum 1 (July 2024)

- 10.a Flood Risk and Drainage Technical Note
- 29. Health Impact Assessment

Addendum 2 (May 2025)

- 25.a.i Archaeology Geophysical Overlay Plan
- 25.a.ii Archaeological Geophysical Report

Addendum 3 June 2025

- 1.a Covering Letter
- 3.a HLM082/018 Rev R Land Use Components Plan
- 4.a HLM082/029 Rev H Illustrative Masterplan
- 6.a Ecological Impact Assessment
- 8.a Planning Statement Addendum
- 10.b. Flood Risk and Drainage Technical Note
- 11.a.i Transport Technical Note (Part 1)
- 11.a.ii Transport Technical Note (Part 2)
- 11.a.iii Transport Technical Note (Part 3)
- 14.a.i Landscape and Visual impact Assessment Addendum
- 14.a.ii Landscape and Visual impact Assessment Addendum - Appendix A Figure L4
- 14.a.iii Landscape and Visual impact Assessment Addendum - Appendix A Figure L4a
- 14.a.iv Landscape and Visual impact Assessment Addendum - Appendix A Figure L6
- 14.a.v Landscape and Visual impact Assessment Addendum - Appendix B
- 14.a.vi Landscape and Visual impact Assessment Addendum - Appendix C
- 20.a Biodiversity Metric Calculation Tool
- 21.a Biodiversity Net Gain Assessment Design Stage
- 24.a Arboricultural Impact Assessment
- 28.a Design and Access Statement Addendum
- 30. Sustainability Strategy
- 31. Indicative Sports Pitch Layout Plan
- 32. HLM082/037 Rev C Building Heights Parameter Plan
- 33. HLM 082/037 Rev D Residential Density Plan
- 34. Design Principles Document

Addendum 4 August 2025

- 11.b.i Response to LHA Comments
- 11.b.ii 23161_SK_T_003 (P4) Active Travell Connection Plan
- 11.b.iii 23161_SK_T_023 (P8) Forward Visibility Plan
- 11.b.iv 23161_SK_T_029 (P3) Baldock Road Roundabout – Northern Access Plan
- 11.b.v 23161_SK_T_036 (P2) Potential for Widening of PROW 36 Plan

Addendum 5 Amended or New Plans Submitted with the Appeal, including Documents with submitted Transport Assessment or Transport technical Notes which are unchanged (April 2026)

- 11.c.i 23161_SK_T_003 (P5) Proposed Active Travel Enhancement on Baldock Road East of A10 Plan
- 11.c.ii 23161_SK_T_018 (P2) Proposed Cross Sections (PROW Enhancements)
- 11.c.iii 23161_SK_T_021 (P1) Southern Bridge Crossing Plan
- 11.c.iv 23161_SK_T_022 (P2) Southern Bridge Crossing – Elevations
- 11.c.v 23161_SK_T_023 (P13) Forward Visibility Plan
- 11.c.vi 23161_SK_T_025 (P4) Northern Parcel Throcking Lane Access Plan
- 11.c.vii 23161_SK_T_029 (P5) Baldock Road Roundabout – Northern Access Plan
- 11.c.viii 23161_SK_T_032 (P1) Northern Bridge Crossing Plan
- 11.c.ix 23161_SK_T_033 (P1) Northern Bridge Crossing – Elevations
- 11.c.x 23161_SK_T_034 (P3) Potential for Widening of PROW 36 Plan
- 11.c.xi 23161_SK_T_035 (P3) Proposed 40mph Speed Limit and Crossing Signage
- 11.c.xii 23161_SK_T_040 (P2) Proposed Active Travel and Wayfinding Strategy

Appendix 2: Summary of Statutory Consultee Responses

Consultee	Response
EHDC Landscape Officer	No objection
EHDC Planning Policy Team	Objection
EHDC Environmental health	No objection – recommend planning conditions regarding ground condition, electric vehicle charging points, air quality mitigation
EHDC Housing Officer	No objection - 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 Urban Design Officer	Objection
HCC Highways	Objections
HCC Archaeology Service	Request for 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	No objection – recommend conditions LEMP (including skylark plots), CEMP, lighting design strategy
HCC Growth and Infrastructure Unit	No objection – 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)	No objection – subject to conditions 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	No objection - Recommend condition with regard to details of fire hydrants.
HCC Minerals and Waste Planning	No objection - Recommend that a Site Waste Management Strategy and Site Waste Management Plan for construction phase be secured by condition.
Sport England	No objection
Design South East Design Review Panel	No objection
Active Travel England	No objection – recommended deferral of application
Thames Water	No objections – condition provided with regards to occupation linked to updating foul water network
UK Power Networks	No objection
Crime Prevention Design Advisor	No objection
Buntingford	Objection

Cottered and Throcking Parish Council	Objection
Westmill Parish Council	Does not support application
CPRE	Does not support application