

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

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

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

at

Land North of A507, West of A10 Buntingford, Hertfordshire

**Addendum to the Proof of Evidence of Phillip E Hughes MRTPI on
Planning Matters on Behalf of East Hertfordshire District Council**

PINS Ref: 6008238

EHDC Ref: 3/24/0966/OUT

A Introduction

- A.1 I am providing this addendum to my proof to address the newly issued National Planning Policy Framework (NPPF) issued in August 2026. Due to other commitments and the very short deadline for submissions I have not had the opportunity to revise my proof and this note should be read alongside my proof.

B The NPPF 2026

- B.1 Consistent with other iterations of the NPPF this version acknowledges that the planning system should be genuinely plan-led¹ and that planning law² requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³.
- B.2 Paragraph 17 sets out the three objectives of sustainable development that have been outlined in previous iteration of the NPPF explicitly in the context of the environmental objective acknowledging the need to protect and enhance our natural environment and the economic objective supporting the right type of land in the right place to support growth.
- B.3 The objective of achieving sustainable development⁴ is to inter alia:
- meet development needs through sustainable patterns of development, [...] and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.*
- B.4 The changes to the NPPF reinforce the Council's Case by retaining the policy requirement to safeguard the intrinsic character and beauty of the countryside⁵, giving greater prominence sustainable patterns of growth and explicitly seeking to limit development away from settlements.
- B.5 Policies S3 – S5 set out the presumption in favour of sustainable development with Policy S5 relating to development outside settlements. Whether development attracts the support of the Framework is based on locational criteria, and it is clear that in the event those criteria are not satisfied the starting point is that the Framework directs refusal.
- B.6 Policy S4 introduces a default presumption within settlements: approve unless adverse impacts substantially outweigh the benefits. This would provide support for intensifying or optimising urban housing sites.

¹ Chapter 1 paragraph 2

² §38(6) Planning and Compulsory Purchase Act 2004 and §70(2) TCP Act 1990

³ Chapter 1 paragraph 3

⁴ Chapter 4 NPPF

⁵ To safeguard in the context of conserving and enhancing provides more explicit protection than recognition

- B.7 Policy S5.1 states that only certain forms of development should be approved outside settlements, subject to meeting the criteria which follow within that paragraph. In the event that a proposal fails to satisfy one or more of those criteria then the development should not be approved, unless the proposal can demonstrate exceptional circumstances (applying policy S5.4). Even in the event that one or more of the relevant criteria is met, then the Framework still directs refusal in the event that the harms of granting permission would substantially outweigh the benefits of doing so. One of these scenarios could comprise where the development results in a conflict with one of the National Decision-Making Policies which directs refusal in specified circumstances. I address the criteria within Policy S5.1 which are most likely to relate to this proposal below.
- B.8 Policy S5.1(h), relates to residential and mixed use development which can be approved in the circumstances where all of the criteria (i) – (iv) have been met⁶. Criteria (i) and (ii) would be offended by the proposed development as (for the reasons set out in the evidence of Mr. Lewis and as covered in my main Proof of Evidence):
- (i) The appeal site is not located within reasonable walking distance of a well-connected station; and
 - (ii) Is not physically well related to any settlement and not a settlement within which a station is located
- B.9 As such the proposals do not attract the support of S5.1(h).
- B.10 In respect of Policy S5.1(j), it is clear that the proposal would address unmet need on the basis that the Council is unable to demonstrate a five year supply of housing land. Nevertheless, the proposal would not meet the requirements of S5.1(j)(i) because, for the same reasons outlined in respect of Policy S5.1(h), they are not physically well related to an existing settlement. The site is located to the west of the A10 physically separated from the entirety of the existing settlement which is exclusively located to the east of this main A road, alongside the reasons Mr Lewis sets out in his evidence.
- B.11 For the reasons set out in the Council's evidence the proposals would therefore not meet any relevant category within S5.1(a)-(j) and the result is that the Framework directs that permission should be refused, subject to the consideration of whether exceptional circumstances are present. As explained further below, this is a case in which even were one of the relevant categories to be satisfied, the harms of granting permission would substantially outweigh the benefits of doing so. Accordingly, there are no exceptional circumstances, and even applying the 'stem' of S5 assuming that a relevant category were satisfied, permission should be refused.
- B.12 For the reasons outlined by Mr Lewis and Ms Carpenter the proposals would not prioritise sustainable patterns of movement contrary to Policy CC2.1 (a) and would not support good access to facilities this reducing the need to travel contrary to Policy CC2.1 (b).

⁶ See NPPF Chapter 1 paragraph 11

- B.13 The objective of Chapter 6 delivering a sufficient supply of homes is in broad terms materially unaltered from previous iterations of the NPPF save insofar as it adds emphasis to the need to ensure land with permission is developed without delay. For older person accommodation Policy H09(a) requires such development to be to M4(2) or M4(3) accessibility standards and to be located where residents will be able to access frequently-used services easily and safely. Given the lack of any evidence about the viability and delivery of local services on site and for the reasons Mr Lewis and Ms Carpenter set out walking or wheeling to such facilities in Buntingford is not easy or safe. Therefore, the proposals conflict with NPPF Policy H09.1(a)(i).
- B.14 The Appellant will need to address matters of deliverability and build out to accord with Policy HO13.
- B.15 Policy DP3.1 requires developments to respond to their context including the character, features and setting of the site. For the reasons set out by Mr Browne, the proposals will conflict with this policy. The proposals would conflict with Policy DP3.2(d) as - consistent with Policy S5 and the evidence of Mr Lewis and Ms Carpenter – it fails to provide good connections to the nearby settlement of Buntingford and does not prioritise walking, wheeling and cycling. DP3.3 states that proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2. Accordingly, the Framework also directs refusal in this respect.
- B.16 Chapter 12 seeks to encourage the effective use of land and the objectives of the policy include safeguarding and improving the environment. In terms of Policy L2 the proposals do not comprise remediation of land, making better use of vacant and underutilised land and buildings, making effective use of previously developed land or creating floorspace within settlements. Policy L3 requires development to make efficient use of land taking account of need and local market conditions as the availability of infrastructure including that supporting sustainable transport modes. Policy L3(2) sets out ways to contribute to making effective use of land within settlements (a) and on the edge of existing built up areas (b) and within reasonable walking distance of a well-connected station.
- B.17 The objective of Chapter 15 remains broadly consistent with previous iterations of the NPPF. Policy TR1 is a plan making policy, it requires the outcome to be well-designed, sustainable, inclusive and popular places to be achieved by *inter alia*; taking opportunities for prioritising and maximising sustainable movement across the area; locating proposed development where it can support sustainable patterns of movement and make effective use of existing or proposed transport infrastructure; minimising the number and length of journeys.
- B.18 Policy TR3 is explicit in seeking to locate development in sustainable locations and it states that in order to support sustainable patterns of movement, enable good accessibility for different users that development should reflect the principles at TR3.1(a) – (e). For the reasons above, the proposal would also conflict with this policy.

- B.19 TR3.1(a) repeats established policy wherein development that generates significant amounts of movement (such as the appeal proposals) should be situated in locations that are sustainable or can be made so and notes that this means *the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users*. For the reasons set out by Mr Lewis and Ms Carpenter the proposals would conflict with this policy. TR3.1(b) seeks to optimise development in the context of utilising opportunities with existing and proposed transport that supports more walking, wheeling, cycling and public transport use.
- B.20 TR6.4 is explicit in stating that development proposals should be refused if they would have an unacceptable impact on highway safety. This contains the same thrust as the former NPPF para 116. Policy TR6.4 comprises one of 11 National Decision-Making Policies in the NPPF which directs refusal of development proposals in specified circumstances. For the reasons set out by Ms Carpenter, the proposal would conflict with this Policy. This therefore invokes Policy S5.1 which indicates that the benefits of the development are likely to be outweighed by the adverse effects, due to the conflict with the national DM policy which directs the proposal to be refused. I consider, given the unambiguous wording of Policy TR6.4, that this justifies refusal of permission whether or not the development falls within one of the permitted forms of development specified in Policy S5.1(a) to (j).
- B.21 Policy TR8.1(a) requires that existing public rights of way should be protected and enhanced, of the reasons set out by Mr Browne the proposals fails to do so.
- B.22 Policy HC4 advocates for substantial weight to be given to new community facilities as a benefit when they would be provided. In order for the weight to be given then it is clear that it has to be demonstrated that they will be provided. For the reasons I have outlined in my proof the Appellant has not demonstrated that such facilities can or will be provided.
- B.23 Policy HC5 explicitly requires that hot food takeaways should be refused if they are located within reasonable walking distance of schools or other places where children and young people could congregate. Such a policy has an impact on the proposed “local centre” given the view of HCC sought by the Appellant was that a mix including takeaways and a café was anticipated. Given its location as proposed by the Appellant is located adjacent to what they say would be a school (and such a location is relied upon to support the “interest” expressed). In the circumstances of the Appellant’s proposals the plans would conflict with Policy HC5.
- B.24 Chapter 19 retains the title of conserving and enhancing the natural environment and sets out that:

The objective of the policies in this chapter is to influence the design and location of new development to help drive nature’s recovery and contribute to wider environmental outcomes, safeguarding our most important habitats, species and landscapes and recognising the centrality of natural capital to delivering sustainable growth

- B.25 Policy N2 is a decision making policy and seeks to set a positive obligation to contribute to the natural environment on future development, through conservation and enhancement. Policy N2 relates to improving the natural environment and represents a significant strengthening of policy with N2.1(a) requiring proposals to contribute positively to the natural environment and to consider the environmental qualities of the appeal site including landscape character and the natural beauty of the countryside. For the reasons Mr Browne explains in his evidence the proposals would conflict with this policy as they would not improve the natural environment.
- B.26 Policy N2.1(b) also requires decisions to contribute to the natural environment by taking into account best and most versatile agricultural land and using areas of poorer quality land where possible. The proposals lead to the loss of 45 hectares, a substantial area, of BMV as detailed in my proof and thus conflicts with N2(1)(b).
- B.27 In terms of Heritage and Chapter 20 the common ground between the parties is not materially impacted by the redrafted policies which do not impinge on the statutory duties imposed on the decision maker.

C The Planning Balance

- C.1 For the reasons I have set out in my proof and above, and Mr Browne, Mr Lewis and Ms Carpenter set out in their evidence, I consider that pursuant to Policy S5 of the NPPF the benefits of granting planning permission would be substantially outweighed by the adverse effects when assessed against the policies of the latest Framework.
- C.2 Therefore, the August 2026 NPPF does not materially change my overall planning judgement on behalf of the Council, and I continue to invite the Inspector to dismiss this appeal. Further, the locational consideration of the appropriateness of development now emphasised within policy S5 further bolsters the Council's first reason for refusal in this case. The Framework could not be clearer that poorly connected sites outside settlement boundaries will not be supported, and this is plainly such a scheme.