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

Appellant: Hallam Land Management Limited

Local Planning Authority: East Hertfordshire District Council

Application Reference: 3/24/1255/OUT

UPDATED STATEMENT OF COMMON GROUND

OCTOBER 2026



Bridgeway House, Bridgeway, Stratford upon Avon, CV37 6YX
www.marrons.co.uk

Contents

1. Introduction 2

2. The Appeal Site, Local Area and Planning History 5

3. The Appeal Proposal 7

4. Development Plan (Adopted and Emerging), Supplementary Planning Guidance, National Policy and Other Guidance 10

5. Areas of Agreement 14

6. Schedule of Conditions and Draft Terms of S106 29

1 Introduction

1.1 This Updated Statement of Common Ground (SoCG) has been prepared jointly by Marrons on behalf of Hallam Land Management Limited ("the Appellant") and East Hertfordshire District Council (EHDC) as the Local Planning Authority (LPA). It has been prepared in respect of an appeal against the decision of EHDC to refuse outline planning permission for development of employment land (flexible use B2, B8, E(c) and E(g)), informal open space, associated works and infrastructure including a new access from A507, with all matters reserved except for access on land south of A507, West of A10, Buntingford.

1.2 The Updated SoCG has been prepared jointly by the Appellant and EHDC following the below events:

1. In August 2026, a new National Planning Policy Framework (NPPF) was published which comprises a significant new material planning consideration which must be taken into account as part of this Appeal process. The new NPPF has introduced new National Decision-Making Policies and a new Presumption in Favour of Sustainable Development, which form critical planning policy matters that must be taken into account by the decision maker as part of this Appeal. The SoCG has been updated to take into account the matters of common ground between the parties in respect of this new policy document.
2. On September 24th 2026 an Appeal [Ref: 6008238] was allowed by the Planning Inspectorate for an outline planning application for a significant mixed use residential-led urban extension on land north of A507 (Baldock Road) directly adjacent to the Appeal scheme. This adjacent Appeal (Northern Site Appeal) was submitted by the same Applicant [Hallam Land Management] as this Appeal (subject to the SoCG) and it includes permission for various works within the public highway including a new Toucan Crossing over the A10 and active travel improvements to the route along Baldock Road into Buntingford. These highlighted works to the public highway form part of the improvement works associated with the Southern Site Appeal.

1.3 it has been established through the above Appeal decision [Ref: 6008238] that the toucan crossing and active travel routes are acceptable in planning terms, and the new presumption in favour of Sustainable Development (as set out in the NPPF)

must be applied in the current Appeal process. The LPA has therefore reconsidered its position on the current Appeal taking into account all relevant material considerations (which apply at this time).

1.4 It was the previous position of the LPA and LHA that the toucan crossing, and active travel provisions were unacceptable and these constituted matters of substantial harm within the planning balance which was carried out by the LPA in determining the planning application. Concerns over the impact on Highway Safety and Active Travel Quality were adjudged by the LPA to support the conclusion that the development was not a sustainable location for development and these harms and policy conflicts were set out in the principal reason for refusal of the application. This relates to issues 1 and 2 of the CMC Note prepared by the Planning Inspector.

1.5 The parties agree that the decision to allow the Appeal on land to the north of the A507, and approve the off site highway works to provide a crossing of the A10 and active travel improvements along Baldock Road into the town centre mean that the first reason for refusal of the southern site Appeal must fall away. The Council and the Local Highway Authority will not contest this reason as part of the Appeal or provide evidence to support the reason for refusal.

1.6 The Council has carried out an updated planning balance and confirms that in light of the above reason for refusal falling away, and when applying the new presumption in favour of Sustainable Development in the NPPF, the remaining harms to arise out of the development (ie: conflict with the spatial strategy, loss of agricultural land, landscape character and heritage) do not substantially outweigh the benefits of the proposed development. It therefore follows that planning permission should be granted for the Appeal Scheme as the proposals would constitute sustainable development under the NPPF, and this represents a significant material consideration which indicates that the appeal should be allowed.

1.7 The Council has therefore determined that it will not be submitting further evidence or statements seeking to defend the first, second or third reasons for refusal, and that planning permission should be granted (subject to conditions and a Section 106 Agreement).

1.8 It is hereby agreed by both parties that neither party will pursue a costs application against the other side as part of the Appeal process.

1.9 The updated SoCG identifies matters agreed between the Appellant and EHDC.

1.10 The updated SoCG has been prepared in accordance with the PINS guidance on preparing SoCG dated November 2024.

1.11 This updated SoCG is structured as follows.

- Section 2 provides details of the Appeal Site and the surrounding area.
- Section 3 details the Appeal Scheme.
- Section 4 details the Development Plan (Adopted and Emerging) and Supplementary Planning Guidance.
- Section 5 sets out Areas of Agreement.
- Section 6 sets out the schedule of Conditions and Draft Terms of the Section 106 agreement.

2 The Appeal Site, Local Area and Planning History

2.1 The Appeal Site comprises circa 13.28 hectares (ha) of agricultural land beyond the western edge of Buntingford. The Appeal Site borders the A507 Baldock Road to the north (from where access is proposed), with Buntingford Business Park on the opposite side of the road including an Employment Allocation of 2.8ha from the East Hertfordshire District Plan which has yet to be constructed; and the A10 to the east. In addition, the Appeal referred to above [Ref: 6008238] has granted outline planning permission for up to 660 homes, plus associated infrastructure on land immediately north of the A507 (A plan is appended showing the location of the appeal site in relation to other sites with planning permission within the town).

2.2 The existing urban area and settlement boundary of Buntingford lie to the east of the A10. Buntingford is a market town with a population of just under 8,000 in the 2021 Census. The Supporting Text in the District Plan states that the town of Buntingford 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 community[1].

2.3 The Appeal Site presently comprises a single arable field, bound by existing trees and hedgerows including a small area of woodland (circa 1.3 ha) known as 'The Thicket' at part of the southern boundary. A slight crest runs along the centre of the site before levels begin to fall in a south-westerly direction towards the Brook and to the north east towards the A10 and Buntingford built up area. The area of the site intended for development is elevated above the A10 as is the Buntingford Business Park. The Site's character is influenced by its agricultural land use and the surrounding rural landscape. Power lines cross the northwestern corner of the Site in a northeast/southwest direction. The built up area of Buntingford along with other urban influences including the A10, A507 and Buntingford Business Park are in proximity to the Appeal Site.

2.4 The Appeal Site is within the Rural Area beyond the Green Belt, as designated in the District Plan which is valued for its open and largely undeveloped nature. The Appeal Site is not a valued landscape for the purposes of NPPF para 187(a) and is not designated for any environmental, landscape or ecological importance. The

[1] Text taken from Paragraph 6.1.2 of the East Hertfordshire District Plan

Appeal Site sits within Flood Zone 1, and does not contain any heritage assets or fall within the setting of any heritage assets. There are no Public Rights of Way running through the Appeal Site but there are public footpaths (COTTERED 046) to the north, beyond the A507 Baldock Road, and to the south west (ASPENDEN 010 and 001).

Planning History

2.5 There is no relevant planning history on the application site.

2.6 The following application is of relevance to the Appeal Scheme as it relates to land north of Baldock Road (A507), subject to a major planning application submitted by the same Applicant as this Appeal Scheme.

- Ref: 3/24/0966/OUT – Outline Planning Application for development of up to 600 dwellings (C3), up to 60 units of elderly accommodation (C3), a mixed- use local centre (including flexible use E and F), first school, informal and formal open space, associated works and infrastructure including a new access from the A507 and bridges over the A10, with all matters reserved except access, at Land North of A507, West of A10, Buntingford, SG9 9ER.

  APPEAL ALLOWED 24th September 2026 subject to conditions and s106 Agreement.

3 The Appeal Proposal

3.1 The description of development is:

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

3.2 The plans submitted for approval comprise the following.

- Site Location Plan
- 23161_SK_T010 (P11) Proposed Site Access Arrangements Plan (NB This drawing shows off site works outside of the application site boundary which are shown separately on another plan for the purposes of proposed conditions). This plan has been amended since submission of the appeal to correct the site boundary so that it is consistent with the application site boundary, and correct an error on the boundary feature which should read 40 rather than 30.
- SK161_SK_T_024 (P2) Forward Visibility Plan

3.3 Plan submitted as parameters plans that can be the subject of conditions requiring Reserved Matters applications to come forward in conformity with them include:

- HLM082/019 Rev G Land Use Components Plan
- HLM082/038 Building Heights Parameter Plan

3.4 Illustrative plans, not submitted for approval, are as follows.

- HLM082/030 Rev H Illustrative Masterplan
- 23161_SK_T_023 (P14) Forward Visibility Plan (NB this Plan demonstrates how access to the Appeal Site and the Appellant's residential permission to the north can deliver a comprehensive access strategy, and has also been updated in line with amendments to 23161_SK_T010 (P10).)

Off-Site Transport Works

3.5 The proposed development proposes a number of off-site transport works on adopted highway land which are capable of being secured by planning condition/s278 works agreement. The Appellant has proposed the works shown on the following plan in consultation with the Local Highway Authority:

- 23161_SK_T_050 (P1) Proposed Offsite Works on Baldock Road (this plan has been amended to show off site works consistent with the approved plan from the residential appeal)
- 23161 043 (P2) Proposed Exit Crossing Setback (this plan is submitted to show off site works consistent with the approved plan from the residential appeal)

Environmental Impact Assessment

3.6 A formal request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to the Council in December 2023 (reference 3/23/2349/SCREEN). The Council issued its formal Screening Opinion on 16th 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

3.7 The key elements of the proposed development, once constructed and occupied, are:

- The provision of circa 4.71 ha of dedicated employment land, providing up to 27,420 sqm of floorspace (GIA) in a mix of uses (Use Class B2, B8, E(c) and E(g)) and size of units.

- The associated creation of jobs, is estimated to be around 467 FTE direct jobs on site (subject to the type and mix of employment floorspace provided), with an estimated local economic output of £21m and an estimated contribution of £43m to the UK economy. In addition, the appellant states that 426 FTE jobs are anticipated to be created in the construction phase of the proposed development, of which 210 FTE are to be generated within East Hertfordshire.

- The provision of circa 6.38 ha of informal open space, providing amenity space for any visitors and creating a buffer around the proposed employment built form, whilst also providing recreational walking opportunities

- Vehicular access into the site (for which detailed planning permission is sought) is proposed from the A507 Baldock Road on the northern site boundary;

- Active travel improvements to the A507, including provision of a shared use footway / cycleway from the Site access up to the A10 roundabout, proposed toucan crossing over the A10, and provision of shared use footway/cycleway east of the roundabout towards the town centre with associated raised crossings to improve safety and prioritise sustainable transport modes for the benefit of users of the development and existing pedestrians and cyclists;

- Contributions towards improving public transport services from and within the town and to the Site (subject to confirmation from HCC);

- Some existing site features of interest such as trees and hedgerows are proposed to be retained and supplemented, and some are to be removed to enable development, and the landscaping reserved matters details could bring forward planting including a proposed woodland copse planting to the west of the Site; and,

- An anticipated biodiversity net gain of 12.49% and anticipated increase in hedgerow units of 10.11%.

4 Development Plan (Adopted and Emerging), Supplementary Planning Guidance, National Policy and Other Guidance

4.1 The Development Plan relevant to determination of this Appeal comprises the East Hertfordshire District Plan 2011-2033 adopted 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031, made May 2017.

4.2 The Council have commenced a Review of the District Plan. The latest Local Development Scheme (June 2026) sets out that it is to be prepared under the new plan-making system, with adoption anticipated in April 2029.

East Hertfordshire District Plan (EHDP)

The relevant policies of the EHDP are:

- INT1 Presumption in Favour of Sustainable Development
- DPS1 Housing, Employment and Retail Growth
- DPS2 The Development Strategy
- DPS4 Infrastructure Requirements
- DPS5 Neighbourhood Planning
- GBR2 Rural Area Beyond the Green Belt
- BUNT3 Employment in Buntingford
- ED1 Employment
- DES1 Masterplanning
- DES2 Landscape Character
- DES3 Landscaping
- DES4 Design of Development
- DES5 Crime and Security
- TRA1 Sustainable Transport
- TRA2 Safe and Suitable Highway Access Arrangements and Mitigation
- TRA3 Vehicle Parking Provision
- CFLR1 Open Space, Sport and Recreation
- CFLR9 Health and Wellbeing
- NE1 International, National and Locally Designated Nature Conservation Sites

- NE2 Sites or Features of Nature Conservation Interest (Non-Designated)
- NE3 Species and Habitats
- NE4 Green Infrastructure
- HA1 Designated Heritage Assets
- HA2 Non-designated Heritage Assets
- HA3 Archaeology
- HA4 Conservation Areas
- HA7 Listed Buildings
- CC1 Climate Change Adaptation
- CC2 Climate Change Mitigation
- WAT1 Flood Risk Management
- WAT3 Water Quality and the Water Environment
- WAT4 Efficient Use of Water Resources
- WAT5 Sustainable Drainage
- WAT6 Wastewater Infrastructure
- EQ1 Contaminated Land and Land Instability
- EQ2 Noise Pollution
- EQ3 Light Pollution
- EQ4 Air Quality
- DEL1 Infrastructure and Service Delivery
- DEL2 Planning Obligations
- DEL3 Monitoring Framework

Buntingford Community Area Neighbourhood Plan (BCANP)

The relevant policies of the BCANP are (note Policies are not named):

- BE2
- BE4
- ES1
- ES2
- ES5
- ES7
- ES8
- INFRA4

- INFRA5
- T1
- T2
- T4
- T6
- Appendix 1

Supplementary Planning Documents (SPDs)

The relevant SPDs are:

- Landscape Character Assessment SPD (2007)
- Planning Obligations SPD (2008)
- Sustainability SPD (2021)
- Vehicle Parking Standards SPD (2008) and Updated Vehicle Parking Standards Appendix (2015)

National Policy, Guidance and Legislation

The following national policy and guidance are relevant to the Appeal.

- National Planning Policy Framework (NPPF, August 2026)
- Planning Practice Guidance (PPG)
- National Design Guide (NDG)

Other Guidance

- Hertfordshire's Local Transport Plan (LTP4, 2018-2031)
- Hertfordshire County Council: Place and Movement Planning and Design Guidance for LTP4
- DfT 2020: Gear Change (policy expression supporting quality conditions for active travel).
- DfT 2020: Local Transport Note 1/20 which includes quality assessment.
- Department for Transport Inclusive Mobility (December 2021)
- Manual for Streets (2007)
- Manual for Streets 2 (2010)
- Cycle Infrastructure Design Local Transport Note 1/20 (LTN 1/20, July 2020)

- Design Manual for Roads and Bridges (various)
- Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3)
- Landscape Institute Technical Guidance Note 02-21: Assessing Landscape Value Outside National Designations
- Planning for Walking - CIHT 2015
- Designing for Walking - CIHT 2015

5 Areas of Agreement

Recommendation

5.1 The parties hereby agree that the proposals constitute Sustainable Development in accordance with Policies S3 and S5 of the NPPF as the development falls within one of the permitted forms of development set out in the Framework under Policy S5 which states that permission should be approved unless the benefits would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework. There are no conflicts with any of the national decision-making policies which state that development proposals should be refused in specific circumstances.

5.2 The proposed development should be granted planning permission subject to conditions and a s106 agreement.

Development Plan

5.3 The weight to be given to the policies of the Development Plan must be assessed against Annex A of the Framework.

5.4 The Development Hierarchy set out in Development Plan Policy DPS2 does not make provision for new development outside of settlements. Policy GBR2 does not permit development (within its criteria (a) to (h)) that would be physically well-related to a settlement and meet an unmet need as per Policy S5 1(j). The absence of the new policy provisions (relative to this development) means that Policies DPS2 and GBR2 of the Local Plan and BE2 of the Neighbourhood Plan are materially inconsistent with national decision-making Policy S5 (which permits a broader range of development types) and therefore they are of limited weight in the determination of this appeal.

5.5 Part (iii) of the wording of the presumption as set out in Policy INT1 is inconsistent with national decision-making Policy S3 and therefore limited weight can be given to this aspect of the policy in the determination of this appeal. This is because it applies the previous NPPF version of the presumption in favour of sustainable development.

5.6 Other policies cited in the reasons for refusal are broadly consistent with the Framework. Policy BUNT3 is of some relevance to this appeal as it relates to the designation of employment land/areas within the town.

5.7 The emerging District Plan has not yet progressed to a stage where it can be afforded any weight in planning terms.

Employment Land Need

5.8 The supporting text to the Buntingford Policies in the Local Plan describes that the large rural hinterland surrounding the town makes Buntingford an ideal base for small businesses that have links to the town itself rather than those that rely on a proximity to major road networks[2]. As there has been some loss of employment in the town in recent years, it is important that the town should seek to maintain and improve on its current employment provision, in order to provide local jobs for both existing and new residents of the town

5.9 The District Plan makes provision for Employment Floorspace (3ha) in the designated employment site at land north of Buntingford Business Park (BUNT3 part (II)) which has not come forward for development.

5.10 The Appellant and Council therefore agree that there is an unmet need for new/additional and enhanced employment land in East Hertfordshire and within Buntingford.

5.11 The Council's recently published Buntingford Employment Study (2025) identifies a need for employment in Buntingford, a strong demand for new employment opportunities in the town, and a lack of vacant floorspace. The existing employment allocation at BUNT3 (II), the Appeal Scheme and the recent permissions are capable of contributing towards meeting this need.

5.12 The Appellant and Council agree that planning permission has been granted for the following potential employment generating floorspace in Buntingford:

- Land at Buntingford Business Park (Phase 3) for circa 2,000 sqm Class E/B2 and B8 floorspace [Ref:3/25/1986/FUL] – Approved (14/08/2026)
- Land East of A10, west of Luynes Rise (Outline Planning Permission) for up to 4,400 sqm of Class B1/B2 & B8 Floorspace [Ref: 3/24/1447/OUT] - Approved (August 2025).

Decision taking under the NPPF – Presumption in favour of sustainable development

5.13 Decisions should apply a presumption in favour of sustainable development in accordance with Policy S3 of the Framework. This means that for development outside settlement boundaries, policy S5 should be applied.

5.14 The policy is restrictive as to the kinds of development which may be permitted in locations outside of settlement boundaries (S5.1).

5.15 In the event a development does fall within one of the permitted forms of development, the Framework states that permission should be approved unless the benefits would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework (S5.1).

5.16 The 'form of development' which is permitted under the NPPF in this case is at S5.1(j). This relates to development which would address an evidenced unmet need (for employment floorspace) in the District.

5.17 Within S5.1(j), the development must be physically well related to an existing settlement. The recent Appeal decision [Ref: 6008238] determined that this development was physically well related to the settlement (as set out in the Appeal decision). The Appeal Scheme is adjacent to this approved development and is geographically as well-related to the settlement as compared to the approved appeal. It therefore follows that this policy requirement is met for the Appeal Scheme.

5.18 The Framework states (S5.2) that in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be

substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. The parties agree that there are no conflicts with the national decision-making policies in the Framework (which state that the development proposals should be refused in specific circumstances) that apply to the proposed Appeal Scheme in accordance with NPPF Policy S5: 2.

- DM4 (Prematurity)
- TC3 (Fails town centre sequential test)
- L3 (Make efficient use of land)
- DP3 (Be well designed)
- F6 and F7 (Flood risk),
- N2 and N6 (Biodiversity), and
- HE6 (Heritage).
- TR6.4 (Assessing Transport Impacts)

5.19 The Appellant's case is that the development is 'physically well-related' to the settlement and is of a scale which (in principle) can be accommodated taking into account the existing or proposed availability of infrastructure in accordance with Policy S5 j. i. subject to conditions and Section 106 Agreement. The Council does not oppose or contest this position.

Reason for Refusal 1

5.20 The following points are agreed in relation to Reason for Refusal 1.

5.21 The Appeal Site is close to the edge of Buntingford, located on the opposite side of the A10 to the settlement boundary and located on the opposite side of the A507 to the existing Buntingford Business Park and District Plan employment allocation BUNT3.

5.22 New proposed Active travel routes between the Development and Buntingford would comprise footway / cycleway connections via Baldock Road, and the toucan crossing over the A10, supported by enhancements along Baldock Road.

5.23 Bus access can be achieved through the provision of bus stops along the site frontage on the A507 as shown in the proposed access design, and the Appellant will agree contributions towards public transport improvements within a Section 106 Agreement. There are no residual cumulative impacts on the highway network that are severe.

5.24 It has been found by the Planning Inspector in the recent Appeal decision (REF: 6008238) that the proposed active travel provisions and toucan crossing over the A10 (which are the same as the Appeal Scheme) are compliant with Local Planning and Transport Policies. Their delivery is secured by way of conditions/s278 agreement. The parties do not dispute these findings.

5.25 The Council does not propose to defend this reason for refusal and will not be submitting evidence for consideration as part of the appeal process.

Reason for Refusal 2

5.26 The following points are agreed in relation to Reason for Refusal 2.

5.27 The site does not constitute any of the forms of development which is permitted under District Plan Policy GBR2 (a) to (h).

5.28 It is agreed that the existing Buntingford Business Park, which is located on a former commercial nursery site, and the allocated employment extension site BUNT 3 is located to the west of the A10 and north of the A507.

5.29 The proposals are separate to and not an extension of the Buntingford Business Park.

5.30 It is agreed that the built extent of the Proposed Development is viewed in the context of the rural area beyond the limits of the urban area, and the existing employment site to the north and would be viewed in the same context as the development of land north of the A507 subject to planning approval (Ref: 3/24/0966/OUT) if this scheme is built out.

5.31 It is agreed that the built extent of the Proposed Development is located on east facing slopes.

5.32 It is agreed that the built extent of the Proposed Development does not encroach beyond the ridgeline to the west.

5.33 The Appeal Site does not exhibit high scenic quality, has low rarity and is representative of the wider agricultural landscape. The Appeal Site does not contain characteristics, features or elements that are important examples and there are no notable features of wildlife, earth science, archaeological, historical or cultural interest and therefore the Appeal Site is not of any particular conservation interest.

5.34 The perceptual (scenic) aspects of the Appeal Site are shared common visual qualities with those of LCA 141 Cherry Green Arable Plateau (Landscape Character Assessment Supplementary Planning Document (SPD), East Herts Council, 2007). The Appeal Site is an intensively managed arable landscape which does not exhibit wildness or wild land.

5.35 It is agreed that there is some limited sense of tranquillity within the Appeal Site, particularly towards its south-western extents away from the audible intrusion of traffic on the A10 and A507.

5.36 It is agreed that the Appeal Site does not have any known associations with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area. The Appeal Site currently does not contribute to recreation.

5.37 It is agreed that Landscape Character Area (LCA) 141 Cherry Green Arable Plateau (Landscape Character Assessment Supplementary Planning Document (SPD), East Herts Council, 2007) is a fairly frequent landscape type within the county, with no major distinctive characteristics.

5.38 It is agreed that parts of LCA 141 that are locally closer to the A507 and A10 corridor have less of a quiet and remote feel than the rest of LCA 141.

5.39 It is agreed that Buntingford and the Appeal Site are located within the Rib Valley.

5.40 It is agreed that Appendix 1 of the BCANP requires future development on higher ground to be limited in height.

5.41 The Landscape Design Policies comprise DES2, DES3 and DES4 of the District Plan. The Appellant and the Council agree that there are no conflicts with policies DES3 and DES4 and these were not sited in the second RfR.

Reason for Refusal 3

5.42 The following points are agreed in relation to Reason for Refusal 3.

5.43 Reason for Refusal 3 also alleges conflict with Policy INT1 (Presumption in Favour of Sustainable Development) of the District Plan. Part (III) of the Policy replicates a previous version of national policy, but is now not consistent with current wording of the NPPF 2026.

5.44 Reason for Refusal 3 also contends there is conflict with Policy BUNT3 (Employment in Buntingford) of the District Plan. Policy BUNT3 seeks to protect existing employment sites in the town and includes an allocation of 3 hectares of land to the north of the existing Buntingford Business Park for employment development. Policy BUNT3 does not seek to restrict employment development elsewhere in the town and so the parties agree that there is no conflict with the policy.

5.45 Having regard to the Planning Balance, the following weighting is agreed in relation to the benefits and adverse impacts arising from the Appeal Proposal.

Benefits/Harms	**Appellant**	**Local Planning Authority**
Provision of employment land meeting an unmet need for employment floorspace	Substantial Positive Weight	Substantial Positive Weight
Provision of open space to help meet the needs of the town for natural and semi-natural greenspace*	Substantial Positive Weight -	Limited Positive Weight
Provision of landscaping along the western part of the site to create a layered edge which contributes to the Strategy and Guidelines for the Landscape Character Area*	Moderate Positive Weight	Limited Positive Weight
Provision of Sustainable Urban Drainage System	Limited Positive Weight	Limited Positive Weight
Provision of active and sustainable travel improvements on the A507 and Baldock Road	Moderate Positive Weight	Moderate Positive Weight
Provision of Jobs, including meeting the employment needs of Buntingford	Substantial Positive Weight	Substantial Positive Weight
Biodiversity Net Gain of 12.49% and hedgerow benefits of 11.11%	Moderate Positive Weight	Limited – Moderate Positive Weight
Impact on Highways Safety	Neutral	Neutral
Conflict with the Spatial Strategy	Limited Negative Weight	Limited Negative Weight
Loss of 12.08ha agricultural land (grade 2 and 3a BMV)	Limited Negative Weight.	Limited Negative Weight
Less than substantial harm (low level) to Aspenden Conservation Area, Aspenden Hall (Grade II) and St Mary's Church (Grade I)	Limited Negative Weight.	Limited Negative Weight
Landscape Character and Visual Harm**	Limited Negative Weight	Significant Negative Weight

* There are minor disagreements of the weight to be attributed to the provision of new open space to meet the wider need in Buntingford, which the Council contends is limited positive weight. The Appellant contends this should be afforded substantial positive weight given the scale of open space proposed to meet wider community needs.

** There are disagreements of the weight to be attributed to the (adverse) impact on landscape character, in particular whether the proposals conserve, enhance or strengthen the character of the distinctive features of the District's Landscape and whether the impacts, mitigation or enhancement opportunities are appropriately addressed by the development in accordance with Policy DES2.

5.46 Extant District Plan employment allocation BUNT3, is yet to come forward, indicating the Council's broad support for employment development in accordance with the Buntingford Community Area Neighbourhood Plan (BCANP) policies, Site

Allocation policy and development strategy of the District Plan to deliver sustainable development in accordance with the hierarchy set out in Policy DPS2.

5.47 The Appellant and Council consider that Planning conditions and or planning obligations can be applied to any planning permission, such as those suggested in the submitted Employment Delivery Note, to ensure proposals address local demand. The Council reserves its final position on this matter, which will be considered through the wording of conditions and planning obligations discussed by the parties during the Appeal.

Other Matters

Employment Provision

5.48 The proposed development comprises land which is capable of providing additional new employment generating floorspace in addition to the designated Employment Land north of the Buntingford Business Park (District Plan Allocation BUNT3 for 3ha of Land), land subject to outline planning permission (for up to 4,400 sqm of Flexible E/B2 and B8 uses) off Luynes Rise/A10 and land subject to full planning permission within Buntingford Business Park (Phase 3 of the Masterplan) to accommodate circa 2,000 sqm new Flexible Class E/B2 and B8 floorspace.

Highways

5.49 The Highway Authority have accepted that the proposed access to the Appeal Site (from the A507 Baldock Road) for vehicles could be achieved without any unacceptable harm to highway safety. The recent Appeal Decision (Ref: 6008238) has determined that the Toucan crossing over the A10 (and principle for associated works) and proposed active travel enhancement scheme along Baldock Road (east of the A10) into Buntingford are acceptable. Their delivery will be subject to planning conditions and s278 agreement (requiring detailed designs). The LHA and Council does not seek to oppose the proposed active travel improvements or toucan crossing subject to the southern site appeal, which have been found to be acceptable in general accordance with Local Transport and National Planning Policies.

Masterplanning

5.50 No objections are raised in regard to the indicative design response to the Appeal Site set out in the Parameters Plans (Land Use and Building Heights) or Illustrative Masterplan. Together they would provide an appropriate framework for reserved matters to be secured.

Landscape Impact

5.51 Place Services noted in 2024 in their consultee response to the original application that they did not disagree with the judgements in the submitted Landscape and Visual Impact Assessment (LVIA) and any differences in judgement were not deemed to be substantial. The LVIA assessed (that post development) there would be a moderate adverse significance of effect on the Site and Immediate Surroundings which was agreed by Place Services and then by the Council's Landscape Officer in updated consultation response.

5.52 The Council's Landscape Officer noted in their updated consultation response (October 2025) that whilst the previous landscape advice agreed with the judgement in the LVIA that the impact on the Cherry Green Arable Plateau Landscape Character Area (LCA 141) would be of minor adverse significance of effect, there was a greater concern for the negative impact of the proposed grasslands and scattered tree planting along the western side of the site which were in stark contrast to the muted tones of the openness and prevailing arable character.

5.53 Three Additional Viewpoints (A-C) were submitted as part of an updated LVIA which were considered by the Council's Landscape Officer in their updated response. The Council's Landscape Officer raised further concerns over the impact of development upon open views from the east (Viewpoint A). The Landscape Officer raised further points within the October 2025 response and concluded that at this stage, the proposed development gives rise to significant landscape and visual effects.

Proposed Landscaping / Open Space

5.54 The Appeal Scheme retains existing trees and hedgerows around the eastern, western and southern edges of the site. An area of hedgerow along the northern boundary of the site with Baldock Road is to be removed to facilitate the access and visibility splays, and replacement hedgerow and trees would be planted along the boundary between the employment area and the A507. New tree planting is proposed outside of the proposed developable area of the Appeal Site, including new structural planting along the western periphery of the built extents of Proposed Development within the Appeal Site.

5.55 The Landscape Mitigation Strategy Plan suggests that Appeal Site's open space could accommodate a walking and cycling route and provide a landscape area for sustainable drainage, with connectivity to the proposed Buntingford Park included as part of the Appellant's residential appeal.

5.56 The proposed landscaping provides a response to the site context by retaining landscape features where possible and include new landscape features which combine to mitigate and enhance the appearance of the development. Notwithstanding the concerns raised by the Council's Landscape Officer relating to the loss of hedgerows and trees to create the access and the overall quality of the mitigation scheme, it is agreed by the Appellant and Council that the proposed landscape scheme is broadly acceptable and in accordance with Policy DES3 of the District Plan.

5.57 The provision of approx. 6.38 ha of informal open space within the Appeal Scheme comprises 48% of the Appeal Site, would accord with Polices CFLR1 and NE4 of the District Plan and Policies ES5 and ES8 of the Neighbourhood Plan, subject to the detailed design.

Heritage

5.58 The only heritage assets potentially affected by the Appeal Scheme are the Grade I Listed St Mary's Church (circa 800m south of the Appeal Site) and Grade II Listed Aspenden Hall (circa 700m south of the Appeal Site).

5.59 It is agreed that the proposals are assessed and the proposals will result in harm (at a low level) to these heritage assets, such harm will be outweighed by the public benefits of the proposals and the harm is to be considered in the overall planning balance. The proposals otherwise accord with Policies HA1 and HA7 of the District Plan.

5.60 The Appeal Site has moderate potential for prehistoric and Romano-British remains. As such further survey and evaluation of the site was recommended by the Archaeology Officer before the application was determined. Officers consider that it would be possible to secure trial trenching through appropriately worded planning conditions, and that it would be unreasonable to require this work at the application stage given the outcome of the application is unknown. As such, subject to recommended conditions, the proposals would accord with Policy HA3 of the District Plan.

5.61 Heritage is not a reason for refusal.

Drainage

5.62 The proposed drainage strategy will restrict generated surface water runoff from the Appeal Site at a pre-development greenfield rate to an existing drainage ditch within the site, with flows attenuated onsite through the use of SuDS features including permeable paving, raingardens and swales to supplement the attenuation basins.

5.63 Subject to conditions, the surface water drainage proposals would adequately manage flood risk and would accord with policy WAT1.

5.64 In relation to foul water, Thames Water have commented that they have no objection to the application proposals, subject to a planning condition to secure a phasing and infrastructure package with the Appellant.

5.65 Drainage is not a reason for refusal.

Ecology

5.66 The existing site baseline conditions comprise arable land of limited ecological value. The proposed development would retain most existing features of value

such as trees and hedgerows. In addition, the proposals will include areas of open green space which provide new habitats, such as grassland, tree and shrub planting. As such the proposals would accord with Policies NE1, NE2 and NE3 of the District Plan and Policy ES7 of the Neighbourhood Plan.

5.67 Provision of a net gain in biodiversity of 12.49% habitat units and 10.11% hedgerow units is considered to form benefit of limited to moderate positive weight within the planning balance

5.68 Ecology is not a reason for refusal.

Sustainability

5.69 A series of sustainability measures are set out in the submitted Sustainable Construction, Energy and Water Management Statement. These include all electric employment units to be powered by Air Source Heat Pumps and Solar PV; reduced carbon emissions through the use of energy hierarchy, using a fabric first approach to design to reduce energy demand, helping mitigate the effects of climate change by reducing carbon emissions with an aim to achieve Net Zero Regulated energy; and a target of achieving 'Net Zero Ready' Buildings in line with the upcoming UK Net Zero Carbon Buildings Standard.

5.70 Given the above measures, the Appeal Scheme is capable of being designed to demonstrate an acceptable response to climate change and have been developed in accordance with sustainable design principles in accordance with the requirements of Policies CC1 and CC2 of the District Plan. However, compliance with such matters can only be assessed at RM stage.

5.71 Appropriate sustainability measures are capable of being embedded in the fabric of the proposals, and conditioned. Therefore, this does not comprise a reason for refusal.

Socio-Economic Impacts

5.72 The Appellant estimates that the Appeal Scheme would make provision for around 467 FTE direct jobs on site (if fully occupied), with an estimated local economic output of £21m and an estimated contribution of £43m to the UK economy. This would depend on the final mix and type of employment uses provided. In addition, 426 FTE jobs are anticipated to be created in the construction phase, of which 210 FTE are to be generated within East Hertfordshire. The proposed development will also result in an increase to Business Rates payable to the Local Authority. The economic benefits of the proposals have been afforded significant positive weight within the planning balance on the land to the east of the A10 (Appeal reference 3340497).

Pollution

5.73 The application is capable of complying with Policy EQ2 of the District Plan and providing an acceptable noise environment for future occupiers of the employment units as well as off-site receptors, subject to a condition requiring details of mitigation measures, as part of reserved matters submissions.

5.74 The occupiers of the development are not considered to be at risk of adverse air quality. In addition, the proposed buildings could be (subject to RM details) air quality neutral. Whilst there would be some adverse emissions from transport arising from the development, this could be mitigated (but not overcome) by an increased use of electric vehicles. As such, the proposals are considered to accord with Policy EQ4 of the District Plan.

5.75 A lighting strategy has been submitted which considers that lighting can be provided with a neutral effect on amenity, highway safety or biodiversity. As such the proposals are considered to be in accordance with Policy EQ3 of the District Plan, subject to suitable conditions securing a lighting strategy across the site.

5.76 The ground contamination risk assessment submitted with the application considers that the ground conditions at the site would result in a low risk to human health and controlled waters as no potential sources of significant contamination were identified. As such, the proposals the proposals are considered to accord with policy EQ1.

5.77 Pollution and Ground Contamination issues can be adequately addressed by the imposition of appropriate conditions.

6 Schedule of Conditions and Draft Terms of S106

6.1 The agreed draft Conditions will be submitted to PINS as a separate document before the Appeal Deadline.

6.2 The requested S106 Heads of Terms are as follows, to be considered further through the Appeal.

Element
Fire Services Contribution
Open Space Management and Maintenance
Biodiversity Net Gain
Bus Service Improvement Contribution (HCC to confirm)

Signed (for the Appellant)

Gary Stephens

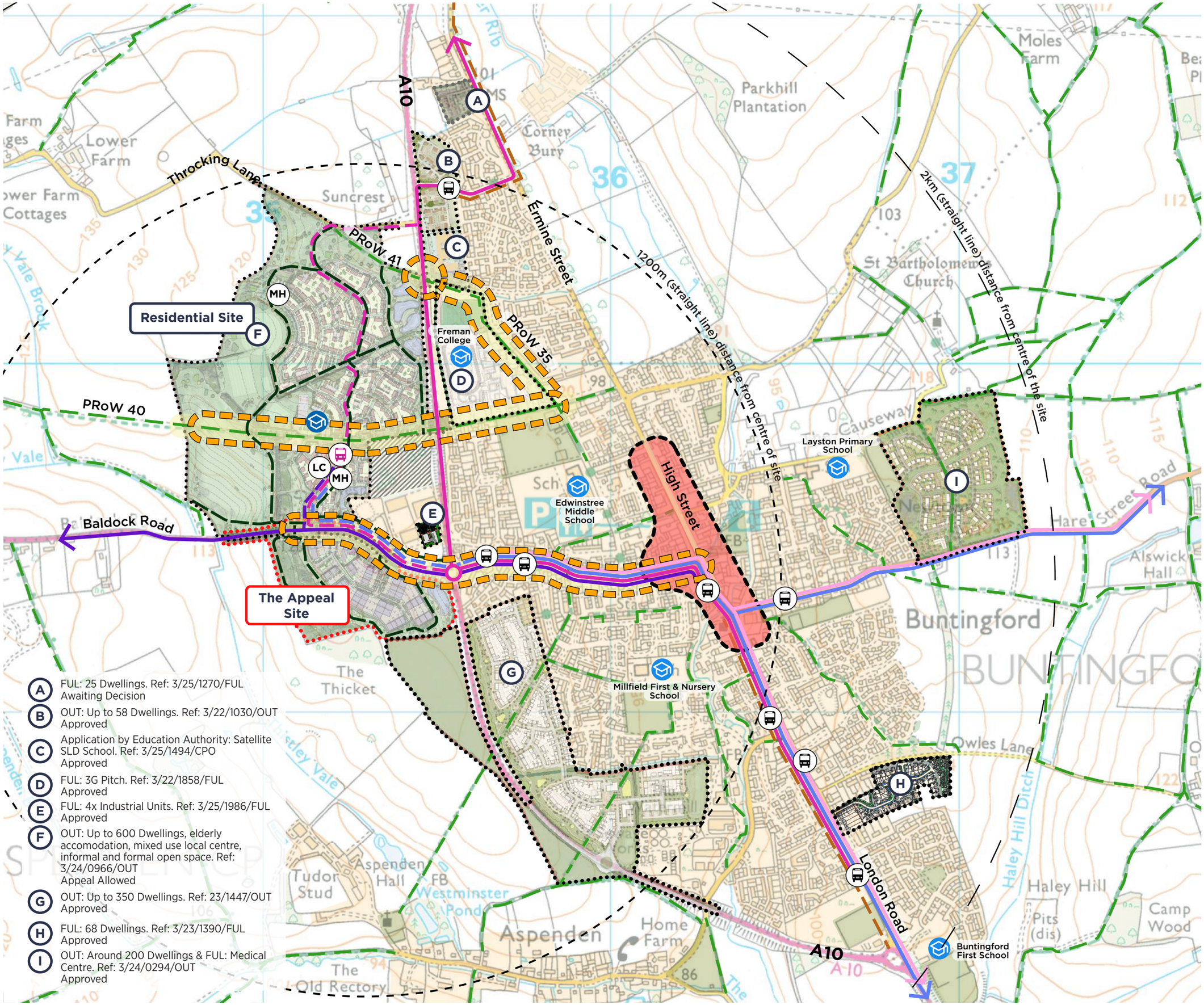
Date: 21/10/26

Signed (for the Council)



Neil Button

Date: 26/10/26



A FUL: 25 Dwellings. Ref: 3/25/1270/FUL
Awaiting Decision

B OUT: Up to 58 Dwellings. Ref: 3/22/1030/OUT
Approved

C Application by Education Authority: Satellite SLD School. Ref: 3/25/1494/CPO
Approved

D FUL: 3G Pitch. Ref: 3/22/1858/FUL
Approved

E FUL: 4x Industrial Units. Ref: 3/25/1986/FUL
Approved

F OUT: Up to 600 Dwellings, elderly accomodation, mixed use local centre, informal and formal open space. Ref: 3/24/0966/OUT
Appeal Allowed

G OUT: Up to 350 Dwellings. Ref: 23/1447/OUT
Approved

H FUL: 68 Dwellings. Ref: 3/23/1390/FUL
Approved

I OUT: Around 200 Dwellings & FUL: Medical Centre. Ref: 3/24/0294/OUT
Approved

Applications
- Approved
- Proposed
- Appeal site
- Employment allocation

Movement
- 1200m (straight line) distance from centre of site
- 2km (straight line) distance from centre of the site
- Existing active travel connections
- Proposed active travel connections
- Existing cycle Infrastructure
- Bus Service 18 - between Buntingford & Royston
- Bus Service 331 - between Buntingford & Hertford
- Bus Service 36 - between Buntingford & Bishop's Stortford via Puckeridge
- Bus Service 37 - between Buntingford & Stevenage via Hitchin, Letchworth GC & Baldock
- Proposed bus diversion
- Existing bus stop
- Proposed bus stop
- MH Proposed mobility hub
- Proposed access enhancements

Facilities
- Town centre
- Green space
- Existing school
- Proposed First School
- LC Proposed Local Centre

Rev	Description	Date

All information is copyright protected and may not be used or reproduced without prior permission. Do not scale.
© Crown copyright and database right 2026. All rights reserved. Ordnance Survey Licence number 100059809
Contains public sector information licensed under the Open Government Licence v3.0.

Notes:
This drawing is for information purposes only. It should not be relied upon for legal nor title purposes. Do NOT scale from this drawing or use in construction. Proper advice should be sought from relevant qualified entities regarding legal and construction issues. Any discrepancies should be immediately reported to the originator of the drawing.

Client:
Hallam Land
PART OF HENRY BOOT

Buntingford, Parkside

Buntingford Connectivity Context

Scale@A3:	Drawn:	Designed:	Approved:
1:10,000	JB	JB	JB

0 — 400 m

Drawing Number:	Revision:	Date:
HLM082-082	A	10/2026

50 North Thirteenth Street, Central Milton Keynes, MK9 3BP
01908 666276 mail@davidlock.com **davidlock.com**
DAVID LOCK ASSOCIATES