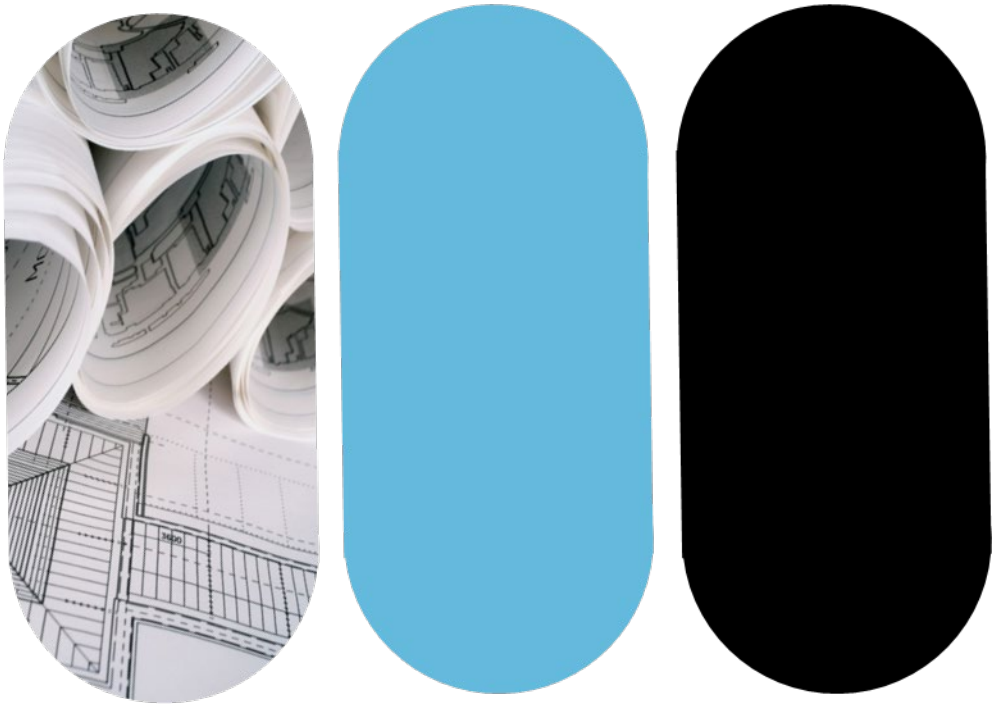
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Planning Appeal in respect of Land South of A507, West of A10 Buntingford

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

Application Reference: 3/24/1255/OUT
Planning Inspectorate Reference: 6009644



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SUMMARY

This Proof of Evidence sets out the case for planning permission for employment development and associated infrastructure on land South of A507, West of A10, Buntingford. The Local Planning Authority initially refused the application for reasons relating to the adequacy of the Site's proposed active and sustainable travel connections with the town, the safety of those sustainable travel connections, the perceived unacceptable harm to landscape character and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Following the publication of the new National Planning Policy Framework in August and the grant of planning permission for 660 homes and associated uses on land to the north of the Appeal Site in September, the Council have agreed that planning permission should be granted.

There is an evidenced unmet need for employment land within Buntingford and more generally within East Hertfordshire. Further, in accordance with Policy S5 j. i. of the Framework, the development is physically well-related to the town of Buntingford and is of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

The benefits of granting permission are significant. These comprise the provision of employment floorspace to meet an identified unmet need (substantial positive weight); provision of open space to meet the needs of the development and wider needs of the town (substantial positive weight); provision of a minimum 10% on-site biodiversity net gain (moderate positive weight); landscaping enhancements (moderate positive weight); the provision of sustainable drainage systems (limited positive weight); provision of active and sustainable travel improvements (moderate positive weight); and benefits arising from the provision of jobs (substantial positive weight).

There will be adverse impacts from the granting of planning permission. The conflict with the Spatial Strategy to which I attribute limited weight; the loss of agricultural land to which I attribute limited adverse weight; less than substantial harm to the setting of listed assets, to which I give limited adverse weight; and harm to the landscape character of the area to which I attribute limited adverse weight.

In conclusion, having regard to my weighting above, the adverse impacts would not

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

1. QUALIFICATIONS AND EXPERIENCE

1.1 My name is Gary Stephens. I am a Partner at Marrons, based in the Stratford-on-Avon office. I am instructed to present planning evidence to this Appeal by the Appellant.

1.2 I hold a Bachelor of Arts degree in Countryside Planning, with a subsequent Master of Arts Degree in Town and Country Planning from the University of West of England. I am a chartered Member of the Royal Town Planning Institute (RTPI).

1.3 I have over 28 years' experience of working in town planning both in local government (forward planning and development management) and the private sector. Prior to my employment by Marrons in 2013, I was Development Manager at Warwick District Council overseeing teams dealing with planning applications, planning appeals and the preparation of the Council's Local Plan. This included acting as a case officer in the determination of applications for major development.

1.4 In my current role, I act for a number of developers in preparing applications for planning permission for a variety of uses. In addition, I have represented land promoters, landowners and local authorities at planning appeals. During my career, I have therefore given evidence at a number of Section 78 and Local Plan Inquiries, and Examinations on employment and related issues.

1.5 I am familiar with the Appeal Scheme, development plan policies and the key material considerations affecting the Appeal's determination. I first became involved with the Appeal Site in 2021, and have been involved in progressing the Appeal Scheme through the pre-application process and through application submission. I have also been involved in making representations to the Local Plan and Neighbourhood Plan consultations.

1.6 The evidence set out in this proof of evidence is true and has been prepared in accordance with the guidance of my professional institute, the RTPI. The opinions expressed are my true and professional opinions.

2. INTRODUCTION

2.1 This Proof of Evidence sets out my view as to why planning permission should be granted for the following description of development below (the Appeal Scheme).

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.

2.2 The planning application was refused by the Council in a Decision Notice dated 6th May 2026 (see CD6.1). The reasons for refusal are as follows:

REASON FOR REFUSAL 1

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

Users Hierarchy) and 5 (Development Management) of the Hertfordshire County Council Local Transport Plan 4 (May 2018)), and paragraphs 110 and 115 National Planning Policy Framework).

REASON FOR REFUSAL 2

The proposals by reason of scale, form, visual impact and siting on the west side of the A10 outside of the Buntingford Settlement Boundary, would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007). The development would also fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape. As such the proposals comprise a substantial urban extension outside of and adjacent to Buntingford which encroaches into the rural area beyond the Green Belt. The development would therefore result in significant harm to the rural landscape character and would fail to recognise the intrinsic character and beauty of the countryside, conflicting with Policies GBR2 and DES2 of the District Plan (2018), Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017) and paragraph 187(b) of the National Planning policy Framework.

REASON FOR REFUSAL 3

The proposed development results in a conflict with Policies BUNT3, INT1, DPS2, GBR2, DES2, ED1, TRA1 and TRA2 of the District Plan (2018) and Policies ES1 and BE2 of the Buntingford Community Neighbourhood Plan (2017). Thus, the proposals fail to comply with the Development Plan as a whole. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the harms and policy conflicts identified are considered to significantly and demonstrably outweigh the benefits of the proposals in terms of delivery of new employment floorspace and other public infrastructure, having regard to NPPF paragraph 11d, which forms another material consideration. As such, the proposals fail to constitute sustainable development and would therefore conflict with the National Planning Policy

Framework. The application of the tilted balance does not constitute a further material consideration which indicate a decision should be made otherwise than in accordance with the Development Plan.

2.3 Since determination of the application, there have been two significant changes in circumstances which are material to this appeal. Firstly, publication of the new National Planning Policy Framework which I have addressed within this proof of evidence.

2.4 Secondly, the granting of outline planning permission 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 on land to the north of the appeal site (north of the A507). That decision (Appeal Reference 6008238 and CD 7.1) has determined the proposed active travel connections across the A10 are acceptable in highway safety and accessibility terms in accordance with national and local policies, and all other relevant guidance. This is relevant to consideration of reason for refusal 1 and whether there are safe active travel connections from the proposed development across the A10.

2.5 Further, the now committed development of land to the north of the A507 will have a material impact on the landscape and visual context of this Appeal Site. This is relevant to consideration of reason for refusal 2 and the extent to which there will be harmful urbanising impacts on the landscape.

2.6 Finally, the change in circumstances related to the above two matters directly impact on the 'planning balance' and reason for refusal 3. These are matters I address in my proof of evidence.

2.7 On October 9th, the Council wrote to the Appellant confirming it did not intend to contest the Appeal and that the appeal should be allowed.

2.8 My proof of evidence is structured as follows:

- Section 3 provides an assessment of the Appeal Scheme against the main issues:
- Section 4 responds to other issues raised in other representations:
- Section 5 provides my overall conclusions and opinion on the planning balance for the determination of this appeal.

3. ASSESSMENT AGAINST THE MAIN ISSUES

The Development Plan

3.1 In addressing the main issues, it is necessary to first consider the age and status of the development plan (both existing and emerging), employment land supply and its implications for determining this appeal in light of the publication of the Framework, and the weight to be given to the policies of the development plan.

3.2 The existing adopted development plan comprises the East Herts District Plan (EHDP) (CD5.1) approved in October 2018 and covering the Plan period 2011-2033, and the Buntingford Community Area Neighbourhood Plan (BCANP) (CD5.2) made in late 2017 and covering the Plan period 2014-2031. The Buntingford Community Area extends to include the town of Buntingford, along with surrounding parishes. The Development Plan is therefore 8 and 9 years old respectively.

3.3 The September 2023 version of the Framework at Paragraph 33 required local plans to be reviewed at least once every 5 years, and then updated as necessary. In October 2023 (the 5th anniversary of the Local Plan), the Council reviewed the Local Plan and determined it needed updating, and that work commence in 2023/24 on gathering evidence and a 'call for sites' (see Committee Report at CD5.13). There were a number of reasons given for the decision as set out in paragraph 3.31 of the report, including the need to maximise opportunities for jobs growth.

3.4 Paragraph 3.36 therefore identified the need to proactively commence work on updating the evidence base so that the Council would be in a strong position to commence formal stages at the earliest opportunity from Autumn 2024.

3.5 The Council did undertake a 'call for sites' in Summer 2024 and the Appeal Site was submitted by the Appellant. No assessment of the sites submitted has been published since that date. The Council have gathered and

published evidence on open space (2025/2026) and employment land (2025/2026). But no further evidence has been published and the Council indicated on its website in June 2026 that a suite of evidence documents is being prepared. Further, no formal stages of consultation were undertaken in 2024 or 2025.

3.6 In June 2026, the Council gave notice of its intention to commence preparation of the East Herts Local Plan (2029-2044) (see CD5.15). The Council were due to commence plan-making after passing the Gateway 1 Self-Assessment on October 15th 2026. The indicative timetable can be found at CD5.16, and the Council hope to adopt the Local Plan in April 2029. No weight can be attached to this Plan as agreed with the Council in the Statement of Common Ground.

3.7 The Council acknowledge at paragraph 3.6 of CD5.17 that the timetable is indicative and may be affected by a range of factors outside the Council's control, for example it is not possible at the outset to predict either the volume or nature of representations received during consultation stages. Paragraph 3.7 explains that East Hertfordshire is undergoing local government reorganisation and this may affect the programme for plan preparation.

3.8 In the three years therefore since deciding it needed to update its Local Plan, it has made little progress and has yet to formally commence plan-making. Furthermore, it will not have an adopted Local Plan until at least April 2029 with a great deal of uncertainty as to whether that date would be met. There has been a failure in plan making in East Hertfordshire and the absence of an up-to-date local plan at least for the period 2023 to 2029 is a significant material consideration in determining this appeal.

Employment Land Need and Supply

3.9 There is a need for additional employment land and floorspace within both East Hertfordshire and Buntingford. The adopted District Plan (CD5.1) identified a requirement for 19-20ha of employment land to be developed by 2033, however only one employment allocation (BISH5 / 3/18/2253/OUT) has

been delivered. Of the remaining allocations, BUNT3 (3ha) has not come forward, planning permission on BISH3 (4ha) has lapsed, WARE2 (3ha) remains subject to an undetermined application since 2022 (3/22/2406/FUL), and delivery of GA1 (5ha) is anticipated beyond the current plan period. In addition, the East Herts Employment Land Supply Review (2026) (CD11.1) confirms that 6.2ha of employment land has been lost to alternative uses since the previous Employment Land Review.

3.10 The need for additional employment provision is particularly acute in Buntingford. The Buntingford Employment Study (2025) (CD5.10) identifies a significant loss of employment floorspace associated with the former Sainsbury's Distribution Depot, a need for additional employment provision, strong demand for new employment opportunities, and a lack of vacant employment floorspace. The Study further concludes that Buntingford has a job density of 0.44 jobs per economically active resident and identifies a notable disparity between population and employment growth within the town.

3.11 Market evidence demonstrates that this need is not being met by existing supply. The Buntingford Employment Study (CD5.10) confirms that there has been no vacant employment floorspace in Buntingford since 2015. Across East Hertfordshire, occupancy rates are approximately 95.8%, increasing to 98.4% once temporary market distortions are excluded. At the same time, there are 66 active occupier requirements for industrial and warehouse accommodation below 50,000 sqft, representing demand for approximately 947,000 sqft of floorspace. The absence of available employment land and premises capable of meeting this demand is a significant material consideration in the determination of this appeal.

Implications of an Unmet Need for Employment Land for Decision Making

3.12 As there is an evidenced unmet need for employment land, it is necessary to consider whether Policy S5 (j) applies as the development would address that unmet need.

3.13 Criterion i. of j. requires development to be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. The proposed development would be adjacent to the settlement boundary of Buntingford (which is defined on the Local Plan Proposals Map as the eastern boundary of the A10 – CD5.19) and adjacent to land to the north which has outline planning permission for residential development (see appeal decision at CD 7.1) which when constructed will form part of the built-up area. Having regard to the evidence of Peter Blair in respect of accessibility and sustainable transport and Natasha Jones in respect of landscape as well, I consider the development would be physically well-related to the existing town of Buntingford.

3.14 Further, the development would be of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure. The Section 106 Agreement to be agreed with the Council will secure all CIL compliant financial contributions towards the infrastructure necessary to make the development acceptable. The Council did not refuse permission on the grounds that infrastructure cannot be improved to accommodate the scale of development proposed.

3.15 Criteria ii. of j. does not apply and therefore it is my view as agreed with the Council that the appeal should be approved as the benefits of doing so would not be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework in accordance with Policy S5 1. of the Framework.

3.16 Having regard to Policy S5 2. of the Framework, the development proposal does not fail to comply with one of the national decision-making policies (addressed below) which state that development proposals should be refused in specific circumstances.

3.17 In so far as town centres, Policy TC3 4., the development proposes professional services and offices (main town centres) as part of a mix of employment uses. Having regard to the scale of need and lack of available

land within Buntingford (including the town centre) for employment uses as evidenced by the Council, there are therefore no sequentially preferable locations in the town centre or edge of centre for these uses. This is agreed with the Council.

3.18 In so far as effective use of land, Policy L3: 4., the development proposes an efficient use of the land with the illustrative masterplan showing up to 27,420 square metres of floorspace which equates to approximately 50% of the developable area of the Appeal site. This is agreed with the Council. The exact quantum of floorspace will be determined at reserved matters stage.

3.19 In so far as well-designed places, Policy DP3: 3., the development proposals (as shown on the Land Use Components Plan, Illustrative Masterplan, and Building Heights Parameter Plan) respond to their context in terms of the history, character and features of the site and its setting so that they integrate with and enhance their surroundings. This is agreed with the Council.

3.20 In so far as transport, Policy TR6 4., the development proposals will not have a severe adverse impact on the transport network or an unacceptable impact on highway safety. This is agreed with the Council.

3.21 In so far as flooding, Policy F6 1. a., the development is not in a location known to be at risk of any form of flooding. This is agreed with the Council.

3.22 In so far as the natural environment, Policy N2 2. the development does not cause significant harm to biodiversity, Policy N4 2. the development is not within a protected landscape, Policy N6 1. a. the site is not a habitats site, and Policy N6 2. the development would not entail the loss or deterioration of an irreplaceable habitat. This is agreed with the Council.

3.23 In so far as heritage, Policy HE6 5., the development proposal would not cause substantial harm to, or the total loss of, the significance of a designated heritage asset. This is agreed with the Council.

3.24 Accordingly, it is not likely that the benefits of approving development will be substantially outweighed by adverse effects. However, the balancing

exercise is still undertaken in Section 5 below.

Weight to be given to the Development Plan

3.25 Annex A 2. of the Framework states that Development Plan policies that are materially inconsistent with the national decision making policies of the Framework should be given very limited weight.

3.26 Policy DPS2: The Development Strategy 2011-2033 of the EHDP (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) limits development to specific sites, and in the context of this appeal, precludes development outside of the urban area of Buntingford.

3.27 Aligned with the Strategy and employment land requirements of Policy DPS1, Policy GBR2 Rural Area Beyond the Green Belt (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) limits development outside of the urban area to specific types of development, including new employment generating uses where they are sustainably located, in accordance with Policy ED2 (Rural Economy). Policy ED2 (not cited in the reasons for refusal) states that proposals that create new employment generating uses or support the sustainable growth and expansion of existing businesses in the rural area will be supported in principle where they are appropriately and sustainably located and do not conflict with other policies within the Plan.

3.28 Similarly, Policy ED1 (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) supports new employment uses where they are in a suitable location where access can be achieved by a choice of sustainable transport and do not conflict with other policies within the Plan.

3.29 Policy DPS2 (and therefore policies GBR2, ED2, and ED1 because these policies require proposals not to conflict with any other policies of the Plan) place a constraint on the delivery of employment land and jobs in the context where the Council has an unmet need for employment land. As a consequence, the policies are materially inconsistent with national decision-

making policy S5 which relates to the principle of development outside settlements, including employment development.

3.30 Moreover, given the scale of the shortfall in employment land supply, there is an inevitability that Policies DPS2, GBR2, ED2, and ED1 will need to be breached for the Council to be able to demonstrate there is not an unmet need for employment land. The Council's settlement boundaries are tightly constrained and the opportunities for windfall developments on previously developed land within the urban areas are not of sufficient scale to address the shortfall.

3.31 Further, opportunities to address this shortfall in supply outside of the settlement boundaries are limited. Approximately the southern third of the District is Green Belt (see paragraph 2.2.3 and Appendix A Key Diagram of the Local Plan at CD5.1) and it is a valued resource for many residents in East Herts (see paragraph 3.3.14 of the Local Plan at CD5.1). The Government attaches great importance to Green Belts and their fundamental aim is to prevent urban sprawl by keeping land permanently open as reflected in national policy (Section 13 of the Framework). Notwithstanding the introduction of 'Grey Belt', the Council is very unlikely to address this shortfall in supply through granting permissions for employment on a third of its District outside of settlement boundaries on Green Belt land given the strength of national and local policy. No evidence is available from the Council as to what 'Grey Belt' land might be suitable for employment.

3.32 Further still, the opportunities available to address the shortfall in supply outside of the settlement boundaries and outside of the Green Belt (the remaining two thirds of the District) are limited by the absence of urban areas. Buntingford is the only urban area not surrounded by Green Belt in the District (see Key Diagram) and therefore the only location that is capable of accommodating employment development where the need to travel is limited and where there is a genuine choice of transport modes.

3.33 In this context, land surrounding Buntingford represents the location that can best address the shortfall in employment land supply without compromising

the District's valued Green Belt resource and without resulting in unsustainable patterns of development. Further still, having regard to the evidence of Natasha Jones on landscape for the Appellant, save for the Appeal Site there is little remaining undeveloped land around Buntingford that would face into the Rib Valley Landscape cell. Built form in areas outside of the landscape cell, would have greater effect on the landscape beyond.

3.34 Policy BE2 of the BCANP (cited in all three reasons for refusal) was prepared in the context of the emerging EHDP and limits new employment development to upgrades, intensifications and extensions to the main industrial sites.

3.35 As above, it is inevitable that in order to best address the shortfall in employment land supply, Policy BE2 will be breached.

3.36 The Council's reasons for refusal also cite conflict with other policies of the Development Plan.

3.37 Policy TRA1: Sustainable Transport of the EHDP (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) establishes non site specific and general requirements in relation to accessibility improvements and promoting sustainable transport. Policy TRA2 (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) establishes general requirements related to highway access and measures designed to mitigate trip generation. These general requirements are broadly consistent with the Framework and therefore of full weight.

3.38 Policy DES2 Landscape Character (cited in reason for refusal 2 related to landscape) of the EHDP establishes non site-specific and general requirements in relation to landscape design. The purpose of this policy is to ensure that landscape features are conserved and enhanced and that appropriate mitigation will be taken into account when considering the effect of development on landscape character. Policy ES1 of the BCANP (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) requires development to be appropriate to and maintain the Rib

Valley setting of the BCA. These general requirements are broadly consistent with the Framework and therefore of full weight.

3.39 Policy INT1 Presumption in favour of sustainable development (cited in reason for refusal 3 related to the planning balance) of the EHDP reiterates national planning policy as set out in paragraph 14 of the 2012 Framework. The wording of the presumption in favour of sustainable development has since been amended, and accordingly Policy INT1 is not consistent with the Framework and of very limited weight in the determination of this appeal.

3.40 Reason for refusal 3 also alleges a breach of Policy BUNT3 but this policy is not relevant to the appeal as it relates to the designation of employment areas elsewhere within the town.

(i) The location of the site with reference to national and local policies related to sustainable travel

3.41 I have had regard to the Sustainable Transport Evidence prepared by Peter Blair on behalf of the Appellant and agree with his conclusions that the proposed development accords with relevant policies of the Framework and the Development Plan.

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

- safe and suitable access for active travel onto the A507, including the provision of bus stops on the A507; and,
- off site pedestrian and cycle infrastructure improvements linking the proposed development across the A10 and along Baldock Road to facilities within the town centre.

3.43 Further, there is no evidence that the proposed active travel route would be unsafe or unattractive to users. The proposed development would be

accessible to existing and future residents of Buntingford and surrounding settlements by walking, cycling and public transport.

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

(ii) The effect of the appeal scheme on highway safety,

3.45 I have had regard to the transport evidence prepared by James Duffy on behalf of the Appellant and agree with his conclusions that the proposed development accords with relevant policies of the Framework and the Development Plan.

3.46 I concur with James Duffy that the proposed development would not result in unacceptable harm to highway safety. The proposed access arrangements and associated highway works have been developed in consultation with the Local Highway Authority and subjected to Road Safety Audit, demonstrating there will be no unacceptable harm to highway safety. Further, the principal concerns raised by the Council regarding the A10 crossing, speed limit changes and operation of the local highway network were considered in detail by the Inspector in the recent appeal decision relating to the adjacent residential development, who concluded that these measures would not result in unacceptable harm to highway safety. I therefore agree that the appeal scheme accords with the relevant highway safety policies of the Framework and Development Plan. Finally, it is agreed with the Councils that the proposed access on the A507 is suitable and safe.

(iii) Whether or not the scheme is required to meet employment needs

3.47 I have had regard to the Employment Evidence of Simon Macklen and Adam Tindall and agree with their conclusions that there is an unmet employment

need.

3.48 I concur that East Hertfordshire is experiencing a significant shortfall in employment land and floorspace. The adopted District Plan (CD5.1) identified a requirement for approximately 19-20ha of employment land to 2033, however only one employment allocation has been delivered. There is an identified employment land shortfall of approximately 21ha across the District, additionally employment forecasts indicate growth of approximately 13,800 jobs between 2011 and 2033, around 3,000 jobs greater than planned for through the adopted District Plan.

3.49 The need for additional employment provision is particularly acute in Buntingford. The Buntingford Employment Study (CD5.10) identifies a need for additional employment space within the town, a significant disparity between population and employment growth, low job density and high levels of out-commuting. Despite this identified need, no significant employment development has been delivered within Buntingford for approximately 20 years.

3.50 I further agree that there is a clear disparity between supply and demand. Buntingford's employment areas are fully occupied and there is no available employment floorspace within the town. Across East Hertfordshire, occupancy rates are approximately 95.8%, increasing to approximately 98.4% when temporary market distortions are excluded. At the same time, there are 66 active occupier requirements for industrial and warehouse accommodation below 50,000 sq ft, representing demand for approximately 947,000 sq ft of floorspace.

3.51 In this context, the Appeal Scheme is therefore required and would make a significant contribution towards addressing an identified shortage of employment land and floorspace within both Buntingford and the wider District.

(iv) The effect of the scheme on the landscape character and appearance of the area

3.52 I have had regard to the Landscape Evidence prepared by Natasha Jones and agree with her conclusions that the proposed development accords with relevant policies of the Framework and the Development Plan.

3.53 I concur with Natasha Jones that, whilst the proposed development would result in some limited adverse effects on landscape character and visual amenity, the urbanising effect on Landscape Character Area 141 Cherry Green Arable Plateau would be limited and would not fundamentally alter its key characteristics or distinctive features. The proposed built form is confined to the central and eastern parts of the site, closest to the existing settlement, A10 and A507, whilst the higher ground to the west would remain undeveloped, and provide substantial areas of open space and structural landscaping.

3.54 Further, since the application was determined, outline planning permission has been granted for residential development immediately to the north of the appeal site (CD7.1). This development now forms part of the settlement within which the appeal proposals will be experienced and reinforces the site's relationship with Buntingford and its urban form.

3.55 During the appeal for the development to the north, the Inspector considered the role of the A10 in landscape terms, development within the Rib Valley setting and the suitability of development in this location west of the A10. Whilst identifying some localised landscape harm, the Inspector concluded that such development would preserve the wider Rib Valley setting. Given the site's adjacent location, those findings are relevant to the appeal proposals.

3.56 I therefore agree that the limited landscape harm arising from the proposals would not conflict with the relevant landscape requirements of the Framework or the Development Plan. Moreover, the Appeal site does not exhibit a high landscape quality or condition, does not exhibit high scenic quality and is representative of the wider agricultural landscape, and does not exhibit wildness as it is in an intensively managed agricultural land use. Further, it is not designated for its value and does not comprise a 'protected landscape' as defined by the Framework.

4. RESPONSE TO OTHER ISSUES RAISED

4.1 The following provides a succinct response to the three objections raised in representations that are not covered under the main issues above or within the planning balance.

Objection	**Response**
Increased congestion upon the A10 and unsafe access	The Transport Assessment and Transport Technical Note submitted with the application demonstrate there is sufficient capacity on the A10 to accommodate traffic from the development and that the access design is safe, and this is agreed with the Council.
Capacity of wastewater and foul drainage infrastructure.	Thames Water have a statutory duty to provide sufficient wastewater and foul drainage infrastructure. To that end, Thames Water have advised that they have no objection to the proposed development subject to a planning condition to secure a phasing and infrastructure package, which is agreed in principle by the Appellant.
Lack of infrastructure in the town to cater for the development	Buntingford is identified in the adopted District Plan as one of the largest settlements in East Hertfordshire. The town is served by a high level of existing services and facilities, including retail. Furthermore, the proposed development makes financial contributions towards improving

	infrastructure, including sustainable travel.
More suitable alternative locations in Royston	There is no evidence provided there are more suitable alternatives in Royston, and in any event it is not within East Hertfordshire and so cannot contribute sustainably towards meeting the employment needs of residents within Buntingford or East Hertfordshire.
The development should be screened as EIA.	The Council have adopted a screening opinion that the development is not EIA development.
There is a weight restriction on the A507 from Baldock to Buntingford which restricts vehicles above 7.5 tonnes to access only. This development will give rise to a significant number of Heavy Goods Vehicles accessing the site from Baldock, with a consequential highway and environmental effect on routes through villages along the A507.	There is an active Traffic Regulation Order (TRO) (CD10.7) in place from Baldock to Buntingford. However, the TRO permits use by HGV's for the purposes of access and for loading or unloading to premises in or adjacent to the restricted road. The location of the proposed development adjacent to the A10 junction, and the attractiveness of this route for HGV vehicles compared to the A507 means that there is likely to be limited movements along the A507 to/from the proposed development and therefore limited impact on highway safety or the environment.

5. PLANNING BALANCE AND CONCLUSION

5.1 The determination of this appeal rests on whether the benefits of granting the appeal would be substantially outweighed by any adverse effects (Policy S5 1. of the Framework). It is agreed with the Council that there are no national decision-making policies that mean the development proposals should be refused. Further, the Council agree that the adverse effects do not substantially outweigh the benefits and that planning permission should be granted.

5.2 The Council's reason for refusal 3 considers the harm and policy conflicts would significantly and demonstrably outweigh the benefits, applying the formulation of the planning balance as it formerly appeared in the December 2024 version of the NPPF. I disagree (as does the Council now) and set out my view on the planning balance. The benefits are as follows:

- Provision of employment land supporting economic development to meet an unmet need for employment floorspace
- Provision of open space to meet the needs of the development and the wider needs of the town for natural and semi natural greenspace and parks and gardens
- Provision of a minimum of 10% on-site biodiversity net gain
- Provision of landscaping enhancements, including substantial structural planting to create a significant landscape buffer to the western boundary
- Provision of sustainable drainage systems to control surface water run off and improve water quality
- Provision of active and sustainable travel improvements within the town for the benefit of new and existing residents
- The benefits of job creation for the local economy and improving the balance of jobs and homes within Buntingford in order to reduce the likelihood of out commuting to other locations

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

Provision of employment land

5.4 Policy E2: 1 a. states that substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt. As evidenced above within Section 3 and the evidence of Simon Macklen and Adam Tindall, there is an unmet need and demand for employment land and floorspace within East Hertfordshire and Buntingford that is having a negative impact on the growth of the local economy. This proposed development will provide up to 27,420 square metres of employment floorspace, including a minimum 25% of the total floorspace built as single units with a maximum floorspace of 1,000 square metres to ensure a mix of unit sizes.

5.5 At a time of economic uncertainty across the UK, and where the Government sees commercial development as a key plank of their strategy to deliver economic growth, the Appeal Scheme will have an estimated local economic output of £21m and an estimated contribution of £43m to the UK economy. In my view this should be afforded **substantial positive weight** in accordance with Policy E2. 1. a of the Framework and as agreed with the Council.

Provision of public open space to meet needs of the development and wider needs of the town

5.6 The provision of 6.38ha of natural and semi natural greenspace should be afforded **substantial positive weight in accordance with Policy HC4 1. of the Framework.** This would make a demonstrable contribution towards promoting good health, preventing ill-health and supporting social interaction in accordance with Policy HC4 1. b.. This can be secured by condition and its maintenance by the Section 106 Agreement.

5.7 The Council's Open Space Assessment Report (April 2026) (CD5.14) states that in Buntingford there is currently two natural and semi natural greenspaces

within Buntingford providing 0.95ha (or 0.15ha per 1,000 population). The Field in Trust (FiT) Standard is 1.80ha per 1,000 population as a guideline quantity standard. Furthermore, Natural England's Accessible Greenspace Standards (2023) cite a benchmark of three hectares of accessible greenspace per 1,000 population. The Council's Open Space, Sport and Recreation SPD (2020) (CD5.14) has a higher requirement of 3.2ha per 1,000 population for natural and semi natural greenspaces. There is therefore an identified existing shortfall in Buntingford.

5.8 The Land Use Components Plan (CD2.7) illustrates 6.38ha of green infrastructure, which is indicatively shown on the Landscape Mitigation Strategy on page 18 of the Design and Access Statement Addendum (CD2.23).

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

5.9 The provision of a minimum of 10% Biodiversity Net Gain on-site should be afforded **moderate positive weight** as agreed with the Council. On the basis of the proposals as illustrated, a net gain of 12.49% in habitat units and 11.11% in hedgerow units can be achieved and secured by condition.

Provision of landscaping enhancements

5.10 The provision of landscaping enhancements in the western area of the Site as illustrated on the Landscape Mitigation Strategy on page 18 of the Design and Access Statement Addendum (CD2.23) will create a layered edge between the proposed development and the wider countryside which would contribute to the Strategy and Guidelines for Managing Change of the East Hertfordshire Landscape Character Assessment Area 141 (CD9.1). This should be afforded **moderate positive weight** and can be secured by condition.

Provision of sustainable drainage systems

5.11 The provision of a Sustainable Urban Drainage System (SuDS) will restrict surface water runoff to existing greenfield rates, including a 40% allowance

for future climate change as described in Section 6 of the Flood Risk Assessment (CD1.13). Further, runoff from new hardstanding areas will receive water quality treatment before being discharged improving water quality as described in Section 7 of the Flood Risk Assessment (CD1.13). This benefit should be afforded **limited positive weight** as agreed with the Council and can be secured by condition.

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

5.12 The provision of a package of active travel improvements will improve choice of transport modes for existing residents within the town and those wishing to access the countryside to the west, and assist the Council with implementation of its Local Cycle and Walking Infrastructure Plan for the town.

5.13 These include bus stop provision on the A507, footway/cycleway improvements from the A507 site access to the town centre providing improved choice and safety for existing and new residents wishing to access the town centre, and Buntingford Business Park by bus, foot or cycle along this route. In addition, a financial contribution is proposed towards sustainable travel improvements in the town.

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

Provision of Jobs

5.15 The proposed development will create a significant number of jobs during construction and the operational phase having positive social and economic benefits.

5.16 The proposed development would support 247 FTE gross construction jobs over the course of one year of construction, with a further 241 indirect jobs created in the wider economy as evidenced within the Economic Benefit Assessment submitted with the application.

5.17 Once development is completed, the development is likely to support 467 gross direct jobs on-site. Allowing for a level of local displacement (businesses moving in the area), the net direct job creation is 350 FTE jobs. In addition, a further 455 indirect FTE jobs will be created.

5.18 The benefits from the creation of jobs within the proposed development also relate to the improvement it makes to the ratio of jobs to homes within Buntingford as explained within the evidence of Simon Macklen.

5.19 For these reasons, I give the provision of jobs during the construction and operational phase **substantial positive weight** in the planning balance.

Adverse Impacts

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

Conflict with the Spatial Strategy

5.21 Policy DPS2: The Development Strategy 2011-2033 of the EHDP (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) limits development to specific sites, and in the context of this appeal, precludes development outside of the urban area of Buntingford.

5.22 Aligned with the Strategy and employment land requirements of Policy DPS1, Policy GBR2 Rural Area Beyond the Green Belt (cited in reason for refusal 2 related to landscape and 3 related to the planning balance) limits development outside of the urban area to specific types of development, including new employment generating uses where they are sustainably located, in accordance with Policy ED2 (Rural Economy). Policy ED2 (not cited in the reasons for refusal) states that proposals that create new employment generating uses or support the sustainable growth and expansion of existing businesses in the rural area will be supported in principle where they are appropriately and sustainably located and do not conflict with other policies within the Plan.

5.23 Similarly, Policy ED1 (cited in reason for refusal 1 related to active travel/safety and 3 related to the planning balance) supports new employment uses where they are in a suitable location where access can be achieved by a choice of sustainable transport and do not conflict with other policies within the Plan.

5.24 Policy DPS2 (and therefore policies GBR2, ED2, and ED1 because these policies require proposals not to conflict with any other policies of the Plan) place a constraint on the delivery of employment land and jobs in the context where the Council has an unmet need for employment land. Moreover, the policies are materially inconsistent with national decision-making policy S5 which relates to the principle of development outside settlements, including employment development.

5.25 Moreover, given the scale of the shortfall in employment land supply, there is an inevitability that Policies DPS2, GBR2, ED2, and ED1 will need to be breached for the Council to be able to demonstrate there is not an unmet need for employment land. The Council's settlement boundaries are tightly constrained and the opportunities for windfall developments on previously developed land within the urban areas are not of sufficient scale to address the shortfall.

5.26 The proposed development would therefore conflict with the spatial strategy within the Local Plan, namely policies DPS2, as the proposal would be located outside of the settlement boundary of Buntingford. However, that conflict is tempered by the fact the spatial strategy and its policies are of very limited weight in the determination of this appeal as the Council are unable to demonstrate a sufficient supply of employment land to meet the need, and there is an inevitability the Council will need to amend its spatial strategy to meet its employment needs. On that basis, I give this conflict **limited negative weight.**

Loss of agricultural land

5.27 There will be a loss of circa 12.08 hectares of best and most versatile

agricultural land from the development of the Appeal site, with the majority of the site classified as Grade 2 (8.83 hectares) and a portion of land in the eastern section of the site classified as Grade 3a (3.25 hectares). The remainder of the site along Baldock Road is non-agricultural land (1.22 hectares).

5.28 Having regard to application s62A/2024/0045 decision (CD7.2), 37.3% of land in East Hertfordshire is classified as Grade 2, and 54% classified as Grade 3 land. Although a breakdown of Grade 3a and 3b land is unavailable, there is likely to be a high proportion of the land available within the Grade 3a category. Furthermore, as evidenced by Appendix 1, the vast majority of land on the edge of Buntingford and the wider District is also best and most versatile agricultural land. There is an inevitability therefore that to meet the employment needs of the District, there will be a loss of best and most versatile agricultural land. This tempers the weight to be given to its loss. Accordingly, I give this **limited adverse weight** as agreed with the Council**.**

Heritage

5.29 There will be less than substantial harm (low level) to the setting of Aspenden Conservation Area, Aspenden Hall (Grade II) and St Mary's Church (Grade I) as agreed within the Statement of Common Ground with the Council (CD12.5). Accordingly, I give this **limited adverse weight** as agreed with the Council. In coming to that view, I have taken into account Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the considerable weight and importance given to the preservation of heritage assets when harm is found.

Landscape and Visual Harm

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

Conclusion

5.31 In conclusion overall, having regard to my weighting above, the benefits would not be substantially outweighed by the adverse effects and the appeal scheme represents sustainable development.

5.32 In the context of Policy S5 and applying the 'tilted balance', the exercise that is required is to weigh adverse impacts and benefits. It is therefore not the case that the existence of any adverse impacts means permission should automatically be refused. The exercise described in Policy S5 1. clearly envisages there will be adverse impacts and they are to be expected in order to realise the benefits.

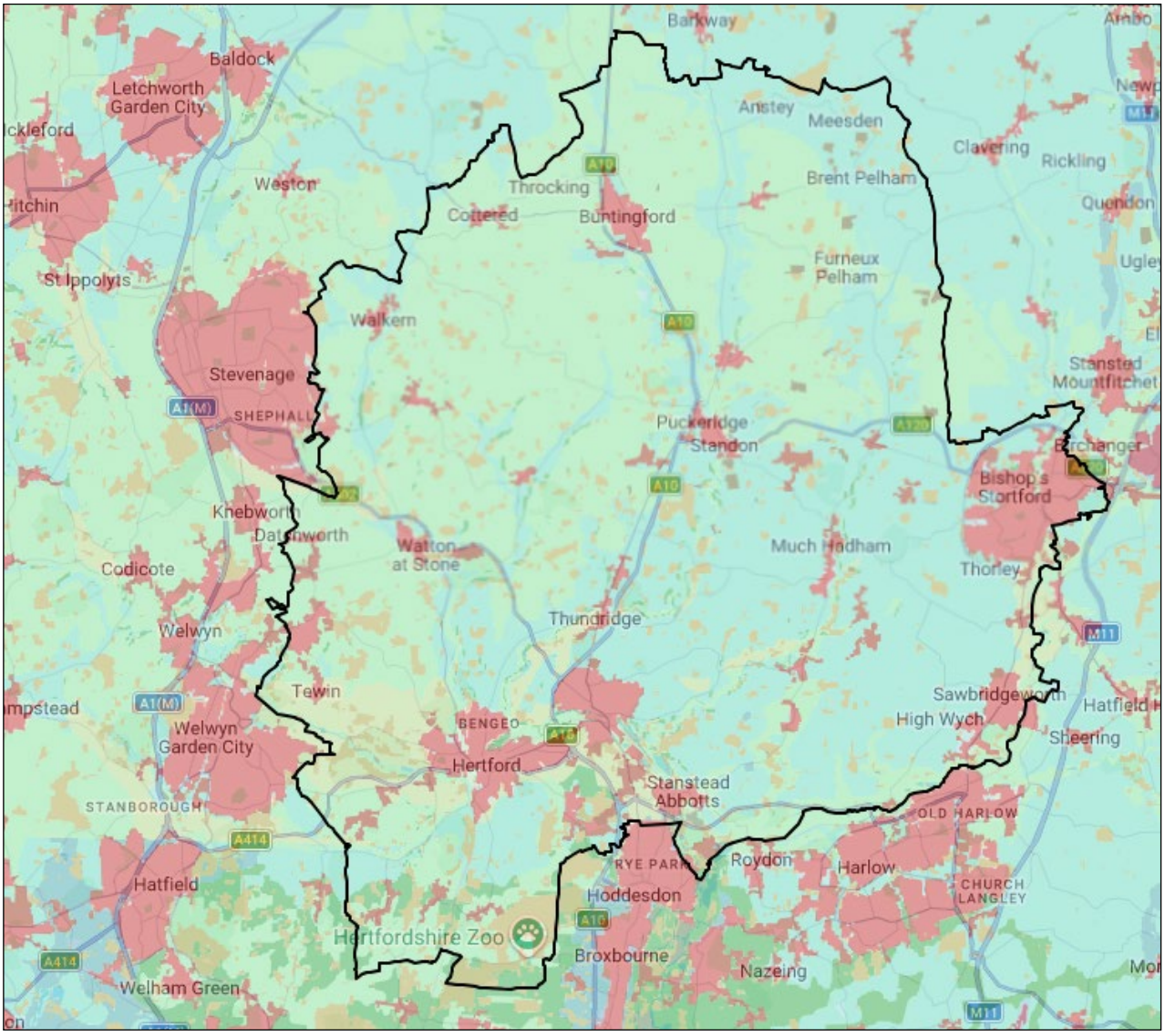
5.33 Further still, it is not a 'flat balance', i.e. impacts and benefits should not be treated equally. Policy S5 1. establishes a rules based approach in which development that falls within one of the Policy's specified categories should be approved by default unless the tilted balance is overcome. To justify a refusal, the adverse impacts must substantially outweigh the benefits, and therefore not just outweigh the benefits. This interpretation is reinforced by the Government's response to consultation on the revised NPPF, which confirms that 'substantial weight' represents the highest level of weight[1]. Policy S5 1. therefore establishes the 'highest bar' needs to be met if permission is to be refused. In my view, although there are adverse impacts as expected with the delivery of new employment land and infrastructure to address a significant shortfall in employment land supply, the adverse impacts do not come near to outweighing the benefits.

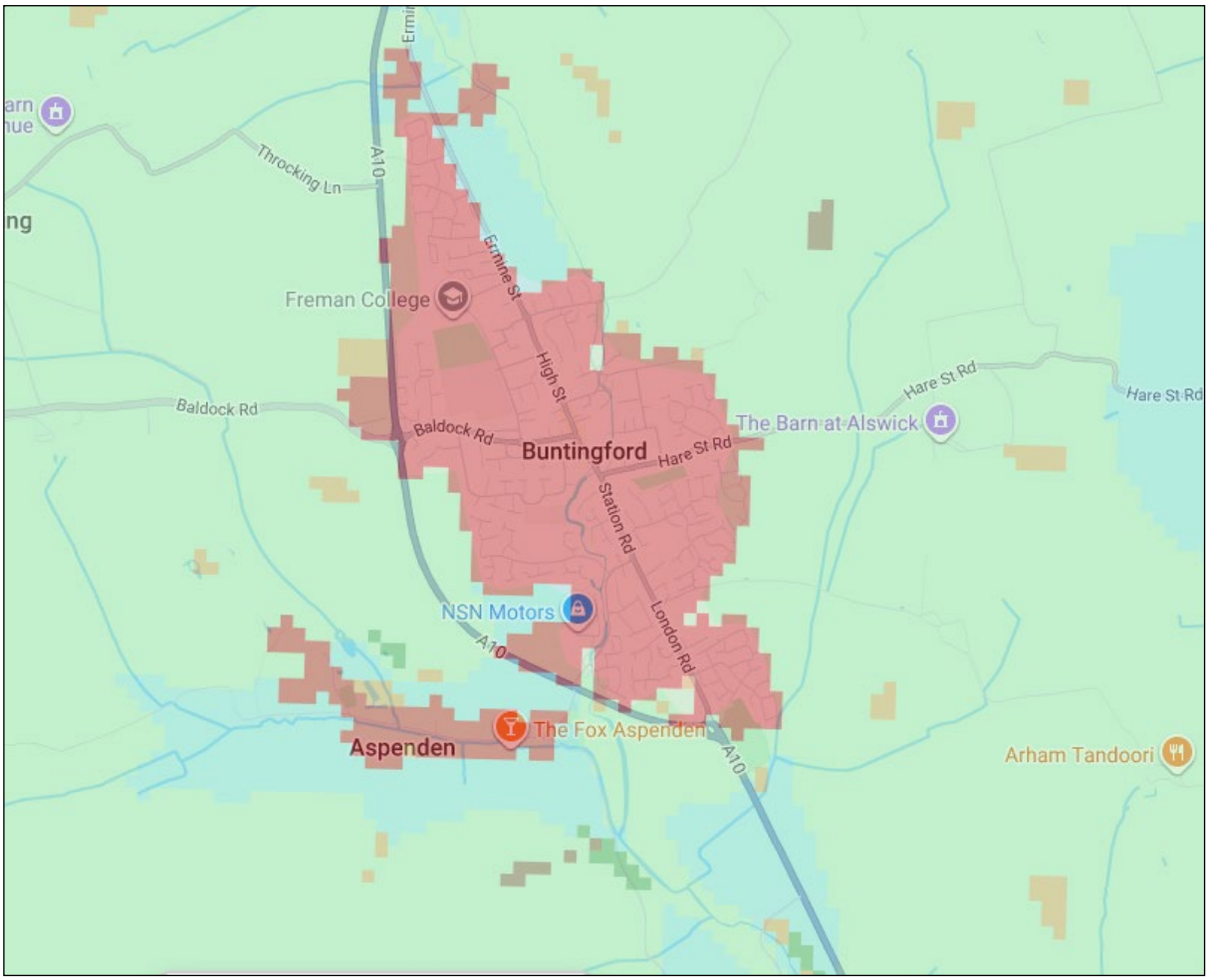
5.34 The Section 106 Agreement agreed with the Council will secure the financial contributions towards the infrastructure necessary to make the development acceptable and planning conditions have been agreed between the Council and the Appellant to ensure necessary details can be secured to satisfy all policy requirements.

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

[1] See CD5.21 document page 73

APPENDIX 1 – DEFRA PREDICTIVE AGRICULTURAL LAND CLASSIFICATION MAP FOR ENGLAND





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

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

Land Classification Map for England.