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

APPELLANT'S STATEMENT OF CASE

May 2026



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1 Introduction

1.1 Hallam Land Management ("the Appellant") applied to East Hertfordshire District Council ("the Council") on 11th July 2024 for outline planning permission on land south of A507, West of A10, Buntingford.

1.2 The description of development was as follows.

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.

1.3 The planning application was refused by the Council in a Decision Notice (DN) dated 6th May 2026. This Appeal is made against that decision under Section 78(1) of the Town and Country Planning Act 1990 (as amended).

1.4 Following an extensive pre-application process and positive engagement between the Appellant and Council during the planning application process, most technical issues were resolved, resulting in only three reasons for refusal.

1.5 The reasons for refusal are as follows:

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).

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.*

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.*

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

1.7 The Appellant is also pursuing an as yet undetermined appeal reference 6008238 in relation to the Council's refusal of outline planning permission on land to the immediate north of the A507 for the development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved save for access.

1.8 The Appellant would formally ask that these appeals are conjoined.

Structure of this Statement of Case

1.9 The Statement of Case sets out the Appellant's grounds of appeal, concerning the main matters relevant to the Appeal's determination to assist the Inspector. The Statement is structured as follows.

- Section 2 describes the Appeal Site.
- Section 3 provides an overview of the Appeal Scheme.
- Section 4 addresses the reasons for refusal on the DN.
- Section 5 sets out the Appellant's position on why the Appeal should be determined through an inquiry procedure and be conjoined with 6008238.
- Section 6 provides a schedule of key documents that are to be referred to by the Appellant during the appeal process.

Appendices

1.10 The Statement of Case is supported by the following appendices.

- Appendix 1: Schedule of Planning Application Documents
- Appendix 2: Summary of Statutory Consultee Responses

2 The Appeal Site

2.1 The Appeal Site comprises circa 13.28 hectares (ha) of agricultural land adjoining 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.

2.2 The remainder of the urban area of Buntingford lies to the east of the A10. Buntingford is a market town with a population of just under 8,000 in the 2021 Census. It acts as an important rural service centre for villages in the wider rural area, and has an extensive range of services and facilities that serve the day-to-day needs of residents, and a vibrant local community[1]. Further, 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[3]. The Appeal Site is within 10 to 15 minutes' walk of the town centre and within a 20 minute walk to most other parts of the urban area.

2.3 The Appeal Site presently comprises a single relatively ordinary and unremarkable 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 Site's character is influenced by the A10, A507 and nearby urban land uses, including the adjacent Buntingford Business Park.

2.4 The Appeal Site is not designated for its environmental, landscape or ecological value, it 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

[1] Text taken from Paragraph 6.1.2 of the East Hertfordshire District Plan
[2] Text taken from Paragraph 6.1.14 of the East Hertfordshire District Plan
[3] Text taken from Paragraph 6.1.6 of the East Hertfordshire District Plan

running through the Appeal Site but there are public footpaths to the north, beyond the A507 Baldock Road, and to the south west.

2.5 There is no relevant planning history on the Appeal Site.

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

3 The Appeal Scheme

Plans and Documents

3.1 The description of development is set out paragraph 1.2, confirming that the planning application is in outline with all matters reserved for future determination except for access.

3.2 The plans submitted for approval comprise the following.

- Site Location Plan
- HLM082/019 Rev G Land Use Components Plan
- HLM082/038 Building Heights Parameter Plan
- 23161_SK_T010 (P10) Proposed Site Access Arrangements Plan (NB This drawing now shows the Toucan crossing removed from the western side of the access roundabout, given this is only required in the event the residential application also comes forward (i.e. the comprehensive access strategy as discussed below), as a minor change since determination. It also moves the western arm of the Toucan crossing over the A10 to 20m north of the existing A10 / A507 roundabout following comments from HCC Highways; to that end, a Stage One Road Safety Audit is being progressed and will be issued once finalised in support of the appeal)
- SK161_SK_T_024 (P2) Forward Visibility Plan

3.3 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 application (see Paragraph 1.7 above) can deliver a comprehensive access strategy, and has also been updated in line with amendments to 23161_SK_T010 (P10).

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

Off-Site Transport Improvements

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

- 23161_SK_T_003 (P5) Proposed Active Travel Enhancement on Baldock Road East of A10 Plan
- 23161_SK_T_035 (P3) Proposed 40mph Speed Limit and Crossing Signage Plan (NB whilst the drawing now includes details of an existing direction sign on the A10 north of the A10 roundabout and relocated pedestrian crossing signage, the layout remains unchanged to that considered at determination determination)

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 Appeal Scheme has been designed to respond to the character and environment of the Appeal Site, and the economic needs of Buntingford and East Hertfordshire. 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 in a mix of uses (Use Class B2, B8, E(c) and E(g)) and size of units to address local demand (to be controlled by planning condition);

- The associated creation of jobs, estimated to be around 467 FTE direct jobs

on site, with a local economic output of £21m and an estimated contribution of £43m to the UK economy. In addition, 426 FTE jobs are anticipated to be created during the construction phase of the proposed development, of which 210 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 provision of circa 6.31 ha of informal open space, providing amenity and creating a buffer around the proposed employment built form (linked to the provision of Buntingford Park as part of the Appellant's residential appeal);
- Vehicular access into the site (for which detailed planning permission is sought) will be from the A507 Baldock Road at the northern site boundary;
- Active travel improvements to the A507, including provision of a shared use footway / cycleway from the Site access and towards the town centre with associated raised crossings to improve safety and prioritise sustainable transport modes for the benefit of users of the development and existing pedestrians and cyclists;
- Introduction of bus stop connections to be served by existing services passing on Baldock Road for the benefit of users of the development and existing Buntingford Business Park;
- Contributions towards improving public transport services from and within the town (to note contributions will also be provided in relation to the Appellant's residential appeal to the north, which, if consented, would also enhance frequency of services passing the Site); and
- Existing site features of interest such as trees and hedgerows will be retained and managed and strengthened. Tree removal has been minimised to only those which are necessary to be removed so as to enable development. Any removal will be substantially compensated for and supplemented with extensive additional planting including proposed woodland copse planting to the west of the Site and areas for wildlife to enable an anticipated biodiversity net gain of 12.49% and increase in hedgerow units of 10.11%.

3.8 In summary, the Appeal Scheme represents a development proposal that aims to address the need for employment growth in the town and wider area whilst respecting the environment and maximising the economic, social and environmental benefits. It will provide genuine choice of transport modes for employees within the development, and thereby helping to sustain and foster a sustainable pattern of land uses within the town.

4 The Case for the Appellant

4.1 There are only three substantive reasons for refusal.

Reason for Refusal 1

4.2 This reason alleges that the Appeal Scheme 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 reason alleges that a proposed off site signal-controlled crossing would create an unsafe environment for users. As such, the Council considers the proposal would not be acceptable in highway safety terms. The Council therefore allege the proposal would not provide a genuine choice of alternative travel modes and not ensure that safe and suitable access can be achieved for all users. The different elements and policies referred to in Reason for Refusal 1 are now taken in turn.

I*solated and 'Physically Severed'*

4.3 Reason for Refusal 1 alleges that the Site is isolated and physically severed from the rest of the town. The words 'isolated' and 'physically severed' are not defined within the Development Plan, the NPPF, nor are they within any of the policies referenced in the reason for refusal. Where the word 'isolated' is used in local and national policy, it is ordinarily used in the context of buildings which are located within the open countryside, policies which are not relevant to this appeal given the Site's adjacency to the employment and the Site's relationship to the existing urban context.

4.4 In any event, the existing Buntingford Business Park and the employment allocation to the north of the Business Park are immediately opposite the Site on the northern side of the A507. It is clear that the Council considers this to be a sustainable location for employment growth, not least through the allocation of BUNT3 in the District Plan. Additionally, residential-led development is proposed by the Appellant to the immediate north of the A507. Thus, the location of the Site adjacent to urban development to the east and north means it cannot properly be described as isolated.

Active Travel Connections

4.5 Reason for Refusal 1 also alleges poor quality active travel connections to services within the town. It is understood that this statement is based on the existing connections rather than proposed connections, and that will be clarified through a Statement of Common Ground.

4.6 Furthermore, Reason for Refusal 1 contends that the proposed at-grade signal-controlled crossing on the A10 would create an unsafe environment for pedestrians, cyclists and other highways users, and is therefore not acceptable in highway safety terms.

4.7 It will be demonstrated through transport evidence (including road safety audits) that the proposed active travel improvements to the site from the town are not of poor quality and do not give rise to highway safety concerns. This will be with reference to proposed improvements illustrated within the submitted plans along the A507, A10 and Baldock Road comprising a dedicated footway and cycleway, new crossing points including a new toucan crossing over the A10, and a series of improvements to the Baldock Road east of the A10. These are capable of being secured within wording in proposed planning obligations and conditions that commit the Appellant to deliver the proposed improvements.

4.8 It will therefore be demonstrated that there will be a genuine choice of sustainable travel modes for future employees of the development, and that the scheme will help to foster a more sustainable pattern of development within the town enabling local residents to live and work without travelling beyond the settlement – thereby minimising the need to travel. This will also be demonstrated with reference to the proposed scheme of active travel improvements

4.9 In addition, appropriate 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. Overall, reliance upon travel by non-sustainable modes has been minimised and a vision led approach has been taken by prioritising sustainable modes of travel.

4.10 Notwithstanding the above, it will also be demonstrated through transport evidence that a vision led approach to transportation has been taken and that there are no residual cumulative impacts on the highway network that would be severe, taking into account all future scenarios. Further, planning permission has not been refused on the grounds there are residual cumulative impacts on the highway network that are severe.

Policy Conflict

4.11 Finally, Reason for Refusal 1 alleges 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 (2017), Policies 1 and 5 of the Hertfordshire County Council Local Transport Plan 4 (LTP4, 2018), and paragraphs 110 and 115 National Planning Policy Framework.

4.12 The policies will be described and considered in light of the Council's failure to deliver sufficient employment land. It will be demonstrated that the policies which are most important for determining the appeal are clearly out of date, and this includes Policies DPS2 (the Development Strategy) of the Local Plan which directs development in accordance with a hierarchy. The proposal does not sit within the hierarchy of locations listed and is therefore strictly speaking in conflict with it. However, the weight to be given to the conflict with this out of date policy in the planning balance will be demonstrated to be very limited.

4.13 The policies of the Development Plan will also be considered having regard to paragraph 232 of the NPPF. As the policies are 8 and 9 years old respectively, they were adopted before the current version of the NPPF and therefore their consistency with the NPPF will be considered in evidence.

4.14 Policy TRA1 (Sustainable Transport) has a number of criteria. The Officer's Report would appear to indicate it is only criteria c) that has been breached and this will be clarified through the Statement of Common Ground. In any event, it will be demonstrated that in respect of each criteria; (a) the proposals are located in a place which enables sustainable journeys to be made to key services and facilities, (b) takes account of the Local Transport Plan, (c) there are a range of sustainable transport options available to occupants, and (f) where existing rights of way are protected. Other criteria in relation to (e) timing of sustainable travel

infrastructure and (g) maintenance of routes will be addressed through planning obligations and conditions. Criteria in relation to (d) layouts prioritising non car modes would be addressed at reserved matters stage, although it will be shown that the illustrative masterplan demonstrates how this can be achieved. It will therefore be concluded there is no breach of Policy TRA1.

4.15 Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) requires development proposals to ensure safe and suitable access can be achieved for all users. A number of criteria are listed, and it will be clarified with the Council through the Statement of Common Ground which criteria are considered to be breached. In any event, it will be demonstrated the proposed access and signal-controlled crossing on the A10 are safe with reference to stage one road safety audits and that there are no severe cumulative impacts or detrimental effects on the character of the local environment.

4.16 Policy ED1 (Employment) primarily applies to designated employment areas. However, criteria II. supports the provision of new employment uses beyond designated areas in principle, 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 of the Plan. As noted above, it will be demonstrated that the proposal complies with the first part of criteria II of Policy ED1, although it is accepted there is conflict with the second part of criteria II and other policies of the Plan, namely DPS2.

4.17 Policy BE2 of the Neighbourhood Plan relates to proposals to extend the main industrial sites (including Buntingford Business Park to the north). This requires proposals to meet specified criteria. Of these, the criteria that is relevant to transport matters requires development to not adversely impact upon road safety. It will be demonstrated through transport evidence that the development complies with this policy.

4.18 In respect of LTP4 policies and paragraphs 110 and 115 of the NPPF, it will be clarified through the Statement of Common Ground which criteria the Council consider to be breached. However, it will be demonstrated that this location is sustainable, with the development proposed limiting the need to travel and offering a genuine choice of modes of travel. Further, it will be demonstrated how

sustainable transport modes have been prioritised with reference to the proposed works, and how a safe and suitable access can be achieved for all users. Criteria related to (115 c)) the design of streets would be addressed at reserved matters stage, and it is agreed that there are no significant impacts from the development on the transport network (criteria 115 d)).

4.19 The Appellant's case is therefore that there is no conflict with Policies TRA1 and TRA2 of the District Plan, BE2 of the Neighbourhood Plan, Policies 1 and 5 of LTP4, and Paragraphs 110 and 115 of the NPPF. And whilst it accepts there is conflict with policies DPS2 and therefore ED1 of the District Plan, these policies are out of date and of very limited weight in the determination of this appeal.

Reason for Refusal 2

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

LCA141

4.21 The Council alleges the scale, form, visual impact and siting of the development would intrude upon and have a significantly harmful urbanising impact upon the 'Cherry Green Arable Plateau' (LCA 141) character area within the East Herts District Landscape Character Assessment (2007).

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

Rib Valley

4.23 The Council also alleges the development would fail to preserve and value the Rib Valley setting of the Buntingford Community Area by virtue of the substantial presence of built form at the elevated parts of the landscape.

4.24 It will be demonstrated through landscape evidence that the development would be well contained within the Rib valley landscape cell formed by the series of spurs which wrap around and contain the River Rib valley slopes, the valley floor, and Buntingford. The development would be well contained within the valley setting in which most of Buntingford presently sits and, with mitigation, avoids far reaching impacts on the wider, rural landscape.

Harm

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

Policy Conflict

4.26 Finally, the reason alleges conflict with Policies GBR2 and DES2 of the District Plan, Policies ES1 and BE2 of the Neighbourhood Plan, and Paragraph 187(b) of the NPPF.

4.27 The Policies will be described and considered in light of the Council's shortfall in employment land provision and the fact that the prospects of this position altering in the near future is unlikely. The policies of the Development Plan will also be considered having regard to Paragraph 232 of the NPPF. As the policies are 8 and 9 years old respectively, they were adopted before the NPPF and their inconsistency with the NPPF will be considered in evidence.

4.28 It will be demonstrated that whilst there will be obvious and evident change to the Site itself, the proposal complies with Policy GBR2 (Rural Area beyond the Green Belt) of the Local Plan which allows for employment development where they are sustainably located, in accordance with Policy ED2. The Council has not cited a conflict with Policy ED2 within its reasons for refusal and the proposal is considered to be compatible with the character and appearance of the area.

4.29 It will be clarified through the Statement of Common Ground which criteria of Policy DES2 (Landscape Character) of the Development Plan that the Council consider to be breached. It will be demonstrated that the development complies with Policy DES2 when read as a whole, and that it is sensitive to the landscape and of a height and scale which limits views of the development from the surrounding countryside, especially once mitigation is established. Further, it will be demonstrated through landscape evidence that the development conserves, enhances and strengthens the character and distinctive features of the BCA landscape, beyond the appeal site.

4.30 Policy BE2 of the Neighbourhood Plan relates to proposals to extend the main industrial sites (including Buntingford Business Park to the north). This requires proposals to meet specified criteria. Of these, the criteria that is relevant to landscape matters requires development to not adversely affect the attractiveness of the local countryside. It will be demonstrated that through landscape evidence that the development is sensitive to the landscape and capable of mitigation.

4.31 Policy ES1 requires development proposals to be appropriate to and maintain the Rib Valley and the setting of the BCA. As above, it will be demonstrated that the development would be within the valley setting and appropriate to the setting of the BCA. The appeal site is unremarkable and is part of the 'ordinary' countryside. In respect of paragraph 187 b) of the NPPF and recognising the intrinsic character and beauty of the countryside, it will be demonstrated how the development has been designed with respect to the landscape character of the area.

4.32 The Appellant's case is therefore that there is no conflict with policies GBR2 and DES2 of the Local Plan, BE2 and ES1 of the Neighbourhood Plan, and paragraph 187. b) of the NPPF.

Reason for Refusal 3

4.33 Reason for Refusal 3 alleges conflict with Policies BUNT3, INT1, DPS2, GBR2, DES2, ED1, TRA1 and TRA2 of the District Plan and ES1 and BE2 of the Neighbourhood Plan.

4.34 Some of these policies are listed within other reasons for refusal, namely DPS2, GBR2, DES2, ED1, TRA1 and TRA2 of the District Plan and ES1 and BE2 of the Neighbourhood Plan, and do not relate to this reason for refusal. These policies will be addressed as set out above.

4.35 Reason for Refusal 3 also alleges conflict with Policy INT1 (Presumption in Favour of Sustainable Development) of the District Plan. The Policy replicates a previous version of national policy, but is now not consistent with current wording of the NPPF. Accordingly, it will be explained the policy is out of date, and accordingly any conflict is of limited weight and, in any event, it will be demonstrated the proposed development accords with Policy INT1 with reference to the harm not outweighing the benefits as set out above. This will be clarified through the Statement of Common Ground.

4.36 Reason for Refusal 3 also contends there is conflict with Policy BUNT3 (Employment in Buntingford) of the District Plan but there is no explanation as to why the policy is breached. 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. Importantly, Policy BUNT3 does not seek to restrict employment development elsewhere in the town.

Presumption in Favour of Sustainable Development

4.37 Paragraph 11d of the NPPF applies as addressed by the Council in reason for refusal 3. It will be demonstrated that Policy DPS2 which is the only policy of the Development Plan to be breached and the most important for determining the appeal is out of date.

4.38 The policy is based on an evidence base which is nearly 9 years old in respect of District needs, and more than 12 years old in respect of Buntingford's needs, and therefore does not address Buntingford's up to date employment needs. The policy is now superseded by changes in national planning policy, market conditions and requirements.

4.39 The NPPF has been updated on more than one occasion since the Plan was adopted in 2018, and the evidence base gathered in 2014 and 2017, with further proposed reforms to national policy later this year. Those changes have provided increased support for economically beneficial development as the country's economic position has altered during volatile economic impacts. These changes in national policy will be described to show how the approach of the Plan to employment land supply is not now consistent with current national policy, and that weight to be given to these policies must have regard to paragraph 232 of the NPPF.

4.40 It will be demonstrated that there is an immediate, clear and significant shortage of employment land in East Hertfordshire generally and particularly within Buntingford. This will be evidenced, including with reference to documents already submitted by the Appellant along with the Council's recently published Buntingford Employment Study (2025) which identifies a significant need for employment in Buntingford, a strong demand for new employment opportunities in the town, and a lack of vacant floorspace. Whilst the District Plan employment application to the north of the existing Business Park (Policy BUNT3) has yet to come forward, this is due to landownership and likely delivery complications and thus it is not available to the wider market. There are also limited opportunities or proposals for additional employment growth in the town. There is therefore an urgent and substantial need for additional employment land that the Appeal site can accommodate in a sustainable form with no significant adverse impacts.

4.41 On that basis, it will be demonstrated that the relevant employment policy (DPS2) is substantially out-of-date and of very limited weight in the determination of this appeal.

4.42 Accordingly, paragraph 11d of the NPPF and the tilted balance applies as agreed with the Council in its reason for refusal 3.

4.43 The level of harm and policy conflicts identified by the Council in the reason for refusal and Officer's Report will be weighed. Further, the benefits of the proposal will be weighed having regard to evidence of need which will be presented. The Appellant will seek to reach agreement through the Statement of Common Ground with the Council as to the relative weight to be afforded to the respective matters.

4.44 It will be demonstrated that the harm and policy conflict in no way reaches the high bar of paragraph 11d of the NPPF in being capable of significantly and demonstrably outweighing the benefits. This assessment will have particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places, individually or in combination as per Paragraph 11d of the NPPF (the provision of affordable homes is not relevant in this case).

4.45 Furthermore, the claimed reduction of positive weight to be afforded to employment development due to a lack of perceived information with regard to the range of employment spaces and the speculative nature of proposals will be challenged, with reference to the submitted Employment Delivery Note. This, together with any relevant up to date evidence, seeks to agree planning conditions and obligations with the Council in the event that the appeal is allowed that relate to marketing and restriction of single unit floorspace sizes to ensure the development is clearly targeted towards meeting local employment demand, supporting the Council's aspirations. It is noted that the most recent Planning Policy Observations (February 2026) support the provision of planning conditions to ensure proposals address local demand, which can satisfy this concern.

Other Matters

4.46 Although not forming part of the reasons for refusal, the Appellant will review objections made on other matters by respondents to the application and provide evidence accordingly in demonstrating these matters do not warrant a reason for refusal as agreed with the Council.

4.47 To the contrary, the Appellant will demonstrate that the adopted District Plan is failing to deliver much needed employment development and that there is little or no prospect of this position changing in the near future.

Planning Balance

4.48 As noted above, it is agreed with the Council that the presumption in favour of sustainable development and paragraph 11d of the Framework is engaged. In undertaking the planning balance, it will be demonstrated that the scheme will

deliver multiple benefits, including delivering employment land to meet identified needs, job creation and associated economic benefits, new Green Infrastructure provision, biodiversity net gain, improved active travel connections and public transport provision to the benefit of employees and existing residents of the town. The adverse impacts do not significantly and demonstrably outweigh these benefits.

4.49 Finally, it will be demonstrated that there are no reasonable alternatives to the growth of Buntingford that would have a lesser environmental and amenity value than the Appeal Site. It will be argued therefore that the Local Plan Review will have limited alternative options to meeting future needs that do not need to rely on the Appeal Site coming forward for development.

5 How the Appeal Should Be Heard

5.1 The Appellant considers that a public inquiry is necessary to determine the Appeal in accordance with the 'Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals' (Planning Inspectorate Guidance; 21st April 2022).

5.2 The Appellant considers that an inquiry is required because of the extent and level of detail that needs to be interrogated and scrutinised in relation to the need and demand for employment land, appropriateness of active travel connections, and the 'planning balance'. The extent and complexity of the matters raised need to be tested through formal cross-examination by an advocate.

5.3 It is expected that expert evidence will be provided in the following areas to address the reasons for refusal and third party concerns:

1. Sustainable Transport / Highways;
2. Landscape;
3. Employment Need;
4. Employment Demand; and
5. Planning

5.4 As set out in paragraph 1.7, the Appellant is also pursuing an as yet undetermined appeal reference 6008238 in relation to the Council's refusal of outline planning permission on land to the immediate north of the A507 for the development of up to 600 dwellings (C3), elderly accommodation (C3), Mixed Use Local Centre (including flexible use E, F and Sui Generis), First School, informal and formal open space, associated works and infrastructure including a new access from the A507 and pedestrian bridge over the A10, with all matters reserved save for access. The Appellant would formally ask that these appeals are conjoined.

6 Documents

6.1 The Appellant will refer to the following documents:

Local Planning Policies and Documents

- East Herts District Plan (October 2018)
- Buntingford Community Neighbourhood Plan 2014-2031 (May 2017)
- Buntingford Employment Study (February 2025)
- East Herts Local Development Scheme (October 2024)
- East Herts Strategic Vision (March 2025)
- Annual Monitoring Reports
- The District Plan Evidence Base and Inspector's Report
- Statement of Common Ground

National Planning Policy, Guidance and Other Documents

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

Appeal Decisions and Case Law

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

Other Documents

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

Appendix 1: Schedule of Planning Application Documents

As Submitted and Validated (July 2024)

0. Application Form
1. Covering Letter

Plans

2. HLM082/020 Rev C Site Location Plan
3. HLM082/019 Rev E Land Use Components Plan
4. HLM082/030 Rev F Illustrative Masterplan
5. Landscape Mitigation Strategy Plan

Documents

6.i Ecological Impact Assessment (Part 1)
6.ii Ecological Impact Assessment (Part 2)
7. Employment Needs Assessment
8. Economic Benefit Statement
9. Employment Market Messaging Paper
10. Planning Statement
11.i Flood Risk Assessment and Drainage Strategy (Part 1)
11.ii Flood Risk Assessment and Drainage Strategy (Part 2)
12. Transport Assessment
13. Framework Travel Plan
14. Heritage Statement
15.i Landscape and Visual Impact Assessment
15.ii Landscape and Visual Impact Assessment Appendix B - Landscape Character Published Evidence Extracts
15.iii Landscape and Visual Impact Assessment Appendix C - Landscape Effects Table
15.iv Landscape and Visual Impact Assessment Appendix D - Visual Effects Table
15.v Landscape and Visual Impact Assessment Appendix E - Cumulative Effects Table
15.vi Landscape and Visual Impact Assessment Appendix F - Site Photographs (1)
15.vii Landscape and Visual Impact Assessment Appendix F - Site Photographs (2)
15.viii Landscape and Visual Impact Assessment Appendix F - Site Photographs (3)
15.ix Landscape and Visual Impact Assessment Figure L1 - Landscape Designations Plan
15.x Landscape and Visual Impact Assessment Figure L2 - Topography Plan
15.xi Landscape and Visual Impact Assessment Figure L3 - Landscape Character Plan
15.xii Landscape and Visual Impact Assessment Figure L4 - Preliminary View Location Plan
15.xiii Landscape and Visual Impact Assessment Figure L4b - Preliminary ZTV Plan
15.xiv Landscape and Visual Impact Assessment Figure L5 - Opps and Cons Plan
16. Lighting Impact Assessment
17. Noise Impact Assessment
18. Statement of Community Involvement
19. Sustainable Construction Energy and Water Management Statement
20.i Utilities Assessment (Part 1)
20.ii Utilities Assessment (Part 2)
20.iii Utilities Assessment (Part 3)

21. Statutory Biodiversity Metric Calculation
22. Biodiversity Net Gain Assessment: Design Stage
23. Agricultural Land Classification
24.i Air Quality Assessment (Part 1)
24.ii Air Quality Assessment (Part 2)
25. Arboricultural Impact Assessment
26. Archaeological Desk Based Assessment
27. Phase 1 Desk Study Report
28.i Design and Access Statement (Part 1)
28.ii Design and Access Statement (Part 2)

Addendum 1 (September 2024)

11.a.i Flood Risk and Drainage Technical Note
11.a.ii Flood Risk Assessment and Drainage Strategy

Addendum 2 (November 2024)

11.b.i Flood Risk and Drainage Response to LLFA

Addendum 3 (May 2025)

26.a.i Geophysical Survey Report
26.a.ii Geophysical Survey Overlay Plan

Addendum 4 (June 2025)

1.a Covering Letter
3.a HLM082/019 Rev G Land Use Components Plan
4.a HLM082/030 Rev H Illustrative Masterplan
6.a Ecological Impact Assessment
10.a Planning Statement Addendum
11.c Flood Risk and Drainage Technical Note
12.a.i Transport Technical Note (Part 1)
12.a.ii Transport Technical Note (Part 2)
12.a.iii Transport Technical Note (Part 3)
15.a.i Landscape and Visual impact Assessment Addendum
15.a.ii Landscape and Visual impact Assessment Addendum - Appendix A Figure L4
15.a.iii Landscape and Visual impact Assessment Addendum - Appendix A Figure L4b
15.a.iv Landscape and Visual impact Assessment Addendum - Appendix A Figure L6
15.a.v Landscape and Visual impact Assessment Addendum - Appendix B
21.a Statutory Biodiversity Metric Calculation
22.a Biodiversity Net Gain Assessment: Design Stage
25.a Arboricultural Impact Assessment
28.a Design and Access Statement Addendum
29. Sustainability Strategy
30. Employment Land Supply and Demand Report
31. HLM082/038 Building Heights Parameter Plan

Addendum 5 (February 2026)

12.b.i Transport Technical Note (Part 1)

12.b.ii Transport Technical Note (Part 2)
32. Employment Delivery Note

Addendum 6 (March 2026)

12.c Transport Technical Note

Addendum 7 Amended or New Plans Submitted with the Appeal, including Documents with submitted Transport Assessment or Transport Technical Notes which are unchanged (May 2026)

12.d.i 23161_SK_T_003 (P5) Proposed Active Travel Enhancement on Baldock Road East of A10
12.d.ii 23161_SK_T_010 (P10) Proposed Site Access Arrangements Plan
12.d.iii 23161_SK_T_023 (P14) Forward Visibility Plan
12.d.iv 23161_SK_T_024 (P2) Forward Visibility Plan
12.d.v 23161_SK_T_035 (P3) Proposed 40mph Speed Limit and Crossing Signage Plan

Appendix 2: Summary of Statutory Consultee Responses

Consultee	Response
EHDC Landscape Officer	Objection.
EHDC Planning Policy Team	Objection.
EHDC Urban Design Officer	Objection
HCC Highways	Objection.
HCC Archaeology Service	Request for further archaeological field evaluation of the site to be undertaken via a programme of intrusive archaeological trial trenching prior to determination of the application.
HCC Ecology	No objection subject to conditions.
HCC Growth and Infrastructure Unit	No objection.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
HCC Water Officer	No objection subject to condition relating to provision of fire hydrants.
Thames Water	Foul water – no objection subject to condition. Surface water – no objection.
Buntingford Town Council	Objection.
Aspenden Parish Council	Objection.
Cottered and Throcking Parish Council	Objection.
Westmill Parish Council	Concerns relating to impact on traffic safety on A10, and request contributions towards highway infrastructure improvements should planning permission be granted.
CPRE (Hertfordshire)	Objection.