

PINS Ref: APP/W1905/W/22/3300254

Proof of Evidence of Jennifer Thompson (BSc)(MSc) MRTPI

Submitted on

30 August 2022

On behalf of

Broxbourne Borough Council

Appeal Site:

Fairmead, Cuffley Hill

Local Planning Authority Planning Application Reference: 07/19/0200/F

Appeal Reference: APP/W1905/W/22/3300254

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1 Introduction

1.1 The Appeal is against Broxbourne Council's refusal of Planning Permission under 07/19/0200/F. The application site is Fairmead, 90 Cuffley Hill, Goffs Oak, Hertfordshire, EN7 5EX. The Planning Application was registered on 4th March 2019 and refused on 9th February 2022. The description of development was 'Erection of 58 dwellings (12no. 2 bed 14no. 3 bed 22no. 4 bed 5no. 5 bed and 5 no 1 bed) with associated infrastructure.

1.2 The original reason for refusal was as follows;

The proposal would over-develop the site to the detriment of its semi-rural character. As a result of the quantum of development, the proposal is incapable of guaranteeing delivery of a net gain in biodiversity as secured by an additional buffer. As such the proposal would be contrary to policies DSC1 and NEB1 of the Broxbourne Local Plan and to the aims and objectives of paragraph 174 of the NPPF 2021 which seeks to conserve and enhance the natural environment and promote diversity.

2. Witness Details

2.1 My name is Jennifer Thompson and I am a Consultant Principal Planning Officer at Broxbourne Borough Council. I have 19 years' experience as a planning professional, working as town planner in a range of sectors including Local Authority Planning, Development Control Departments at Epping Forest District Council and the London Borough of Havering. I was also seconded to the Policy Team for over a year at Epping Forest District Council. I have worked in private practice for a multi-disciplinary consultancy (Bidwells) and in my own practice. These roles often involved dealing with issues related to the integration of new development within sensitive semi rural contexts.

2.2 I hold a BSc in Environmental Science from the University of Southampton and an MSC in Spatial Planning from the University College London from the Bartlett

School of Planning. I have been registered with the RTPI since 2005 and became MRTPI in 2015.

- 2.3 My development control experience includes working for the London Borough of Havering between December 2004 and October 2007 as a Planning Assistant, before moving to Bidwells in October 2007. During my time at Bidwells I worked primarily on large scale majors in various locations including Watford, Harlow, Brentwood, Bury St Edmunds and Canterbury. I then left in December 2008 after securing a position at Epping Forest District Council.
- 2.4 Commencing December 2008 in my role as a Senior Planning Officer at Epping Forest District Council I worked in both the Development Control and Planning Policy Teams. In Development Control my focus was primarily small-scale majors and complex applications and planning appeals. I also registered applications, responded to complaints, trained new staff members, presented applications at Planning Committee and balanced the merits of over 1200 applications during my appointment. In the field of policy-making, I was responsible for the progression of several evidence-base documents underpinning the Draft New Local Plan, including the Strategic Housing Land Availability Assessment, Open Spaces, Sport and Recreation Assessment, The Heritage Appraisal and the Sustainability Assessment. I was also responsible for the associated consultant tendering processes, interview and appointment of the selected consultancies and managed a small team.
- 2.5 In 2014, I formed Thompson Planning Limited, becoming incorporated in 2017. My consultancy covers London and the South East and my work includes householder applications and small-scale major applications. My Company has been sub-contracting to Broxbourne Borough Council since June 2020. I had no involvement at all with application 07/19/0200/F in the lead up to the refusal and had no involvement in the Officers Report to Committee.
- 2.6 In my capacity as a planner and built environment professional, I have worked for and with various Local Authorities, Developers and Housing Associations. I

consider I am able to take a balanced professional view in assessing the impact of a development on the character and appearance of an area.

2.7 The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true and I confirm the options expressed are my true and professional opinion.

3 Scope of Evidence

3.1 My evidence is given on behalf of Broxbourne Borough Council (hereafter referred to as BBC) and concerns the following issues;

- i) Impacts arising to local character and visual amenities from the uplift in quantum of development (Issue 1 in the reason for refusal)
- ii) Impacts arising from the quantum of development on the ability of the development to deliver biodiversity net gain (issue 2 from the reason for refusal)
- iii) Development Plan compliance
- iii) Planning balance

3.2 My evidence does not extend to the formula, calculations or matrix underpinning the Biodiversity Net Gain Calculations. The matrix is an established tool, rather my opinion is that the low BNG output provided is indicative of overdevelopment of the site.

3.3 Equally my evidence does not extend to the housing supply calculation which is addressed by Ms Camille Rantz McDonald, the Council's Senior Planning Officer. I take into account the conclusions of Ms Rantz McDonald when reaching my views on the proposal.

3.4 My evidence also does not extend to the Hertfordshire County Council S106 contribution requests.

4 Decision-Making Context

- 4.1 I was not involved in the planning determination of the application subject to this Appeal. However, I have reviewed the Officer Report, Committee Webcast and Application Consultation Response. Whilst I have reviewed these for information, I have used my own professional experience and judgement, based on the relevant policies, to assess the reasons for refusal herein.
- 4.2 My evidence considers and takes account of the relevant Planning Policy context.
- 4.3 Having considered the reasons for refusal issued, I am satisfied that the concerns raised by Councillors when determining the application result in an overarching harm that outweighs the relative benefits of the proposals when considered as separate issues or cumulatively. The reasoning for this opinion will be detailed below.

5 Reason for Refusal

- 5.1 The reason for refusal states:

The proposal would over-develop the site to the detriment of its semi-rural character. As a result of the quantum of development, the proposal is incapable of guaranteeing delivery of a net gain in biodiversity as secured by an additional buffer. As such the proposal would be contrary to policies DSC1 and NEB1 of the Broxbourne Local Plan and to the aims and objectives of paragraph 174 of the NPPF 2021 which seeks to conserve and enhance the natural environment and promote diversity.

- 5.2 It is established that the reason for refusal presents two key issues: one pertaining to overdevelopment and local character; and a second relating to Biodiversity Net Gain (BNG). These will be considered in turn for clarity, but I maintain that these are inextricably linked, rather than separate issues.

Issue 1: Over development and impact to semi-rural character

5.3 The site location and accesses are agreed in the SOCG. However, local character is more subjective. The application site is located on the western side of Goffs Oak, a village close to but not attached to St James' Road. Goffs Oak as village is offset from Cuffley accessed along Cuffley Hill, upon which this site rests, with Hammond Street to the North and Cheshunt further to the east. Character on the western side of Goffs Oak towards Cuffley is generally very open with the highway that is Cuffley Hill extending as a ribbon to Cuffley, through open farmland.

Figure 1: Goffs Oak indicative concept plan (Figure 10, pg 66 of the Adopted Goffs Oak Local Plan) This indicates the Appeal sites in orange to the left hand side.



- 5.4. As you enter Goffs Oak from the west, development either side of Cuffley Hill comprises larger detached properties. The south side of Cuffley Hill quickly develops a second street of development in Moorhurst Avenue, albeit these properties are also detached. On the northern side of Cuffley Hill, on the approach from the west, the linear ribbon of detached dwellings continues until Millcrest Road, where the settlement expands northwards along Millcrest Road, until Newgatestreet where open spaces and recreational areas separate Goffs Oak development from that in St James' Road. On the southern side of Cuffley Hill Goffs Oak is similarly extended along a southern spine in Jones Road, off which Woodside Primary School is located.
- 5.5 In small villages the transition between the open countryside and Green Belt to the built form is particularly sensitive. Goffs Oak, particularly the outskirts, are characterised by large properties in commensurate plots with good separation provided between units. Generous distances to boundaries provide good views into and around the properties and many properties, especially those around the outskirts of the village. On the village outskirts properties are generally well set back from the highway and character is derived from this spacious development pattern that is visually softened further with mature trees and native hedgerows.
- 5.6 Similarly where properties back onto open countryside and Green Belt, dwellings typically have large plots separating the Green Belt from the built form and natural hedging and mature trees again soften the landscaped boundaries.
- 5.7 Policy GO5 is clear in that approximately 26 homes are anticipated on the site and this policy is accompanied by the indicative concept plan reproduced in figure 1 above. The quantum of development proposed at 58 dwellings is well beyond that suggested by the Council, more than doubling the on site provision of accommodation. The result is a built form that jars with existing local character. The size of the plots proposed are generally smaller, with a lesser depth and width than those presently on the settlement edge. This results in the built form encroaching closer to the internal highways and the edges of the development (which will form the new settlement edge) than presently occurs. This will give Goffs Oak a denser, more urban appearance when viewed from

beyond the site, to the detriment of the existing character. This will also be at odds with the character replicated within the adjoining development on the former CG Edwards site on the immediate western boundary, as this provides the more open and generous plots anticipated from the edge of the settlement. The proposed development also introduces a number of terraced properties, that on the western settlement edge, are not reflective of the existing character. The overall result is a proposal that represents a stark contrast with the established pattern of development.

Policy Context

NPPF

5.8 The NPPF states in para 127

'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'

5.9 The Council is clear in policy GO5 in the expectation for development and the Appellants have significantly exceeded this.

5.10 The NPPF continues in para 130 to state;

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate

and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

5.11 This paragraph clearly identifies the need to be sympathetic to local character and maintain a strong sense of place.

5.12 The NPPF (2021) in para 134 states;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area,

so long as they fit in with the overall form and layout of their surroundings.

5.13 The proposals were lodged in March 2019, prior to the Publication of the NPPF 2021 that followed from the 'Living with Beauty' report (published January 2020). This report was Government commissioned and as a result the NPPF 2021 when published places greater emphasis on design in creating sustainable places. The NPPF is also now supported by the National Design Guide and National Model Design Code. At the time of submission paragraph 130 of the NPPF 2019 at the time (now replaced by paragraph 134 cited above) stated ' Permission should be refused for development of poor design that fails to take the opportunities....'. The comparative point being that the policy shift in national policy from the time of submission to point of determination was from refusing poor design, to refusing development that is not well designed. This represents a raising of the bar and a development now absent of a high standard of design can now be refused. The overdevelopment of the site represents an absence of alignment with locally derived policy GO5 and undermines local character, thus the proposals are not considered well designed.

Broxbourne Local Plan

5.14 The Broxbourne Local Plan 2018-2033 was adopted on 23rd June 2020. The application site represents land allocation GO5 in the Local Plan and the Appellants were party to the Local Plan Examinations in promoting the site for the development as allocated.

5.15 Policy GO5 states:

The sites identified on the Policies maps are allocated for residential developments as follows:

1. CG Edwards – approximately 20 homes
2. Fairmead Nursery – approximately 12 homes
3. Rosemead Nursery – approximately 14 homes

Development of these areas will incorporate:

1. 40% affordable housing;
2. Public open space;
3. Retention of protected trees.

5.16 The application proposals span across both Fairmead and Rosemead Nurseries. The above allocation is clear in identifying the anticipated onsite opportunity for development at 26 homes across both the sites. Whilst the numbers provided are approximate, the proposed 58 dwellings more than doubles the expected onsite delivery and this scale of increase alone raises initial concerns for the quality and density of development.

5.17 For the Inspector's comparison the site known as CG Edwards allocated for the development of approximately 20 homes, this site has been bought forward separately and benefits from an approval under reference 07/18/0363/F for 23 dwellings, these are presently under construction and largely complete.

5.18 Policy DSC1 states:

I. The Council expects a high standard of design for all development.

Wherever possible, development proposals must:

- (a) enhance local character and distinctiveness, taking into account: existing patterns of development; significant views; urban form; building typology and details; height; roof form; fenestration detail; materials; building lines and other setbacks; trees; landscaping; and features of local and historic significance;
- (b) significant natural features on site such as trees, waterbodies, habitats, etc. should be dealt with sensitively and retained where-ever possible;
- (c) increase permeability of the area by providing easy to navigate and safe physical connections with surrounding spaces, streets, paths and neighbouring development;
- (d) consider surface drainage requirements from the outset and work with the local topography to create low maintenance SuDS;
- (e) reinforce existing pedestrian connections and create new ones with a clear hierarchy of paths and streets that promote pedestrian friendly environments and active lifestyles;
- (f) provide coherent and logical layouts with active frontages and good natural surveillance;

- (g) create local landmarks and marker features for a well-defined townscape;
- (h) increase accessibility to open spaces, sports and play facilities wherever possible;
- (i) avoid the creation of blank walls on public fronted elevations;
- (j) mitigate against flooding and climate change through incorporation of features such as trees and planting, water bodies, retention/filter beds, permeable paving, green energy features and the retention/selection of appropriate materials.

II. All developments should have regard to the Council's Supplementary Planning Guidance in relation to design.

- 5.19 The intention for development to achieve a high standard of design from the outset is clear and aligns with paragraph 134 of the NPPF. The initial objective is set clearly as 'to enhance local character and distinctiveness'. The overdevelopment of the site fails to achieve this and undermines local character.

Summary of the Council's issues relating to Over development and impact to semi-rural character

- 5.20 The application was refused as the proposals were considered an overdevelopment of the site. The quantum of development is more than double that anticipated for the site in policy GO5. This is achieved by reducing plot sizes, introducing smaller dwellings with terraced house types on the edge of the village envelope. Policy DSC1 seeks to ensure that development enhances local character and distinctiveness, and the proposed number of units on an edge of settlement plot fails to achieve this, with no regard for existing patterns of development.

Harm Identified

- 5.21 The proposed 58 dwellings represents an overdevelopment of the site, leading to detrimental harm to local character. The proposed quantum of development is only achieved by the provision of smaller plot widths, shorter plot depths and

the introduction of terraced house types. All of which are non-typical on the edge of the settlement in Goffs Oak. This would result in a jarring difference to the existing built form, whether viewed in isolation, particularly from the open countryside beyond to the north where the density of development along the eastern side of the site would be readily viewed, and when travelling along Cuffley Hill into the development or the reverse. The edge of Goffs Oak is characterised by a reduction in density of development, with open spaces and generous plots aiding the transition to the open fields beyond. This character would be eroded by the proposed dense development with small plot. This harm would be to the detriment of the character of the village of Goffs Oak. The harm identified is contrary to the intention of policy GO5 when allocating the site for development and policy DSC1 and paragraph 130 of the NPPF seek to ensure local character and distinctiveness is enhanced not eroded. Para 134 of the NPPF now in effect enables the Council to ensure developments are well designed, the harm identified presents that this is not the case. In my opinion the overdevelopment and the actual harm arising is sufficient to justify refusal in and of itself even when consideration of the tilted balance is provided.

Issue 2: Overdevelopment indicated by such a minimal provision of BNG on site

- 5.22** The quantum of development proposed directly impacts upon the opportunity for BNG on site.
- 5.23 For clarity it is agreed the matrix provided cites a 1% BNG on site, however a 1% increase only, with no meaningful buffer in place, is a very delicate provision that can be easily eroded.

Policy Context

NPPF

- 5.24 The NPPF in paragraph 135 states;

Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

5.25 The proposed development demonstrates a BNG enhancement of only 1%. Were the quantum of development more closely aligned with the expectations of the Council, then this provision could easily be enhanced with greater areas given over to biodiversity enhancement. At a nominal 1% enhancement, were any provision eroded or compromised between permission and implementation (such as by way of Section 73 or Section 96A applications), then delivery would be diminished, contrary to the intentions of paragraph 135.

5.26 The NPPF at paragraph 174 states

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air

and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

5.27 The overarching objective of the NPPF in regard to BNG is stated at the outset whereby planning policies and decisions should 'contribute to and enhance' the natural environment. The overdevelopment of the application site erodes the opportunities available for the development to achieve this objective.

Broxourne Local Plan

5.28 Policy NEB1 States:

I. Development proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation.

II. Development proposals should result in net gains to biodiversity wherever possible.

III. The Council will seek the creation of new networks of biodiversity, as well as the extension, enhancement and active management of existing sites.

IV. Opportunities to connect habitat fragments through the creation of stepping stones, using built form, vegetation or green areas will be assessed as part of all relevant applications.

V. When granting permission for any proposals that include measures to improve biodiversity, the Council will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in perpetuity.

5.29 The overdevelopment of the site has hindered the ability of the developer to provide BNG on site 'wherever possible' in accordance with policy NEB1. Instead, due to the former horticultural use of the site benefitting from a high biodiversity, the proposed quantum of development results in a low BNG, even with the retained trees and proposed open spaces. Were the quantum of development reduced, the land available for BNG could increase, which at more than 1% would then provide a buffer to ensure delivery.

5.30 The Environment Act 2021 is also of importance in the determining of this appeal. Since the requirement for a 10% increase in on site BNG is not yet in force, the Council may not request a 10% increase in BNG on site from the developer. That being said, the effect of the Environment Act 2021 is to revise Section 40 of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity). The primary change being from 'conserve' to 'conserve and enhance'. In this context the Appeal scheme proposes only a 1% enhancement of BNG. Dependent on the margins of error in the matrix, the delivery on site where not all factors are within the control of the Appellant (such as weather) and can impact upon gain achieved and the opportunity for S73 or S96a applications to inadvertently impact BNG delivery, it is uncertain not only that the 1% BNG will be achieved, but given the narrow margin, that the existing biodiversity will be conserved as required by section 40 of the Natural Environment and Rural Communities Act 2006.

Summary of the Council's issues relating to overdevelopment indicative by a minimal BNG

5.31 The Council identified that the overdevelopment of the site, by way of the quantum of provision diminishes the Appellants ability to provide a meaningful and deliverable BNG on site. The nominal calculated provision is such that there is a very real potential for loss of BNG on site contrary to paragraph 174 of the NPPF and Broxbourne Local Plan policy NEB1.

Harm Identified

5.32 The overdevelopment of the site undermines the ability of the development to provide a more meaningful BNG onsite.

6 Development Plan Compliance

6.1 The proposed development has been considered to comply with the following policies as identified in the Report to Committee dated 25th January 2022:

DSC4 Management and Maintenance
EQ1 Residential and Environmental Quality
EQ5 Contaminated Land
H2 Affordable Housing
INF8 Local Cycle and Walking Infrastructure
NEB3 Green Infrastructure
NEB4 Landscaping and Biodiversity in New Developments
ORC1 New Open Space, Leisure, Sport and Recreational Facilities
P01 Planning Obligations
TM1 Sustainable Transport
TM2 Transport and New Development
TM3 Access and Servicing
TM4 Electric Vehicle Charging Points
TM5 Parking Guidelines
W1 Improving the Quality of the Environment
W2 Water Quality
W3 Water Efficiency
W4 SuDS Page 6
W5 Flood Risk

- 6.2 The proposed development has been considered to conflict with the policies listed below for the reasons elaborated upon in the preceding paragraphs of this proof.

GO5 North of Cuffley Hill
DSC1 General Design Principles
NEB1 General Strategy for Biodiversity

- 6.3 In my opinion the proposals are contrary to policy GO5 due to the quantum of the proposals exceeding the indication in the allocation. This in turn erodes the local character due to density of development and the reduction in plot sizes on the edge of the settlement that would appear jarring with the existing and immediately surrounding built form, contrary to policy DSC1. Finally the overdevelopment of the site compromises the ability of the development to provide a meaningful and deliverable BNG contrary to policy NEB1, instead achieving only a 1% BNG that is easily eroded and as such likely to result in harm through the loss of habitats.
- 6.4 The clearly identified significant harms arising result in a failure to comply with the Development Plan overall.

7 The benefits arising from the proposed development

- 7.1 The Appellant has set out a number of benefits arising from the proposed development with the Statement of Case as follows;
- 7.2 **The proposals result in the development of an allocated site and the associated provision of market and affordable homes.**
- 7.3 The site has been released from the Green Belt for the provision of new homes. This benefit is afforded *significant weight*.
- 7.4 **The Appellant intends to give evidence in relation to the Council's five-year Housing Land Supply and Housing Delivery Test with the intention to seek the Tilted Balance is applied.**
- 7.5 The Council's witness Miss Camille Rantz-McDonald will present evidence on this matter, however the Council has a newly Adopted Plan, with sufficient housing allocations to meet the demonstrable local need. It is Miss Camille Rantz-McDonald's evidence that the Council can show a five year housing land supply and discussions regarding the underpinning evidence remain ongoing with the Appellant. Notwithstanding this point, the Council has acknowledged that the Housing Delivery Test is failed due to historic housing delivery prior to the adoption of the Local Plan and as such the tilted balance is engaged. I agree with this position.
- 7.6 After careful consideration I afford this matter *moderate weight*. The purpose of a Local Plan is to ensure a plan led delivery of sites and Local Authorities are required to advance a plan to this effect. Having done so and secured consents on many allocated sites prior to the Local Plans adoption it seems unfair to diminish the weight to be attributed to the policies and intentions of the plan, based upon the performance of the Local Authority prior to the plan's inception. It seems furthermore counter-productive to then undermine the Local Plans efficiency in its infancy where these decisions erode the efficiency of the Local Plan moving into the future. The Council is demonstrating a five year supply against a context of a new local plan, a pandemic impacting the economy and delivery, Brexit impacting upon construction supplies and a war impacting upon supply chains. Thus whilst I accept the Housing Delivery Test is failed and the tilted balance is engaged, I feel the degree of weight this should be attributed is

less than significant in this context as the Housing Delivery Test as a measure was devised at a time when these matters were not considered.

7.7 The Economic benefits arising from construction activities and economic activities of new residents

7.8 Construction benefits are temporary at best and there is no reasonable means to ensure that job creation or construction purchases will benefit the Borough locally, and economic activity arising from new residents would also occur with a policy compliant scheme therefore I afford this benefit *only limited weight*

7.9 Significant Green areas are a benefit to residents.

7.10 The existing site is predominantly green albeit not managed and I therefore afford this benefit only *limited weight*.

7.11 Biodiversity enhancements on site

7.12 The overdevelopment of the site leads to a reduction in BNG on site beyond what could otherwise be obtained, as such I give this only *limited weight*.

8. Planning Balance

8.1 The proposal is not in accordance with the Development Plan being the adopted Broxbourne Local Plan 2018 – 2033 (Core Document 6.1). As a result, the proposal should be refused unless material considerations indicate otherwise. The material considerations include the application of the presumption in para. 11 of the NPPF, this means for decision-taking in 11 (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless and sub-clause ii) states, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as whole.

8.2 A number of benefits have been advanced by the Appellant and these are set out within the preceding section of this evidence. Taking into account the cumulative harm arising from the proposed development, it is concluded that

the benefits are not a compelling reason to outweigh the adverse impacts arising from the development when assessed against the policies of the Development Plan.

8.3 The Council has relied upon policies DSC1 and NEB1 in determining this application, my view is that policy GO5 is also of significant importance. Policy DSC1 expects a high standard of design for all development, wherever possible development proposals must enhance local character and distinctiveness. The over development of the site prohibits this from occurring and instead the provision of more than double the number of intended homes on the site results in an uncharacteristically jarring quantum of development on the edge of the settlement to the detriment of local character. The overdevelopment in turn results in the provision of a minimal BNG based upon the BNG matrix, that would be easily eroded and result in failure to deliver contrary to policy NEB1. In the context of future aspirations of BNG in development proposals, this is simply unacceptable. Cumulatively the impact to local character and the inability to provide a better BNG due to the quantum of development results in a failure to comply with the Development Plan and in turn an identified cumulative significant harm that I consider outweighs those benefits suggested by the Appellant.

9. CONCLUSION

9.1 The Borough of Broxbourne has constrained development options for its growing population. Development is focussed on a number of strategic sites to accommodate growth with new homes focussed on suitable urban and edge of settlement sites to make the best use of land and regenerate neighbourhoods. The appeal site is on the edge of an existing village and whilst best use of land is encouraged, this is not at the expense of the existing character contrary to policy DSC1 or at the cost of the development proposals failing to meet other policy objectives as best as is possible, such as NEB1 which seeks to secure net gains to biodiversity wherever possible, this is very different to wherever is leftover. The absence of a higher provision of BNG is indicative of overdevelopment.

9.2 As per Section 38 (6) of the Planning and Compulsory Purchase Act 2004 the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the material considerations have been balanced and in my opinion do not sufficient to justify a departure of the Development Plan therefore this appeal should not succeed.