

Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries:

Application Number	Location	Proposal	Date
3/13/1762/FP	Hertford Regional College, Scotts Road, Ware	New college buildings and enabling residential development	Commence 24 Feb 15

Informal Hearings:

None.

Enforcement Appeals (where the matter does not relate to an associated planning or similar application which are set out above):

None.

Planning Appeals: Buntingford; Wheatley Homes

This is an update note for Members setting out the final arrangements in relation to these appeals.

- 1 The appeals were submitted by Wheatley Homes in relation to its schemes for residential development on land to the south of Hare Street Road in Buntingford (refs: 3/14/0528/FP and 3/14/0531/OP).
- 2 Members will recall that appeals were submitted in relation to the non-determination of the proposals. The matter was considered at the 17 September and 15 October 2014 meetings of the committee. The committee resolved that, if it had been in a position to reach a determination in relation to the proposals, it would have refused them on the basis of insufficient employment and education provision and the highway impact.
- 3 The appeal inquiry commenced on 6 January 2015. An external planning consultant was engaged to appear on

behalf of the Council to deal with these issues. In addition, an officer from the Planning Policy team was to appear to respond and address issues raised in relation to housing land supply.

- 4 Following the submission of evidence, the appellant submitted a further piece of highways assessment work on 23 December 2014. This assessed the impact of the proposals on the operation of the Baldock Road/ A10 roundabout junction and set out that view that the impact would be acceptable. This assessment was referred to the Councils transport advisor on 24 December. Due to the availability of the Councils consultant over the Christmas period, an assessment could not be completed until 5 January – the day before the commencement of the inquiry.
- 5 The Councils engaged planning consultant considered this position and advised that, in his professional view, if the additional highway assessment work was robust, then the balance of planning considerations would have changed. That is, the weight that could be given to the remaining harm: insufficient employment and education provision, could not outweigh the benefits of the scheme, given the policy background set out in the NPPF.
- 6 Given this, the consultant set out that he would not be able to continue dealing with the matter on behalf of the Council. In the light of this, the Councils advocate advised that no evidence should be submitted to the inquiry.
- 7 The Chairman and vice Chairman of the committee and local ward members were advised of this potential outcome on 24 December. As the Councils primary witness had advised that he would now potentially be withdrawing from the case, only two options presented themselves. These were that either a member of the Council could present evidence at the inquiry or that the option that the Councils advocate advised be followed, that is no evidence submitted.
- 8 The Councils transport consultant responded on the matter of the additional highway assessment work on Monday 5 January, the day before the opening of the inquiry, but not

until 8pm. Whilst generally endorsing the assessment work submitted on behalf of the appellant, the response was not conclusive. As a result, discussions with the Councils consultant continued on the morning of Tuesday 6 January, the day the inquiry opened.

- 9 These discussions were not concluded prior to the opening of the inquiry at 10am and, whilst the Inspector was informed of the nature of them, a short inquiry adjournment was sought to conclude matters.
- 10 A conclusion was subsequently reached by 10.45am approx. which enabled the Councils appeal consultant to confirm that he would be withdrawing from the inquiry. No alternative witness arrangements had been identified and therefore, as a result, the only option available to the Council was to offer no evidence to the inquiry. This position was confirmed to the Inspector.
- 11 The inquiry proceeded by the presentation of evidence on behalf of the appellant and the combined local parties. A session was held to consider potential conditions and section 106 agreement matters. These were attended by a planning officer on behalf of the Council. An officer was also present throughout to assist the Inspector with any requests for information and clarification.
- 12 An application for the payment of costs has been submitted by the appellant based on the late withdrawal of the Council from the inquiry. This has been rebutted by officers on behalf of the Council. The Inspector will reach a view on this submission at the same time as the determination of the appeal.
- 13 Members are asked to note this outcome and also to note the dynamic nature of appeal proceedings and that the Council is often required, at short notice, to respond to significant new or revised information that will be placed before the Inspector at any inquiry.