

**Town and County Planning Act 1990
Section 78 (As Amended)**

STATEMENT OF COMMON GROUND

Prepared by:

**Woolf Bond Planning Ltd
for Bloor Homes Ltd**

and

Hertsmere Borough Council



**Land to the west of Barnet Road, and east of Baker Street,
Potters Bar**

PINS Ref: 6004002

LPA Ref: 24/1101/OUTEI

WBP Ref: 6110

10th April 2026

CONTENTS

	<u>PAGE</u>
1. Introduction	3
2. Description of the Appeal Site and Surrounding Area	4
3. Description of the Appeal Scheme	8
4. Planning Policy	14
5. Matters Not in Dispute	20
6. Matters in Dispute	23
7. Heads of Terms for Legal Agreement	24
8. Planning Conditions	25
9. Core Documents	26
10. Signed Agreement	27

1.0. INTRODUCTION

- 1.1. This Statement of Common Ground (“SoCG”) relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Woolf Bond Planning Ltd on behalf of Bloor Homes Ltd against Hertsmere Borough Council’s decision to refuse outline planning permission for a new neighbourhood comprising up to 900 dwellings (Use Class C3) (including affordable housing), a neighbourhood centre and community facilities (Use Class E (a), Class E (e) and F2 (b)), a primary school (Use Class F1 (a)), land for an up to 80-bed care home (Use Class C2), strategic and informal open space, landscaping, parking, associated infrastructure and works, with vehicle and pedestrian accesses from Baker Street and Barnet Road (LPA Ref: 24/1101/OUTE1) (“the Application Scheme”, now “the Appeal Scheme”) on land to the South of Potters Bar, west of Barnet Road and east of Baker Street (the “Application Site”, now the “Appeal Site”). All matters other than access are reserved.
- 1.2. The Statement records the matters upon which the Appellant and Council have agreed with the intention of leading to the preparation of more focused proofs of evidence.
- 1.3. Additional Topic-based Statements of Common Ground are also expected to be prepared to cover (i) highways (to be prepared between the Appellant and Hertfordshire County Highways), (ii) landscape; and (iii) affordable housing need.

2.0. DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

Context

- 2.1. The Appeal site extends to approximately 63.6ha.
- 2.2. Currently, the Site comprises agricultural land served by farm accesses via Barnet Road and Baker Street. The Site is bounded by residential dwellings and a railway line running underneath the Site to the north; Barnet Road (A1000) and residential dwellings to the east; the M25 to the south; and Baker Street to the west, with residential properties and a sports centre beyond.
- 2.3. The Site is located north of the M25 and adjacent to both Barnet Road and Baker Street.
- 2.4. Potters Bar is a town and comprises a large built-up area.
- 2.5. Potters Bar Train Station is located approximately 830m to the north of the Site. The Station is served by Great Northern Railway and the Thameslink, providing services to London and beyond.
- 2.6. Within 400m of the Appeal Site boundary, three pairs of bus stops are accessible; Elmroyd Avenue stops on Baker Street, Dove Lane stops on Barnet Road and Park Avenue stops on Southgate Road. Seven bus services are accessible from these stops; routes 243, 298, 313, 356, 398, 699 and PB1. Three of the seven routes operate at school times only. The four non-school routes provide services to Hatfield, High Barnet, Barnet Hospital, Cockfosters, Arnos Grove, Southgate Enfield and Chingford. One of the routes is a town circular service (PB1).
- 2.7. The Site is not located within an Air Quality Management Area (AQMA). The nearest AQMA is located directly adjacent to the A1000 toward the southeast of the Site (Hertsmere AQMA No. 1), which has been designated for exceedances in nitrogen dioxide (NO₂).
- 2.8. There are seven listed buildings and structures within a 500 m radius of the Site, the closest being Elm Farm House (Grade II) and Bentley Heath Farm House (Grade II) which

are both located approximately 220 m to the south, beyond the intervening M25 Motorway.

- 2.9. There are no Scheduled Monuments within 1km of the Site. The Royds Conservation Area adjoins the northern boundary.
- 2.10. There are no Registered Battlefields located within 1 km of the Site. However, there is one Registered Park and Garden located approximately 360 m south of the Site and south of the M25 (Wrotham Park).
- 2.11. The Site is not located within an Archaeological Priority Area.
- 2.12. Furze field Wood & Lower Halfpenny Bottom Local Nature Reserve (LNR) is situated approximately 1.6km to the north of the Site, the Covert Way LNR is situated approximately 2.6km to the southeast of the Site and Northaw Great Wood Country Park LNR is situated approximately 4.0 km to the northeast of the Site.
- 2.13. The Castle Lime Works Site of Special Scientific Interest (SSSI) is located approximately 2.5km to the northwest of the Site, the Northaw Great Wood SSSI is located approximately 2.8km to the northeast of the Site and the Redwell Wood SSSI is located approximately 3.2km also to the northwest.
- 2.14. There are no Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) within 5km of the Site.
- 2.15. The majority of the Site is located in Flood Zone 1 (areas with a low probability of flooding). However, the eastern section contains areas within Flood Zone 2/3 (areas with a high probability of flooding) which engages the application of the 'Sequential Test'. There are also a number of surface water flow paths across the site (south to north) with areas of low, medium, and high risk of surface water flooding.

The Site

- 2.16. The Site is within walking and cycling distance from local services and facilities; including the town centre and train station .

- 2.17. Figure 1 (comprising an extract from Figure 3.5 contained in the accompanying Design and Access Statement (“DAS”)) shows the Site outlined, whilst also identifying the principal road between, the train station and facilities within the local area.

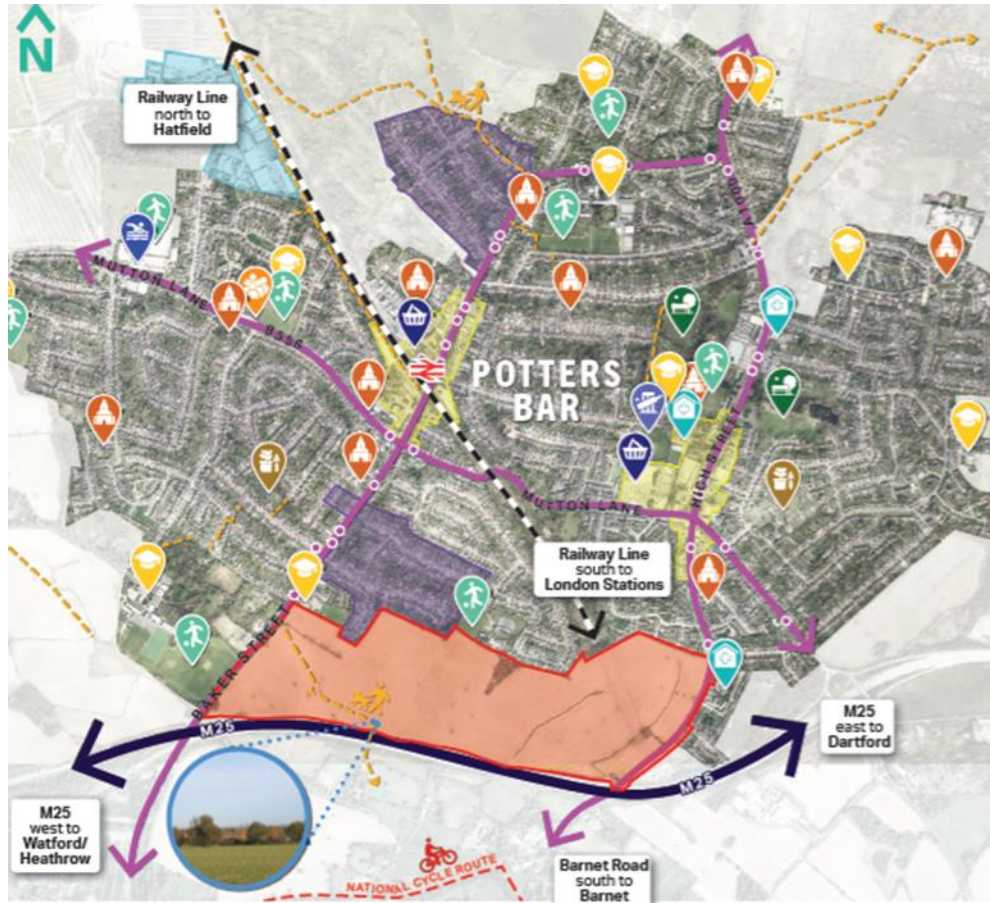


Figure 1 – Site Location and Context

- 2.18. The adopted Proposals Map indicates that the site is not covered by any statutory designations for landscape character or quality. The site is located within the Green Belt as defined in the Core Strategy, although the general extent of the Green Belt is being reviewed through the emerging Local Plan process.
- 2.19. Although public access to the Site is limited, there is an existing public right of way that runs through the Site, offering a connection to Baker Street in the north and Bentley Heath Lane via a footbridge over the M25. An existing permissive footpath network runs across the site.

- 2.20. The Site is not considered to be a 'Valued Landscape' for the purpose of paragraph 187 of the NPPF.
- 2.21. There are interspersed trees on the site either in small groups or standing individually. These are protected by Tree Preservation Orders.
- 2.22. The protected trees are specified individually including a veteran tree T85 (A3). The Arboricultural Impact Assessment provides a contemporaneous assessment of the conditions of the trees and their amenity values.
- 2.23. The Land Use Parameters Plan shows the retention of all other trees, including the mature field oaks. The plan demonstrates that the veteran tree buffer of oak T85 can be retained as a semi-natural habitat, with connectivity to adjacent oaks maintained. Whilst this is an outline scheme, the proposals include the retention and enhancement of on-site trees where agreed between the parties on the basis of a Tree Removal Plan to retain the character of the area and to provide amenity for the future occupants.
- 2.24. The Appeal Site does not fall within an Air Quality Management Area ('AQMA'). The Environmental Statement sets out that the local monitoring data and the presence and proximity of the AQMAs indicates that air quality is likely to be acceptable across much of the Site but there is the potential for baseline concentrations (notably NO₂) within the Site to be elevated, and to potentially exceed the objective in some parts of the Site in close proximity to the surrounding main roads.

3.0 THE APPEAL SCHEME PARTICULARS

The Appeal Scheme Description

3.1. The Appeal Scheme description is as follows:

“Outline application (with all matters reserved except for means of access) for a new neighbourhood comprising up to 900 dwellings (Use Class C3) (including affordable housing), a neighbourhood centre and community facilities (Use Class E (a), Class E (e) and F2 (b)), a primary school (Use Class F1 (a)), land for an up to 80-bed care home (Use Class C2), strategic and informal open space, landscaping, parking, associated infrastructure and works, with vehicle and pedestrian accesses from Baker Street and Barnet Road.”

3.2. Only the principle of developing the Site for up to 900 dwellings, along with the proposed land uses, including a neighbourhood centre, care provision (C2 use), land for a primary school, strategic and informal open space and the means of access are to be determined as part of this outline application/Appeal.

3.3. The Appeal Scheme proposes 50% affordable housing to be secured by obligation.

3.4. Appearance, landscaping, layout and scale are reserved for subsequent determination.

3.5. The Appeal Scheme is set out on the following plans:

The Scheme

- (i) Site Location Plan No. CSA/6495/117A
- (ii) Access Plan: 794-PLN-TRP-00032-DR-001A – Proposed Baker Street Signalised Site Access
- (iii) Access Plan: 794-PLA-TRP-00032-DR-003 - Proposed Barnet Road Signalised Site Access
- (iv) Access Plan: 794-PLN-TRP-00032-DR-005A – Barnet Road – Proposed Priority Access

- (v) Access Plan: 794-PLN-TRP-00032-DR-007B – Barnet Road – Proposed Priority Access
- (vi) Illustrative Masterplan Proposals Plan No. CSA/6495/118N
- (vii) Constraints and Opportunities Plan No. CSA/6495/100B
- (viii) Land Use Parameter Plans No. CSA/6495/111I
- (ix) Open Space Parameters Plan No. CSA/6495/112F
- (x) Residential Density Parameters Plan No. CSA/6495/113D
- (xi) Proposed Building Heights Parameters Plan No. CSA/6495/120C
- (xii) Movement Parameters Plan No. CSA/6495/116H
- (xiii) Landscape Strategy Plan No. CLPD/205/P02b

3.6. As planning permission is sought for the principle of the proposed uses and the means of access, the plans to be ‘approved’ as part of the appeal comprise (i) Site Location Plan CSA/6495/117A and (ii) the access plans - 794-PLN-TRP-00032-DR-007 B, 794-PLN-TRP-00032-DR-001 A, 794-PLA-TRP-00032-DR-003 and 794-PLN-TRP-00032-DR-005 A which are also set out in Appendix 6 to the TA.

3.7. The plans at (vi) to (xiii) above comprise the illustrative and general parameter plans. It is assumed they will be subject to a ‘general conformity’ condition to be imposed upon the grant of planning permission.

3.8. Storey heights are proposed at predominantly 2-storey, with some 2.5 and 3-storey elements to add visual interest in the street scenes.

The Submitted Application Plans and Particulars

General

3.9. The planning application submitted to the LPA included a number of plans and particulars, the details of which are set out below.

Application as Originally Submitted (August 2024)

Technical Documents

- Covering Letter (Woolf Bond Planning) (22 August 2024)
- Application Form and CIL form
- Planning and Affordable Housing Statement (Woolf Bond Planning)
- Draft Heads of Terms (Woolf Bond Planning)
- Design & Access Statement (CSA Environmental)
- Arboricultural Impact Assessment (CSA Environmental)
- Energy Strategy Statement (Briary Energy)
- Sequential Test (RPS)
- Utilities Assessment (Bloor)
- Heritage Statement (Cogent Heritage)
- Geophysical Survey Report (Magnitude Surveys)
- Phase 1 Land Quality Desk Study (RPS)
- Statement of Community Engagement (Cavendish)
- Environmental Statement (Volumes 1-4) (Temple) consisting of:

ES Volume 1 (Non Technical Summary) This document provides a summary of the proposed development, alternative designs that were considered, environmental impacts and mitigation measures;

ES Volume 2 (Main Text) contains the main body and assessment contained within the EIA, with the various chapter headers addressing socio-economics, air quality, noise and vibration, traffic and transport, ecology, water resources and flood risk, agriculture and landscape and visual impact.

ES Volume 3 (Landscape and Visual Impact Assessment) This sets out the methodology and findings of the LVIA accompanied by a full set of views and verified images.

ES Volume 4 (Technical Appendices) The Appendices provide supplementary details of the environmental studies conducted during the EIA including relevant data tables, figures and photographs

The technical appendices at Volume 4 of the ES include the following particulars:

Noise Impact and Vibration Assessment (WSP) (Appendix D1)

- Air Quality Assessment (WSP) (Appendices C1 to C7)
- A suite of ecology surveys, including a Biodiversity Net Gain Assessment (CSA Environmental) (Appendices F1 to F8)
- Transport Assessment (RPS) (Appendix E2)
- Framework Travel Plan (RPS) (Appendix E3)
- Flood Risk Assessment and Outline Drainage Strategy (RPS) (Appendix G1)
- Archaeological Desk-based Assessment (Abrams Archaeology) (Appendix A3)

Plans

- Site Location Plan No. CSA/6495/117A
- Access Plan: 794-PLN-TRP-00032-DR-001A – Proposed Baker Street Signalised Site Access
- Access Plan: 794-PLA-TRP-00032-DR-003 - Proposed Barnet Road Signalised Site Access
- Access Plan: 794-PLN-TRP-00032-DR-005A – Barnet Road – Proposed Priority Access
- Access Plan: 794-PLN-TRP-00032-DR-007A – Barnet Road – Proposed Priority Access
- Illustrative Masterplan Proposals Plan No. CSA/6495/118C
- Constraints and Opportunities Plan No. CSA/6495/100B
- Land Use Parameter Plans No. CSA/6495/111F
- Open Space Parameters Plan No. CSA/6495/112B
- Residential Density Parameters Plan No. CSA/6495/113B
- Proposed Building Heights Parameters Plan No. CSA/6495/115B
- Movement Parameters Plan No. CSA/6495/116D
- Landscape Strategy Plan No. CLPD/205/P02b

Additional Information – 14 October 2024

- Heritage Note (Cogent Heritage)

Additional Information – 06 November 2024

- Foul Water Pumping Station Review (RPS)

Additional Information – 15 November 2024

- LVIA Addendum (Brocklehurst)
- Briefing Note: Bat Ground Level Tree Assessment (6495/08) CSA.

Additional Information – 27 November 2024

- Heritage Note (Cogent Heritage)

Additional Information – 03 January 2025

- Response to LLFA Comments 14th October 2024

Additional Information – 10 January 2025

- Response to Ramblers Association comments.
- Response to Gardens Trust comments

Additional Information - 19 March 2025

- Briefing Note Urban Design Response Ref: 6495 10 C
- Land Use Parameters Plan Dwg No. 6495-111- Revision I
- Open Space Parameters Plan Dwg No. 6495-112-Revision E
- Residential Density Parameters Plan Dwg No. 6495-113-Revision D
- Access and Movement Parameters Plan Dwg No. 6495-116-Revision G
- Illustrative Masterplan Dwg No. 6495-118-Revision K
- Proposed Building Heights Parameters Plan Dwg No. 6495-120-Revision C

Additional Information – 04 April 2025

- 794-PLN-TRP-00032-DR-007B – Barnet Road Priority Access
- 794-PLN-TRP-00032-DR-039 – Cherry Tree Lane Access
- TRP-00032-22 – Phasing and Triggers Technical Note v2
- 794-PLN-TRP-00032-DR-032.1A – Proposed Cycleway
- 794-PLN-TRP-00032-DR-032.2A – Proposed Cycleway
- 794-PLN-TRP-00032-DR-032.3A – Proposed Cycleway
- 794-PLN-TRP-00032-DR-033 – Hill Rise Proposals
- RPS Cycleway Design Note
- TRP-00032-21 Hill Rise Technical Note

Additional Information - 08 May 2025

- Addendum to the Planning and Affordable Housing Statement (Woolf Bond Planning)
- 6495/10/E Briefing Note Urban Design Response (CSA)
- 6495/111/I – Land Use Parameters Plan (CSA)
- 6495/112/E – Open Space Parameters Plan (CSA)
- 6495/113/D – Residential Density Parameters Plan (CSA)
- 6495/116/H – Access and Movement Parameters Plan (CSA)
- 6495/118/L – Illustrative Masterplan (CSA)
- 6495/120/C – Proposed Building Heights Parameter Plan (CSA)
- Energy Strategy Statement (Briary Energy)
- Health Impact Assessment (Pegasus)
- EIA Addendum Note (RSK)

Additional Information – 30 June 2025

- Illustrative Masterplan No. 118N
- Open Space Parameters Plan 112F

Additional Information – 06 August 2025

- Response To National Highways Comments Dated 20/06/2025 – TRP-00032-24 (RPS Tetrattech).
- A1M (North) / Bignells Corner / M25 (East) / St Albans Road / A1 (M) / M25 (West)

- M25 Potters Bar Interchange

Additional Information – September 2025

- Retail & Town Centre Impact Assessment (Quod)
- Proposed Housing Mix

Additional Information - 12 November 2025

- CSA Letter re Local Nature Recovery Strategy

4.0 PLANNING POLICY

The Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. For the purposes of this appeal, the Development Plan comprises the following:
 - Hertsmere Local Plan: Core Strategy (adopted January 2013)
 - Hertsmere Local Plan: Site Allocations and Development Management Policies Plan (adopted November 2016)
- 4.3. The settlement boundaries in the adopted Core Strategy were identified to provide for a net increase of 3,990 dwellings in the period 2012 to 2027 (266dpa). The Green Belt boundaries were not reviewed as part of the spatial strategy.
- 4.4. The Core Strategy is more than five years old, and in accordance with the requirements in paragraph 78 and footnote 39 of the NPPF, the housing requirement falls to be determined by the local housing need derived from the application of the standard method.
- 4.5. The current housing need for Hertsmere, derived from the application of the standard method, is 1,010 dwellings annually. A 20% buffer is then added (to reflect the Housing Delivery Test results).
- 4.6. This results in an annual need in Hertsmere for 1,212dpa. This substantially exceeds the 266dpa housing requirement identified in the Core Strategy.
- 4.7. It is agreed that the settlement boundaries are out of date as they need to be breached if the housing requirement is to be met. Separately, the Council is not able to demonstrate a five year supply of deliverable housing land.

4.8. Applicable Core Strategy (2013) policies comprise as follows:

- SP1 Creating sustainable development
- SP2 Presumption in Favour of Sustainable Development
- CS1 The Supply of New Homes
- CS2 The Location of New Homes
- CS3 Housing delivery and infrastructure
- CS4 Affordable housing
- CS7 Housing mix
- CS12 The Enhancement of the Natural Environment
- CS13 The Green Belt
- CS14 Protection or enhancement of heritage assets
- CS15 Promoting recreational access to open spaces and the countryside
- CS16 Environmental impact of new development
- CS17 Energy and CO2 reductions
- CS18 Access to services
- CS19 Key community facilities
- CS20 Securing mixed use development
- CS21 Standard charges and other planning obligations
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment
- CS25 Accessibility and parking
- CS26 Promoting Alternatives to the Car
- CS27 Town centre strategy
- CS28 Strengthening town centres

4.9. Applicable SADAM (2016) policies comprise as follows:

- SADM3 – Residential Developments
- SADM10 – Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM16 – Watercourses
- SADM17 – Water Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM26 – Development Standards in the Green Belt
- SADM29 – Heritage Assets
- SADM30 – Design Principles
- SADM32 – Key Community Facilities
- SADM34 – Open Space, Sports and Leisure Facilities
- SADM35 – Local Green Space SADM37 – New and Improved Public Open Spaces

- SADM38 – The Road Hierarchy
- SADM40 – Highway and Access Criteria for New Development
- SADM42 – Town and District Centres

Five Year Housing Land Supply

4.10. The Council cannot currently demonstrate a five year supply of deliverable housing land for the five year period 1st April 2023 to 31st March 2028.

4.11. The agreed five-year housing land supply position is as follows:

Annualised Requirement	1,010
Five year Requirement	5,050
20% Buffer	1,010
Total Five Year Requirement:	6,060 (1,212dpa)
Supply	1,189
Shortfall	-4,871
Yrs Supply	0.98

4.12. It is agreed that the extent of the shortfall is substantial.

4.13. In the circumstances, it is agreed that the Council's housing land supply position does not need to be tested in evidence. This will save time and resources prior to and during the inquiry.

4.14. It is likely that the shortfall can be reduced if planning approval is given for a range of sites, including on land beyond settlement boundaries and land or sites not currently allocated for housing in the adopted development plan.

4.15. In the circumstances, it is agreed that for the purpose of paragraph 11 of the NPPF, the most important policies for determining the application are out of date and para. 11 (d) is engaged as a starting point.

4.16. It is also agreed that the contribution of market housing proposed through the Appeal Scheme is a material consideration of very substantial weight; and that the delivery of affordable housing from the Appeal Scheme also attracts very substantial weight.

Green Belt

The Five Green Belt Purposes

- 4.12. Paragraph 143 of the NPPF sets out the five Green Belt purposes.
- 4.13. The parties disagree as to whether the Appeal Site makes a strong contribution to purpose (a).
- 4.14. However, it is agreed that the Appeal Site does not strongly contribute to purposes (b) or (d).

Inappropriate Development

- 4.15. Paragraph 153 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It adds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.16. The parties agree that none of the exceptions at paragraph 154 of the NPPF are engaged by the Appeal Scheme.
- 4.17. If the Appeal Site is not found to comprise grey belt land, the merits of the proposal fall to be determined under the approach at paragraph 153 of the NPPF.
- 4.18. In that scenario, the Appeal Scheme would constitute definitional harm to the Green Belt. It would also result in spatial and visual harm to the openness of the Green Belt; and conflict with purpose (c) (encroachment) (paragraph 143 of the NPPF).
- 4.19. Whether the Green Belt harm and any other harm resulting from the proposal is clearly outweighed by other considerations is a matter to be addressed in evidence.

Grey Belt

- 4.20. Paragraph 155 introduces the concept of 'grey belt' land, which enables the development of homes, commercial or other development in the Green Belt not to be regarded as inappropriate if specified conditions are met.
- 4.21. 'Grey belt' is defined in the Glossary to the NPPF as land in the Green Belt that does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the NPPF. However, it excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing development.
- 4.22. The specific conditions at paragraph 155 of the NPPF that would need to be satisfied by the Appeal Scheme are as follows:
- a) The development would need to utilise grey belt land and would not fundamentally undermine the purpose (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location; and
 - d) The development meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 of the NPPF.
- 4.23. The parties disagree on whether the Site meets the grey belt definition at point (a).
- 4.24. However, it is agreed that (b) there is a demonstrable unmet need for the Appeal Scheme (due to the lack of a five year supply of deliverable housing land); and (c) the Appeal Scheme is in a sustainable location.
- 4.25. In accordance with paragraph 156 of the NPPF, the Appellant proposes that the Appeal scheme would make the following contributions:

- Affordable housing (50%)
 - Secures monetary contributions through the S106 towards local infrastructure; and
 - Provides publicly accessible open space
- 4.26. In accordance with paragraph 157 of the NPPF, the Appeal Scheme is capable of securing 50% affordable housing (subject to receipt of a signed S106 Agreement).
- 4.27. In the circumstances, it is agreed that the Appeal Scheme satisfies the 'Golden Rules' at paragraphs 156 and 157 of the NPPF. Part (d) above refers.
- 4.28. In accordance with the approach set out at paragraph 158 of the NPPF, compliance with the Golden Rules attracts significant weight in favour of the grant of planning permission.
- 4.29. Although there is disagreement between the Council and the Appellant in relation to the Contribution made by the site to Green Belt purpose (a), it forms no part of the Council's case that there are any footnote 7 considerations (other than Green Belt) that would otherwise represent a strong reason to refuse the proposed development.
- 4.30. If the Inspector concludes the Appeal Site/Scheme is grey belt and it accords with the Golden Rules, the proposal represents appropriate development and should be positively determined in accordance with the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 4.31. However, if the Inspector concludes the Appeal Site/Scheme is not grey belt, the proposal represents inappropriate development and should only be approved in very special circumstances.
- 4.32. These matters will be addressed in evidence.

5.0 **MATTERS NOT IN DISPUTE**

5.1. For the purposes of this statement of common ground the parties apply the following scale when attributing weight to the benefits and harms (ranked from high to low):

- Very substantial
- Substantial
- Very significant
- Significant
- Moderate
- Limited
- Very limited

5.2. It is accepted that the Council is not currently able to demonstrate a five-year supply of deliverable housing land against the Standard Method.

5.3. The development policies for the supply of housing are out of date for the purposes of the NPPF.

5.4. It is agreed that paragraph 11(d) of the NPPF is engaged as a starting point.

5.5. It is agreed that the Appeal Site is in a sustainable location within walking and cycling distance from the town centre.

5.6. It is agreed that the Appeal Scheme is acceptable in heritage terms, resulting in no impact on identified heritage assets (including The Royds Conservation Area).

5.7. The Appeal Site is not designated for its landscape quality, and forms no part of a valued landscape. However, the Site does form part of the countryside.

5.8. The Appeal Scheme, with the proposed mitigation, is acceptable in ecological terms.

5.9. It is agreed that the Appeal Scheme can be made safe from flooding for its lifetime.

- 5.10. A sequential test was submitted with the Appeal Application, and considered by the Council. As the Report to Committee explains, the Appeal Site was found to fail the sequential test, on account of the availability of one site at Farm Way, Bushey (HEL181), which is subject to a current application for up to 700 dwellings, a care home and sport provision (LPA Ref: 25/0972/FUEI). For the purposes of this appeal, the Appellant accepts this to be the case. However, even if site HEL181 was developed in full within the current five year period, it would still leave a 4,171 dwelling shortfall and a supply of only 1.56 years. This would not address the significant five year housing land supply shortfall. The parties agree that the failure of the sequential test does not of itself amount to a strong reason for refusing development. Rather, it is a matter to be weighed in the overall planning balance.
- 5.11. It is agreed that Potters Bar is a town and therefore the site can be assessed against Green Belt purpose (a) as a large built-up area, in accordance with national policy.
- 5.12. It is agreed that the Appeal Site does not make a strong contribution to Green Belt purpose (b). It is also agreed that purpose (d) is not a relevant consideration, as Potters Bar is not a historic town. It is also agreed that there is no conflict with purpose (e).
- 5.13. It is accepted that the provision of up to 900 dwellings from the Appeal Scheme is a benefit, with the market homes attracting very substantial weight, and the affordable homes separately attracting very substantial weight.
- 5.14. It is accepted that the provision of a care home is a benefit that attracts substantial weight.
- 5.15. If the Inspector concludes the Appeal Site/Scheme is grey belt and it accords with the Golden Rules, the proposal represents appropriate development and should be positively determined in accordance with the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 5.16. It is accepted that Hertsmere is a CIL Charging Authority and financial contributions will be secured at the reserved matters stage once the amount of chargeable floorspace is fixed.

5.17. The harms identified and weighting attributed to them are summarised as follows:

Harms	Appellant	HBC
Harm to the Green Belt ¹	Substantial	Very Substantial
Landscape and Visual Harm	Moderate	Substantial
Loss of Agricultural Land	Limited	Moderate
Failure of the Sequential Test	Limited	Significant

5.18. The benefits identified and weighting attributed to them are summarised as follows:

Benefits	Appellant	HBC
Market Housing	Very Substantial	Very Substantial
Affordable Housing	Very Substantial	Very Substantial
Care Home	Substantial	Substantial
Economic Benefits (job creation and local expenditure)	Significant	Significant
Biodiversity Net Gain	Moderate	Moderate
On-Site POS provision (including formal sports)	Moderate	Moderate
Enhanced connectivity, footpaths, cycle links and bus service enhancements	Moderate	Moderate
Reducing flood risk for residents in Oakroyd Ave and Oakroyd Close	Limited	Limited
Satisfying the 'Golden Rules' at paragraph 158 of the NPPF	Significant	Significant

¹ If the Appeal Scheme is found to constitute inappropriate development.

6.0 MATTERS IN DISPUTE

6.1. The matters presently in dispute, to be addressed in evidence, comprise as follows:

1. Whether the Site is found to constitute grey belt land.
2. If the Appeal Site is found not to constitute grey belt land on account of a finding that the Site makes a strong contribution to purpose (a), whether very special circumstances have been demonstrated having regard to the provisions at paragraph 153 of the NPPF.
3. The impact of the Scheme upon the character and appearance of the area.

7.0 HEADS OF TERMS FOR LEGAL AGREEMENT

- 7.1. It is agreed between the parties that the Appellant will provide planning obligations, in the form of an undertaking under Section 106 of the Town and Country Planning Act (1990) in favour of Hertsmere Borough Council and Hertfordshire County Council.
- 7.2. The legal agreement will ensure the financial contributions and other compliant obligations to enable the proposed development to go ahead are provided in accordance Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 56, 57 and 58 of the NPPF.
- 7.3. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following may be provided for in a legal agreement:
- Affordable Housing (50%) (up to 450 dwellings)
 - On-site public open space provision
 - Sustainable Transport/Travel Plan
- 7.4. The legal agreement will be completed in accordance with the Inspector's instructions.

8.0 CONDITIONS

- 8.1. It is agreed that there should be a schedule of conditions agreed between the parties, for discussion with the Inspector during the Inquiry.
- 8.2. The schedule will be compiled and submitted to the Inspector prior to the Inquiry.

9.0 CORE DOCUMENT LIST

- 9.1. It is agreed that there should be a common list of reference documents and these are to be referenced as Core Documents to the Inquiry. The list will be compiled and a full set of the documents will be provided for the Inspector.

10.0 AGREEMENT: SCHEDULE OF COMMON GROUND

- 10.1. This document is accepted as the agreed Statement of Common Ground for the Appeal being considered under PINS Ref: 6004002

- 10.2. It has been duly signed by representatives of the Appellant (Bloor Homes Ltd.) and Hertsmere Borough Council.

Signed: *Steven Brown*

for Woolf Bond Planning Ltd on behalf of Bloor Homes Ltd.

Steven Brown (BSc Hons DipTP MRTPI)	10 th April 2026.
NAME	DATE

Signed *Steven Stroud* on behalf of Hertsmere Borough Council

Steven Stroud MRTPI	10 th April 2026
NAME	DATE
