



Appeal Decision

Site visit made on 13 January 2026

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/J1915/W/25/3375831

Land at Bishops Stortford North, Bishops Stortford CM23 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bishop's Stortford North Consortium against the decision of East Hertfordshire District Council.
 - The application Ref 24/0062/CND sought approval of details pursuant to condition No 1b of a planning permission Ref 3/22/0214/VAR, granted on 14 April 2023.
 - The application was refused by notice dated 20 October 2025.
 - The development proposed is discharge condition 1b (Phasing Plan) attached to 3/22/0214/VAR.
 - The details for which approval is sought are: The development hereby approved shall be carried out in accordance with the Eastern Neighbourhood Phasing Plan submitted to and approved by the Local Planning Authority under application reference X/21/0491/CND on 23 September 2022. Reason: To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended) and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF.
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Decision

1. The appeal is allowed, and the details submitted pursuant to condition No 1b attached to planning permission 3/22/0214/VAR granted on 14 April 2023 in accordance with the application dated 12th February 2024 and the details submitted with it are approved.

Applications for costs

2. An application for costs was made by Bishop's Stortford North Consortium against East Hertfordshire District Council. This application is subject of a separate decision.

Preliminary Matters

3. Condition 1b of planning permission 3/22/0214/VAR states: 'The development hereby approved shall be carried out in accordance with the Eastern Neighbourhood Phasing Plan submitted to and approved by the Local Planning Authority under application reference X/21/0491/CND on 23 September 2022'.
4. The wording of this condition is that of a compliance condition and does not allow for further information to be submitted. However, following my request for clarification both parties confirmed that they did not want to progress with the change in phasing plan via Section 73 of The Town and Country Planning Act 1990 and decided on this route. Therefore, in effect both parties agreed to a non-material amendment to add in effect the words 'unless otherwise agreed in writing

by the Local Planning Authority'. While this is not good practice, I have accepted that this is the position that the discharge of condition was submitted and determined on.

5. The appellant confirmed that 1719/PP/100 Rev C (Rev C) is the relevant drawing approved under condition 1b and no objection to this has been received by the Council. There has been reference that another document supported Rev C, though this has not been presented to me as part of Eastern Neighbourhood Phasing Plan referred to in condition 1b. I have on this basis accepted that Rev C is the only document that the developer must comply with regarding the phasing of the development.
6. I have slightly updated the site address to better reflect the actual geographic location of the site.

Main Issue

7. Does the revised phasing plan 1719/PP/100 Rev H (Rev H) ensure high standards of urban design and achieve a comprehensively planned development.

Reasons

8. When I visited the site, I was able to drive from Hadham Road through the development and onto Rye Street. At the time of my visit I did not notice any restrictions onto Rye Street that would prevent me from using this junction. There is currently no vehicular access onto the A120 to the north of the development.
9. It is noted that drawing Rev C provides start dates for each phase, as well as what infrastructure, public spaces and landscaping forms part of each phase. However, this drawing does not provide any requirements for the completion of each phase or when infrastructure, public open space and landscaping must be completed (either by date or dwelling occupations).
10. On key access points, the access point onto A120 in Rev C was meant to have commenced in 2021 and was phase 1, which under Rev H has been delayed until 2025/2026 and now is phase 10. The access onto Rye Street was to be commenced in 2023 under Rev C and while Rev H delays this, it was clear from my site visit that a significant amount of work on this route had been undertaken.
11. It is also noted that in Rev C the 'Local Centre and Employment Zone' was phase 2 of the scheme and was to be sold in 2021/2022 and under Rev H is to be sold in 2025/2026.
12. I have noted the delay in the commencement of access onto the A120 and the sale of land to allow 'Local Centre and Employment Zone' phase to begin development. However, Rev C as detailed above did not provide any completion dates for any phase. So even if construction to create the roundabout onto the A120 had commenced or land sold for 'Local Centre and Employment Zone' there was no control in Rev C to have made the developer complete this work. Therefore, there is very little difference between Rev C and Rev H when it comes to bringing forward infrastructure or community/employment provision.
13. I understand that the Council is seeking to ensure public interests are met and that the development comes forward in an appropriate manner. However, from the

evidence before me there is no material change in the completion of access routes, footpaths/cycle lanes, open space, other required spaces or infrastructure.

14. Therefore, the condition is duly discharged with 1719/PP/100 Rev H forming the new plan to be complied with under condition 1b of 3/22/0214/VAR.

Conclusion

15. For the reasons given above the appeal should be allowed and the condition is discharged subject to compliance with 1719/PP/100 Rev H.

A Phillips

INSPECTOR