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**Standing up for Hertfordshire's countryside**

Richard Tiffin  
Planning and Building Control  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

Our Ref:

Your Ref:

15<sup>th</sup> April 2020 (by email)

Dear Mr. Tiffin,

**Applications Nos. 20/00117/OP and 20/00118/OP**  
**Outline applications for erection of 6 dwellings and 18 dwellings**  
**(all matters except access reserved)**  
**On Land West Of Tuthill House, Kelshall Tops, Therfield, Hertfordshire**

Whilst recognising that the applicant considers that this site is previously developed land and that the Council cannot currently demonstrate a five year housing land supply, CPRE Hertfordshire object to these proposals for residential development in the Rural Area Beyond the Green Belt, outside of the settlement boundary of Therfield.

In 1992 the site was granted planning permission for the open storage of agricultural machinery and as an operating depot for heavy goods vehicles (App 92/00143/1). Under the provisions of the National Planning Policy Framework, agricultural buildings and land do not currently fall under the criteria of previously developed land, consequently only the area used for the heavy goods vehicles can be considered as previously developed.

The Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) has clarified that existing Local Plan policies which are designed to protect the environment retain substantial weight despite lack of a 5 year housing land supply, while allowing the need to secure an adequate supply of housing land to be taken into account. Recent appeal decisions in North Herts have upheld that position, (APP/X1925/W/17/3192151 and APP/X1925/W/18/3194048).

Despite the assertions of the applicant that the Examination in Public of the North Herts Emerging Local Plan is in abeyance, the EIP remains in progress and hearings will resume after the current coronavirus epidemic and, in accordance with Para. 48 of the NPPF, the emerging plan can be afforded significant weight.

**CPRE is working nationally and locally for a beautiful and living countryside**

**CPRE Hertfordshire is a Charitable Incorporated Organisation**

President: Sir Simon Bowes Lyon, KCVO  
Chairman: Richard Bullen

Registered Charity 1162419

Under both saved Policies 6 and 7 of the current Local Plan and Policy CGB1 of the Emerging Local Plan these proposals are inappropriate.

In the Emerging Local Plan, Therfield is identified as a Category A village in which development will only be allowed within the defined settlement boundaries (Policy SP2). A development site for 12 houses (TH1), has been allocated within the village. As mentioned above, this site is outside, though adjacent to, the settlement boundary. In such cases the judgement in *Woods vs. Secretary of State* (2015 EWCA Civ 195.) applies, which requires the need to assess what the impression of the site is **on the ground**. As you approach Therfield from the west, Kelshall Road has the appearance of a country lane bounded by hedgerow on either side. The site, on the right hand side as you approach, appears as a continuation of that hedgerow. It is not until the speed restriction signs, beyond the site, that the impression is one of being in a village.

All development along Kelshall Road is hard against the road with short front gardens, consisting essentially of terraced or semi-detached houses until you reach the junction with Pedlars Lane. Neither of the two developments proposed respect that local character and will introduce an incongruous element into the streetscape. Despite being the main route from the site into the village, Kelshall Road has no footways or street lighting, which makes it unsafe for the elderly, disabled and children. Therfield has only limited social amenities, requiring residents to travel to Royston and Baldock in order to access retail, medical, secondary education and employment facilities. There is no bus service. Consequently the site will be heavily car dependent, contrary to the requirement of the NPPF.

The site is immediately adjacent to the Grade II listed Tuthill Manor and the Therfield conservation area. This is not recognised in the documentation accompanying the application. NPPF para.189 requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and the impact of the development on them. Para.192 requires the local planning authority to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

For the above reasons we believe that both applications should be rejected.

Yours sincerely,

David Irving