
Appeal Decision

Site visit made on 7 February 2024

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/X1925/W/23/3324095

Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Quanta Homes 6 Ltd and Mr and Mrs G Bullard against the decision of North Hertfordshire District Council.
 - The application Ref. 21/03533/FP, dated 23 December 2021, was refused by notice dated 10 February 2023.
 - The development proposed is three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. Applications for costs were made by an interested party, Lynne Bogie, against North Hertfordshire District Council and the appellants, Quanta Homes 6 Ltd and Mr and Mrs Bullard. These applications are the subject of separate Decisions.

Preliminary Matters

3. As the application is close to a Grade II listed building, Tuthill Manor, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also had particular regard to the adjacent Thurfield Conservation Area and nearby Scheduled Monument (Motte and bailey castle and associated earthworks 100m south of Tuthill Farm).
4. The Government recently published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.
5. The appeal documents included a new drawing, Urban Grain Plan (311.00), which was not before the Council at the time of its decision. The drawing does not alter the proposals but provides contextual information. The Council had the opportunity to consider the plan during the appeal process and I am satisfied that no party would be prejudiced by accepting it at the appeal stage. As such, I have had regard to the drawing in reaching my decision.

Main Issues

6. The main issue is whether the site is a suitable location for the proposed development, having regard to local and national planning policies.

Reasons

7. The site is a former depot for the storage of vehicles and machinery on the edge of Therfield. It is currently unused but enclosed by tall security gates and the remnants of a tall fence, which is in a poor state of repair. Ground levels are elevated within the site and surfaced with concrete.
8. Policy SP2 of the North Hertfordshire Local Plan 2011-2031 (2022) (NHLP) sets out the plan's settlement hierarchy and spatial distribution. It seeks to focus the majority of development on the larger settlements, with more limited forms of development across the villages and rural areas. Therfield is defined as a Category A village, where general development will be allowed within defined settlement boundaries.
9. The appeal site is outside of the defined settlement boundary for the village, within the 'Rural Area beyond the Green Belt'. Policy SP5 of the NHLP imposes a general policy of restraint in such areas, whilst Policy CGB1 defines the limited circumstances where development will be supported.
10. The proposed development would not accord with the specified criteria and would be in conflict with policies SP2, SP5 and CGB1. In a plan-led system, harm clearly arises from such a conflict. However, there is both a legislative and policy requirement to consider other material considerations and perform a balancing exercise before deciding whether to grant planning permission.
11. In this case, there would be a range of harms and benefits arising from the development which were carefully balanced in the officer's report to the planning committee, resulting in a clear conclusion that the benefits would outweigh the harms and so planning permission should be granted i.e. material considerations indicate a decision other than in accordance with the development plan. The Council has not provided evidence of any alternative balancing exercise performed by it in refusing planning permission and so I have not sought to repeat all the considerations explored by the officer.
12. There is only one area where I disagree with the planning officer's recommendation and that is in relation to the effect on the character and appearance of the area, or more specifically the design of the scheme. Whilst redevelopment of the site would be a significant benefit, given its unsightly and discordant appearance at present, the proposed 'Manor House' (Plot 3) is simply too large. Two stories with additional rooms within the roof, coupled with the substantial width and depth of the proposed building would result in a building of excessive scale and mass. It would become overly prominent on the edge of the village, where it might be expected that development would be diminishing, transitioning between the settlement and the countryside beyond.
13. The site is eminently suitable for a residential development of three houses, which would make a contribution to housing supply in the district, consistent with the objective to boost housing supply contained in the Framework. The introduction of a residential use would also be far more appropriate than the extant use, which could continue at any time, albeit subject to conditions and obligations. The proposed design approach, to introduce buildings of an

agricultural style would reflect the site's rural context, as would the use of timber weather boarding, but that does not overcome my concerns in relation to plot 3.

14. The Framework requires a high standard of design, and the current proposal falls short of this high bar. This would detract from the character and appearance of the area, including the intrinsic character and beauty of the countryside. It is for this reason alone that planning permission should be refused. I have had regard to the benefits identified by the appellant, including the provision of housing (where there is no evidence of a demonstrable five-year housing land supply, notwithstanding the relatively recent adoption of the NHLP), the removal of an unsightly depot, biodiversity net gain and various economic benefits. However, the Framework is clear, development that is not well designed should be refused. The benefits do not outweigh the harm that I have identified.
15. I have had regard to comments from interested parties supporting the appeal, but these do not alter the harm that I have identified. I have also considered representations opposing the development, but since I am dismissing the appeal on the principal controversial issues, it is not necessary to consider every other matter raised.
16. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR