

14 July 2026

Dear Ms McDonald

**Land West of Tuthill House, Kelshall Tops, Therfield
Application 26/01416/S73**

I refer to your letter dated 16 June 2026 addressed to “The Owner/Occupier, Tuthill Manor”, inviting comments on a second Section 73 Application received with respect to the above site (26/01416/S73). Please note that although dated 16 June 2026 your letter was not received at Tuthill Manor until 1 July 2026. I have checked with my neighbour at Tuthill House and the letter sent to her address was also delivered on 1 July. I do not know whether the letter was misdated; whether the issue lies otherwise within the Council; or whether the problem has arisen within the postal service. Whatever the reason may be, you will appreciate that I have not had the appropriate period, which your letter indicated I would, to consider the proposals.

Having said that, it is neither necessary nor appropriate for me to consider those proposals as the application is invalid. The application site as drawn by the applicant clearly extends beyond the northern boundary of registered title HD307468. The applicants are required to give notice to any person who on the prescribed date (21 days before the application is made) is an owner of land to which the application relates (Article 11 Town and Country Planning (Development Management Procedure) (England) Order 2010) and to certify that the requirements of Article 11 have been satisfied (Article 12). They have not, on this occasion, done so with respect to the freehold owner of the land within the application site but beyond the northern boundary of title HD307468.

The former registered proprietors of title HD307468, which comprises most of the application site, never claimed to be owners of land to the north of the red line on the registered title plan, and indeed multiple planning applications have been made consistent only with their not owning this land. The registered proprietor of HD307468 confirmed in correspondence with the Council that they did not own the land north of the red line shown on the registered title plan. In July 2021 a solicitor acting for Quanta Homes (the current registered proprietor) confirmed that the application site in relation to the 2021 application comprised all the land in title HD307468: the application site at that time did not include the “step forward” north beyond the title boundary which is within the application site for the present application. The Council’s lawyer has also recently concluded, after investigation, and advised me that land beyond the northern

boundary of title HD307468 as shown on the title plan belongs to the neighbouring landowner.

When permission 24/02606/FP - to which this application relates - was applied for, the registered proprietor of title HD307468 certified that they were unable to identify the owner of the land to the north of the boundary of that title, and a statutory advertisement was placed in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

On this occasion however Certificate B indicates that the only persons who have been notified as landowners are Quanta Homes and HCC as Highways Authority.

The Highways Authority does not have any rights beyond those which it may enjoy as Highways Authority. It is not the freehold owner, and does not claim to be the freehold owner, of the solum of the land.

Quanta Homes was apparently notified as the registered proprietor of title HD307468 but has no interest in the land which forms part of the application site but which is north of the red line delineating the boundary of that title.

My information is that the position is unchanged since permission 24/02606/FP was applied for, and therefore the required statutory notice must be given to the owner of the land within the development site but north of the boundary of title HD307468 before any application can lawfully be made. The land in question is shown coloured blue on the attached site plan. I also attach a copy of the registered title plan for title HD307468 to enable you readily to compare the two boundaries. If, as before, it is claimed by the applicant that that owner of the land coloured blue cannot be identified, an advertisement will need to be placed in accordance with the statutory timetable ie within 21 days **before** a new application is made.

You will be aware that the legislation is clear (section 327(A) of the Town and Country Planning Act 1990) that local planning authorities "*must not entertain*" applications where the statutory requirements to notify other landowners, and certify that they have done so, have not been met. NHDC has no jurisdiction to consider this application or to waive the failure to comply with the statutory requirements.

Whilst in general a local planning authority may be entitled to rely on the accuracy of a certificate as to ownership, that is not the case where the case officer is aware - as you are - that it is inconsistent with a recent, previous certificate; that it is inconsistent with the outcome of a recent investigation of title by the Council's legal officer; where there is

a history of both the current applicant and its predecessors filing incorrect certificates with respect to this site and/or bringing forward proposals which relate to operations on land which is outside both the development site and their ownership, without the statutory safeguards for landowners having been complied with; and where there is no evidence to suggest that the owner of the land to the north has, after all, been identified, still less that such owner has transferred their land to the applicant/Quanta Homes. There is nothing on the public Planning Portal to suggest that the applicant has provided any such evidence to the Council.

You cannot lawfully turn a blind eye to a land ownership certificate which appears, to your knowledge as long-standing case officer in relation to this site, to be incorrect.

If evidence has been provided to the Council that the ownership position in relation to the land coloured blue on the attached site plan has changed since the planning permission was applied for and that the applicant, Quanta Homes or Hertfordshire County Council has, since then, become the freehold owner of the land coloured blue on the attached site plan, please ensure that this is uploaded to the public planning file.

Absent evidence that the position has thus changed, the application must be invalidated.

Regards

Lynne Bogie
Tuthill Manor, Therfield, SG8 9PT