



The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref : 24/00130/PCH

Contact : 
Direct Line : 
Email :  [@north-herts.gov.uk](mailto:info@north-herts.gov.uk)
Date : 25 March 2024

Dear Sir/Madam,

Counter Notice to Listed Building Purchase Notice served on North Hertfordshire District Council (s.32-37, s.74(3), & Regulation 12 Planning (Listed Building and Conservation Areas) Act 1990 as amended)
Keepers Cottage, 2A Orchard Way, Breachwood Green, Hitchin, Hertfordshire, SG4 8NT

Keepers Cottage, 2A Orchard Way, Breachwood Green is grade II listed and is a designated heritage asset for the purpose of applying the aims of the NPPF. Keeper's Cottage was listed on 8 February 1988. In early 2023, Historic England (HE) received an application requesting that Keeper's Cottage be removed from the List. HE undertook a full inspection on 15 September 2023 and subsequently confirmed that Keeper's Cottage should not only remain on the List but a more detailed entry was confirmed.

Application ref: 23/02418/LBC was received on 16 October 2023 but initially was made invalid and relates to the replacement of 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows. On 11 November 2023, Mr Gass served formal notification to North Hertfordshire District Council under Article 12 of the Town and Country Planning Act, disputing the validation process. The application was subsequently made valid and the received dated was made the start date. Listed Building consent was refused on 18 December 2023.

On 1 January 2024, the owners Mr and Mrs Gass, served a Listed Building Purchase Notice on North Hertfordshire District Council requesting this council to buy their interest in the land. This Notice makes reference to planning decision ref: 23/02418/LBC dated 18 December 2023 refusing planning permission.

The decision by North Hertfordshire District Council referred to above actually relates to the refusal of Listed Building Consent under application ref: 23/02418/LBC to '*Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows*'.

Under Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 following this refusal, the owner, within the prescribed time and in the prescribed manner, served notice on this council requiring North Hertfordshire District Council to purchase the owner's interest in the building and land in accordance with sections 33 to 37.

North Herts Council, PO Box 10613, Nottingham, NG6 6DW

Under Section 33 (1)(c) of the 1990 Act, for reasons so specified in the counter-notice, North Hertfordshire District Council is not willing to comply with the purchase notice and has served a counter-notice on the owners. In compliance with Section 33(2) of the 1990 Act, a notice under subsection (1) has been served before the end of the period of three months (in this case 1 April 2024) beginning with the date of service of the listed building purchase notice.

The Secretary of State's powers in regard to listed building purchase notices are in section 34-36 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Please find enclosed the following:

- A copy of the refused Listed Building Consent and associated documents/plans;
- Relevant development plan policies;
- A copy of the Listed Building Purchase Notice served on North Hertfordshire District Council by Mr and Mrs Gass and dated 1 January 2024;
- Documentation submitted with the Listed Building Purchase Notice (sent on 1 January and received on 2 January 2024)
- A copy of Counter Notice letter sent to Mr and Mrs Gass and dated 25 March 2024; and
- Case Officer's delegated file note with recommendation not to uphold the Listed Building Purchase Notice.

North Hertfordshire District Council respectfully requests that the Secretary of State for Levelling Up, Housing and Communities confirms that the land is in fact capable of reasonably beneficial use and in doing so revokes the Listed Building Purchase Notice.

Yours faithfully



Development and Conservation Manager

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