



## **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

# **LISTED BUILDING ENFORCEMENT NOTICE**

**Listed Building:** 2 Church Lane, Wormley, Hertfordshire, EN10 6JT. Early C19 cottage.

**Grade:** II **List Entry Number:** 1100540

**ISSUED BY:** Broxbourne Borough Council ("the Council")

- 1. THIS IS A FORMAL NOTICE** which is served by the Council under Section 38(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) because it appears to them that works have or are being executed to the above Listed Building that affect its character as a building of special architectural or historic interest without authorisation from the Council being obtained.

### **2. THE LAND TO WHICH THE NOTICE RELATES**

Land at **2 Church Lane, Wormley, Hertfordshire, EN10 6JT** shown edged in red on the attached plan ("the Land").

### **3. REASONS FOR ISSUING THIS NOTICE**

The Council observed the installation of two uPVC windows on the front elevation of the Grade II Listed Building, 2 Church Lane. Consisting of a single window on the ground floor and a single window on the first floor.

As per Section 38 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, relevant parties were informed Listed Building Consent is required prior to works which affect the character or appearance of a building of special architectural or historic interest.

Listed Building Consent (reference 07/24/0228/LB) for 'Listed building consent for retrospective permission to retain uPVC windows' was sought and refused for the following reason:

*The uPVC windows, by virtue of its design, results in significant harm and an unacceptable impact on the special architectural and historic significance of this grade 2 listed building contrary to Policies HE1 and HE2 of the Local Plan 2018-2033 and paragraph 203 of the National Planning Policy Framework 2021.*

The erection of uPVC windows has resulted in the removal of the original wooden windows which is not consistent with the established style of the main property and neighbouring Listed Buildings. The modern windows do not complement the historical architecture of these properties, contradicting their listed status.

The development is contrary to Policies HE1 and HE2 of the Broxbourne Local Plan 2018 – 2033 (June 2020) which requires development avoid harm to and conserve or enhance the historic environment.

The Council do not consider that planning conditions could overcome the objections to the development.

Planning Appeal (reference APP/W1905/Y/24/3351463) against the refusal to grant Listed Building Consent for the regularisation of works was dismissed on 29 April 2025. The Council also observed the erection of additional uPVC in the rear door and roof light window which were not captured in the Listed Building Consent application (reference 07/24/0228/LB) which are referenced in the abovementioned appeal as significantly impacting the special architectural and historic interest of the building.

#### **4. WHAT YOU ARE REQUIRED TO DO**

- (i) Remove the uPVC windows from the ground floor and the first floor from the front of the property
- (ii) Remove the uPVC rear garden door
- (iii) Remove the uPVC windows from the ground and first floor windows at the rear of the property
- (iv) Remove the uPVC rooflight window from the extension at the rear of the property
- (v) Remove the resultant debris from the land

#### **5. TIME FOR COMPLIANCE**

- Step (i) – Three (3) months from the date this Notice takes effect
- Step (ii) – Three (3) months from the date this Notice takes effect
- Step (iii) – Three (3) from the date this Notice takes effect
- Step (iv) – Three (3) months from the date this Notice takes effect
- Step (v) – Four (4) months from the date this Notice takes effect

#### **6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 26 June 2025 unless an appeal is made against it beforehand.

**Annexe E (enclosed) provides guidance regarding your right to appeal**

Date: 27 May 2025

Signed:

Matthew Gallagher  
Development Manager (Planning)  
Borough of Broxbourne  
Bishops College, Churchgate, Cheshunt, EN8 9XE

**ENCLOSED WITH THIS NOTICE:**

Below you are provided with the following additional information. Please ensure you read all of the enclosed documents upon receipt of this Notice.

- Annexe A: Plan
- Annexe B: Photographs of the windows and doors
- Annexe C: List of the names and addresses of the persons on whom a copy of the Enforcement Notice was served
- Annexe D: Replacement window advice
- Annexe E: Appeal Guidance
- Annexe F: Warning
- Annexe G: Sections 39 - 43 of the Planning (Listed Building and Conservation Areas) Act 1990

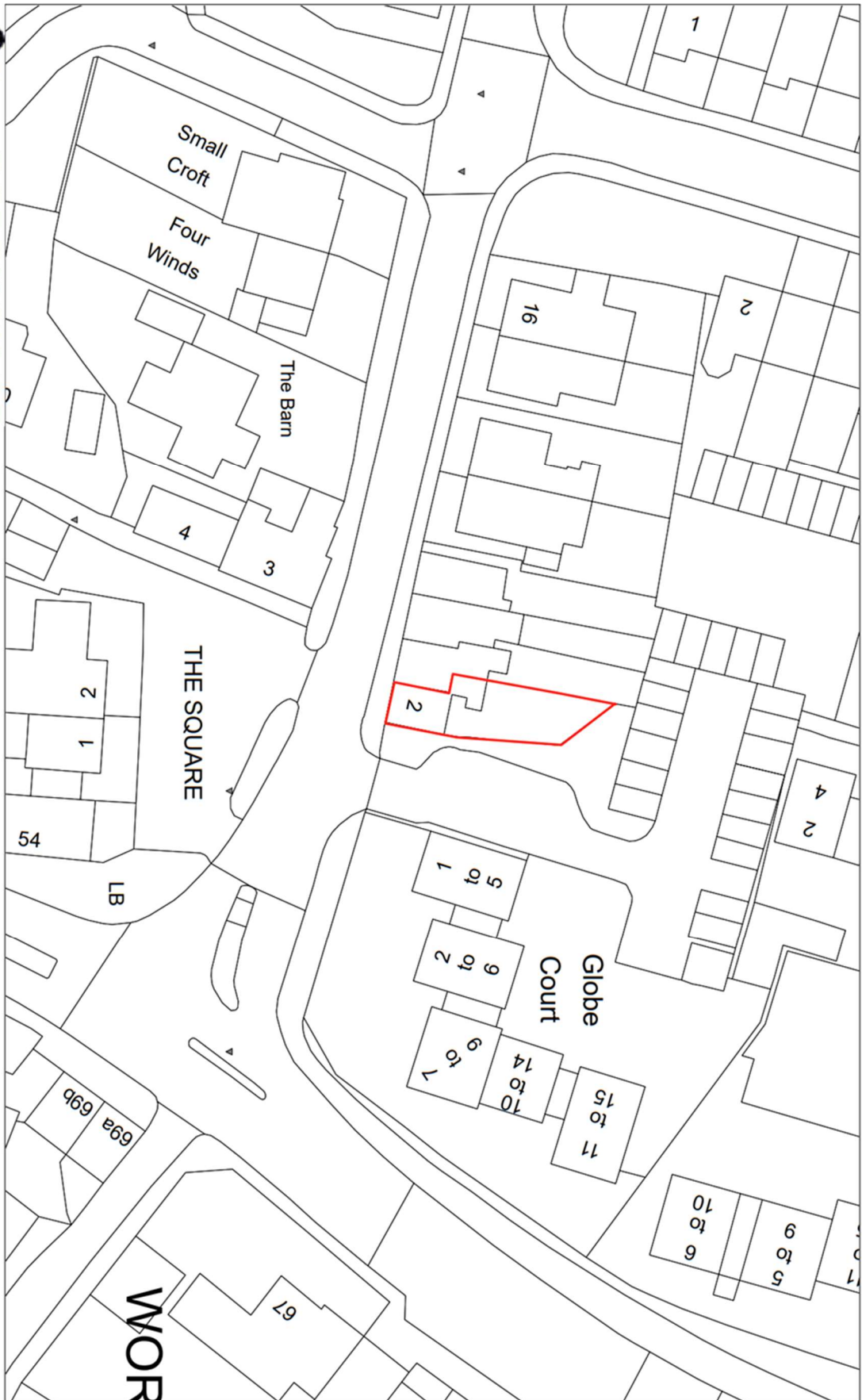
ANNEXE A: Plan



**BOROUGH OF  
BROXBOURNE**  
www.broxbourne.gov.uk

Enforcement Notice - ENF/23/0070  
2 Church Lane, Wormley, EN10 6JT

S. Bates / A. Johnson Scale: 1: 0.500 Date: 26 September 2023  
Crown Copyright Borough of Broxbourne AC0000807851



**ANNEXE B: Photographs of the windows and doors**





**ANNEXE C: Who this Notice is served on**

Audrey Kirby of 2 Church Lane, Wormley, Hertfordshire, EN10 6JT

Audrey Kirby of 10 Compton Terrace, Hoppers Road, Winchmore Hill, London, N21 3NR

Ben Kirby of 6 Sheredes Drive, Hoddesdon, Herts, EN11 8LJ

Kirsty Hitchinson of 2 Church Lane, Wormley, Hertfordshire, EN10 6JT

Ben Wilson of 2 Church Lane, Wormley, Hertfordshire, EN10 6JT

**ANNEXE D: Replacement Window/Door Advice**

Please note that the replacement of the windows and doors required to be removed by this Notice will require Listed Building Consent prior to their installation.

The Local Planning Authority is open to further discussion with the relevant parties in submitting alternative schemes of windows to ensure no further breaches are carried out. Relevant parties should request informal planning advice by following the link below to arrange a duty planning call regarding any proposed works: <https://www.broxbourne.gov.uk/planning/i-like-request-planning-advice/1>

Advice and details on available grants can be found by following this link: <https://historicengland.org.uk/advice>

**ANNEXE E: Appeal Guidance****THIS IS IMPORTANT**

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details below:

Customer Support Team  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol  
 BS1 6PN  
 Direct Line: 0303 444 5000  
 Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

**You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.**

Please read the appeal guidance documents at

<https://www.gov.uk/government/publications/listed-building-enforcement-notice-appeals-how-to-complete-your-appeal-form>

<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

**YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 6 of the notice before 26 June 2025.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 6 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 5 of the notice before 26 June 2025. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

**GROUNDS FOR APPEAL**

Your appeal must be on any of the following grounds:

- (a) that the building is not of special architectural or historic interest;
- (b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;
- (c) that those matters (if they occurred) do not constitute such a contravention
- (d) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;
- (e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
- (f) that copies of the notice were not served as required by section 38(4);
- (g) except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;
- (h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;
- (i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;
- (j) that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;
- (k) that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

## **ANNEXE F: Warning**

If you do not comply with the steps set out in paragraph 4 of this notice the Council can enter the land and carry out those steps and recover its costs from you for doing so.

Any person who is the owner of the land who fails to comply with this notice shall be guilty of an offence and the Council may seek to prosecute such a person.

The Council can take either of the above routes in the event of the Notice not being complied with or it can choose to take both routes.

## **ANNEXE G: s39 - 43 of the Planning (Listed Building and Conservation Areas) Act 1990**

### s39. Appeal against listed building enforcement notice.

(1) A person having an interest in the building to which a listed building enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice on any of the following grounds—

- (a) that the building is not of special architectural or historic interest;
- (b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;
- (c) that those matters (if they occurred) do not constitute such a contravention]
- (d) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;
- (e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;
- (f) that copies of the notice were not served as required by section 38(4);
- (g) except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out;
- (h) that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed;
- (i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose;
- (j) that steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building;
- (k) that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

(2) An appeal under this section shall be made

- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the listed building enforcement notice as the date on which it is to take effect; or
- (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
- (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(3) Where such an appeal is brought the listed building enforcement notice shall [subject to any order under section 65(3A)] be of no effect pending the final determination or the withdrawal of the appeal.

(4) A person who gives notice of appeal under this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed, a statement in writing—

(a) specifying the grounds on which he is appealing against the listed building enforcement notice; and

(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in the statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) Where any person has appealed to the Secretary of State under this section against a notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(7) In this section “relevant occupier” means a person who—

(a) on the date on which the listed building enforcement notice is issued occupies the building to which the notice relates by virtue of a licence; and

(b) continues so to occupy the building when the appeal is brought.

#### s40. Appeals: supplementary provisions.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 39, and in particular, but without prejudice to the generality of this subsection may—

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

(b) specify the matters to be included in such a statement;

(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the building in question is situated;

(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) Subject to section 41(4), the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

s41. Determination of appeals under s. 39.

(1) On an appeal under section 39 the Secretary of State may—

- (a) correct any defect, error or misdescription in the listed building enforcement notice; or
- (b) vary the terms of the listed building enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.

(3) The Secretary of State—

- (a) may dismiss such an appeal if the appellant fails to comply with section 39(4) within the prescribed time; and
- (b) may allow such an appeal and quash the listed building enforcement notice if the local planning authority fail to comply within the prescribed period with any requirement imposed by regulations made by virtue of section 40(1)(a),(b) or (d).

(4) If the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) or to allow an appeal and quash the listed building enforcement notice under paragraph (b) of that subsection he need not comply with section 40(2).

(5) Where it would otherwise be a ground for determining an appeal in favour of the appellant that a person required to be served with a copy of the listed building enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

(6) On the determination of an appeal the Secretary of State may—

- (a) grant listed building consent for the works to which the listed building enforcement notice relates or for part only of those works;
- (b) discharge any condition or limitation subject to which listed building consent was granted and substitute any other condition, whether more or less onerous;
- (c) if he thinks fit, exercise his power under section 1 to amend any list compiled or approved under that section by removing from it the building to which the appeal relates.

(7) Any listed building consent granted by the Secretary of State under subsection (6) shall be treated as granted on an application for the same consent under section 10 and the Secretary of State's decision in relation to the grant shall be final.

(8) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 39 as if those proceedings were an inquiry held by the Secretary of State under section 250.

s42. Execution of works required by listed building enforcement notice.

(1) If any of the steps specified in the listed building enforcement notice have not been taken within the period for compliance with the notice, the authority may—

- (a) enter the land and take those steps, and
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

(2) Where a listed building enforcement notice has been served in respect of a building—

- (a) any expenses incurred by the owner or occupier of the building for the purpose of complying with it, and
- (b) any sums paid by the owner of the building under subsection (1) in respect of expenses incurred by the local planning authority in taking steps required by it,

shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

(3) Regulations under this Act may provide that all or any of the following sections of the Public Health Act 1936, namely—

- (a) section 276 (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);
- (b) section 289 (power to require the occupier of any premises to permit works to be executed by the owner of the premises);
- (c) section 294 (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act),

shall apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any steps required to be taken by a listed building enforcement notice.

(4) Regulations under subsection (3) applying all or any of section 289 of that Act may include adaptations and modifications for the purpose of giving the owner of land to which such a notice relates the right, as against all other persons interested in the land, to comply with the requirements of the notice.

(5) Regulations under subsection (3) may also provide for the charging on the land on which the building stands of any expenses recoverable by a local planning authority under subsection (1).

(6) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

s43. Offence where listed building enforcement notice not complied with.

(1) Where, at any time after the end of the period for compliance with the notice, any step required by a listed building enforcement notice to be taken has not been taken, the person who is then owner of the land is in breach of the notice.

(2) If at any time the owner of the land is in breach of a listed building enforcement notice he shall be guilty of an offence.

(3) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(4) In proceedings against any person for an offence under this section, it shall be a defence for him to show—

(a) that he did everything he could be expected to do to secure that all the steps required by the notice were taken; or

(b) that he was not served with a copy of the listed building enforcement notice and was not aware of its existence.

(5) A person guilty of an offence under this section shall be liable on summary conviction, or on conviction on indictment, to a fine.

(6) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.