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## Appeal Decision

Site visit made on 30 July 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> August 2025

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**Appeal Ref: APP/C1570/W/25/3367058**

**Alpenrose, Bedlars Green, Great Hallingbury, Essex CM22 7TP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Good Champion Homes 2 Ltd against the decision of Uttlesford District Council.
  - The application Ref is UTT/24/2820/FUL.
  - The development proposed is the demolition of the existing bungalow and outbuildings and the construction of four detached dwellings on the site.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the banner heading above is that contained in the application form. I note that on the decision notice it was described as 'Proposed demolition of existing bungalow and erection of 4 no. detached dwellings at Alpenrose Bedlars Green Bedlars Green Great Hallingbury Essex CM22 7TP'.
3. The Council has suggested that in the event the appeal is allowed, a condition be imposed requiring that no work commence on site until appropriate arrangements are made to secure financial contributions in accordance with the Hatfield Forest National Nature Reserve and SSSI Mitigation Strategy (v6, 2025) (the strategy).
4. The use of negatively worded planning conditions for such purposes is the subject of advice in the Planning Practice Guidance (PPG)<sup>1</sup>. I have sought the views of both main parties on this matter and, given the condition relates to the protection of areas or assets of particular importance in the terms of the National Planning Policy Framework (the Framework)<sup>2</sup>, made it a main issue in the determination of the appeal.

### Main Issues

5. The main issues are:
  - Whether the proposed development would address recreational impacts at Hatfield Forest; and
  - The effect of the proposed development on the character and appearance of the area.

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<sup>1</sup> Paragraph: 010 Reference ID: 21a-010-20190723.

<sup>2</sup> Footnote 7 refers,

## Reasons

### *Hatfield Forest*

6. The appeal site is some 375m from Hatfield Forest, a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR) covering some 392 hectares. I am informed that it is also the finest surviving example of a small Medieval Royal Hunting Forest.
7. There have been significant increases in the number of visitors to the forest, attributable in part to recent local housing developments and a growing local population, largely within an 11.1km zone of influence. I do not doubt that this has generated 'considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged' as reported by the Council. This explains the requirement for the strategy and underlines its importance. The pertinent paragraphs of the Framework are set out in the strategy, and I see no reason to view the aims of the two as anything other than in accordance.
8. The appeal site is within the zone of influence and will contribute further towards recreational pressure on the forest. Both main parties agree that, in accordance with the strategy, a financial contribution of £4,185.00 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works is appropriate. There is no legal agreement in place to secure these funds. Instead, a negatively worded condition has been proposed, as set out above.
9. The PPG on the use of planning conditions states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.
10. The PPG goes on to say that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes).
11. I do not doubt the importance of the mitigation; indeed, it appears of great importance given the above. The pertinent issue is whether exceptional circumstances exist that justify a negatively worded condition rather than reliance on a legal agreement. I have no evidence that the circumstances before me are exceptional. The advice in the PPG predates the application and was, therefore, available to both main parties, but no explanation has been provided as to why a legal agreement has not been drawn up.
12. The simple fact that no agreement has been produced does not amount to an exceptional circumstance; if it were, then agreements need never be produced as part of planning applications, and negatively worded conditions could always be used instead. That would go directly against the central thrust of the PPG.

13. I have been provided with no evidence that a fresh planning application, supported by a legal agreement, could not be made in the event this appeal is dismissed. As such, I see no reason to feel that the delivery of the development in question would be at serious risk. The scheme before me is not particularly complex.
14. I recognise that both main parties are content to use a negatively worded condition, and I accept that it would be sufficient to ensure an agreement that satisfied both parties. As the decision maker, however, I cannot be certain that the agreement would secure the appropriate mitigation to my satisfaction. Overall, the use of a negatively worded condition would be contrary to the PPG and inappropriate. I would therefore not impose one in the event of allowing the appeal.
15. Given the above, the requisite contribution cannot be secured as part of the proposed development, which therefore fails to conserve and enhance the natural environment and the designated SSSI and NNR at Hatfield Forest, contrary to the requirements of the Framework and of Policy ENV7 of the Uttlesford Local Plan (2005) (the Local Plan) which seeks to protect areas of nationally important nature conservation concern, such as SSSI and NNRs from adverse effects. Given the requirements set out at paragraph 193 of the Framework, this provides a strong reason for refusing the proposed development.

#### *Character and appearance*

16. The appeal site is in the hamlet of Bedlars Green. The area near the appeal site is characterised, on one hand, by linear development along Church Road and Tilekiln Green and, on the other hand, by a cluster of development east of the Hop Poles public house building (the cluster). The linear development largely comprises detached family homes, laid out to discernible building lines on plots of reasonably uniform width. This creates a formal, planned feel. The cluster, in contrast, has a more organic, ad-hoc quality, evident in both its layout and in the mix of dwelling size and type contained therein.
17. The appeal site includes a detached bungalow. It is located towards the edge of the hamlet on a spacious plot, and the land east of it is open and arable. Whilst this provides a rural setting, the site has a well-defined eastern boundary separating it from the fields beyond and, as such, appears part of the settlement rather than of the open land outside of it. Given the orientation of the plot and its separation from Church Road, the site appears part of the cluster.
18. The appeal scheme involves the replacement of the bungalow with four dwellings of varying design, set out around a central access and parking area (the central area). The precise details of landscaping to the front boundary of the site are not specified. Even if a mix of tall, dense hedges and trees were planted it would be likely, given the height of the houses, that the extent and arrangement of development in the appeal scheme would be apparent from neighbouring properties, and from much of the road that runs past the site; the change to the character and appearance of the site would be pronounced and significant.
19. That said, the central area itself would mostly be visible from the entrance to the site, as well as from upper floor windows in neighbouring properties including the Old Post Office and Woodside Lodge. The landscaping would be capable of screening views of the central area from along much of the road outside the site. As a result, I do not find that the appeal scheme would result in a view along the street that was impeded or dominated by parked cars, driveways or garages, as

addressed in the 'District Wide Design Code' (2024) Supplementary Planning Document.

20. The density of development in the appeal scheme is not alien to the surrounding parts of Bedlars Green; similar levels exist in the northeastern corner of the cluster around 'The Jays' and to the immediate north of the Hop Poles site around 'Matchstick Cottage'. The latter relies upon a shared open parking and access area comparable in terms of extent and prominence to that proposed in the appeal scheme. I have found the central area would not dominate views along the street; I also find that it would, in any event, be a feature of a type not entirely new to the immediate surrounding area.
21. The buildings would be built to regulatory standards and as part of one scheme. As a result they would inevitably have shared characteristics, and appear as a planned, modern addition to the area. This would give something of a suburban feel to the site, somewhat at odds with the more historic and traditional elements of some of the landmark buildings in Bedlars Green. However, the existing bungalow at the site, which appears to be a post-war development, already lacks historic charm, such that the area would lose little in that respect.
22. In addition, there are a number of mid-to-late C20 dwellings along Church Road, such that modern housing provided in traditional form, as proposed in the appeal scheme, would not be new to the area. Furthermore, the suburban element within the character of the appeal scheme would be diluted to a degree by the somewhat ad-hoc layout and the variation in house-design, which would provide a less-uniform appearance than in many suburban settings.
23. The northernmost of the proposed houses would be set a short distance from the site boundary, presenting gable ends to the road. Whilst these would be prominent, they would be separated from the road by an area of open verge. Moreover, development alongside the edge of the road outside the appeal site is already a feature of the street. The effect of these features is that the gable ends would not dominate, or be out of keeping with, the street scene.
24. Overall, the appeal scheme would not cause harm to the character and appearance of the area and would comply with Policy GEN2 of the Local Plan.

### **Planning Balance**

25. As detailed in its submissions, the Council cannot demonstrate a five-year housing land supply. However, as the adverse effects of the proposed development on Hatfield Forest provide a strong reason for refusal, the provisions of paragraph 11(d) of the Framework are not engaged.
26. Notwithstanding the above, I note the local housing land supply position. The appeal scheme would result in a net gain of three dwellings which could be built quickly, helping towards undersupply locally, and supporting the wider Governmental aim of significantly boosting housing supply. A mix of temporary and lasting economic benefits would accrue from the construction phase and residential occupation respectively. These benefits attract positive weight in my determination, though they would be modest owing to the scale of the scheme.
27. The site is in a sustainable location and the appeal scheme would make effective use of land. The appeal scheme accords strongly to the aims of the Framework in

these regards. However, the Framework also states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. That is not the case in this instance.

28. Overall, the benefits from the appeal proposal would be greatly outweighed by the harm caused to Hatfield Forest.

### **Conclusion**

29. Whilst I have found the proposed development would cause no harm to the character and appearance of the area, it nevertheless conflicts with the development plan taken as a whole, and the material considerations do not indicate the appeal should be decided other than in accordance with it.
30. The appeal is dismissed.

*A Knight*

INSPECTOR