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## Appeal Decision

Site visit made on 18 November 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

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### Appeal Ref: APP/C1570/W/25/3373325

#### White Lodge Stud, Butts Green, Clavering CB11 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by White Lodge Stud Ltd against the decision of Uttlesford District Council.
  - The application Ref UTT/24/2994/FUL, dated 22 November 2024, was refused by notice dated 21 March 2025.
  - The application sought planning permission for “change of use from recreational equestrian to commercial stud business. Erection of a new stable building and new open sided arena on the location of the former tennis court. The existing outdoor arena will be reduced in size and the layout of paddocks will be altered to suit. at White Lodge Stud Butts Green Valance Road Clavering Saffron Walden CB11 4RT” without complying with a condition attached to planning permission Ref UTT/18/2429/FUL, dated 1 May 2019.
  - The condition in dispute is No 7 which states that: “the use hereby permitted shall only be operated in conjunction with the hardstanding as approved under application UTT/19/0375/FUL, and shall not be separately let, sold or otherwise occupied independently as separate use”.
  - The reason given for the condition is: “In the interests of highway safety and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1”.
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### Decision

1. The appeal is allowed and planning permission is granted for “S73 application to remove condition 7 (hardstanding) of UTT/18/2429/FUL (Change of use from recreational equestrian to commercial stud business. Erection of a new stable building and new open sided arena on the location of the former tennis court. The existing outdoor arena will be reduced in size and the layout of paddocks will be altered to suit.)” at White Lodge Stud, Butts Green, Clavering CB11 4RT in accordance with the terms of the application, Ref UTT/24/2994/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Although the commercial stud business is in operation, the structures installed on site do not reflect those shown on the drawings for the appeal scheme, including the addition of a horse walker, lunge fencing and side walls to the building labelled as a riding arena. My decision is necessarily based on the proposed drawings.
3. My attention has been drawn to the Council's draft Local Plan. The Council clarify that it currently attributes limited weight to the document and does not rely on its policies for the purposes of this appeal. I see no reason to disagree with the Council's view in this regard.

## Background and Main Issues

4. Planning permission was granted on 1 May 2019 for a change of use of the appeal site to a commercial stud business. As well as a change of use, the approved scheme also included the erection of a new stable building, open sided arena and alterations to the existing outdoor arena and layout of the paddocks. Condition 7 of the permission for the use of the appeal site as a commercial stud required the use to only be operated in conjunction with the hardstanding approved under reference UTT/19/0375.
5. On 1 May 2019, planning permission was also granted for the installation of a hard standing area for loading and unloading horseboxes (reference UTT/19/0375) referred to above. This area of hardstanding was located opposite the main entrance to the appeal site, and would act as an area for loading/unloading of horseboxes due to the configuration of the main access to the appeal site, meaning it was unsuitable for large vehicles including horseboxes and trailers.
6. The operation of the appellant's business has evolved, and the hardstanding/servicing area is no longer required. The appellant has confirmed that they no longer own the site where the hardstanding was permitted. I noted at my site visit that the hardstanding approved under UTT/19/0375 was not in place. It is not for me, under a S78 appeal, to determine whether the hardstanding was installed and the commercial equestrian use operated in conjunction with it. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal.
7. For any large vehicles requiring access to the site, an alternative means of access and egress via a farm track to the west of the appeal site is proposed in the appeal scheme.
8. The Council considers that the effect of condition 7 is akin to a Grampian condition. Consequently, they consider the condition would go to the 'heart' of the permission and the operation of the use not in conjunction with the hardstanding permission means that the use of the appeal site as a commercial stud farm approved under UTT/18/2429/FULL would not be lawful and they consider the permission has therefore lapsed.
9. In light of the above, the main issues are:
  - whether condition 7 has the effect of a Grampian condition; and,
  - whether condition 7 is reasonable and necessary in the interests of highway safety.

## Reasons

### *Effect of Condition 7*

10. The condition stipulates an ongoing requirement in relation to the operation of the use. It does not contain the key features of a Grampian condition in that it is not a negatively worded condition prohibiting the commencement or occupation of the development until a specified action has taken place. At the time of granting planning permission, the land in question was controlled by the appellant, and the condition did not require authorisation by another person or body.

11. Even if the intention of the Council was for the condition to have the same effect as a Grampian condition, this is not how it reads. The condition in my view does not go to the 'heart' of the permission such that non-compliance with it would mean that the planning permission had not been lawfully implemented.

### *Highway Safety*

12. It would be harmful to highway safety to remove condition 7 without securing suitable alternative provision for larger deliveries given the restrictions of the existing access. The appellant indicates that the alternative access would be required for ad-hoc larger vehicles which include the delivery of hay bales and farm machinery as well as trailers/horse boxes.
13. There is an agricultural track accessed from the highway adjacent to the western boundary of the appeal site. I am satisfied that the swept path diagrams in the transport note provided with the appeal show that appropriate access for large vehicles could be achieved without harming the safety or operation of the highway. I note the interested party's point that the inlay photographs to the plans showing the main and secondary site access are wrong, but I am satisfied that the plans themselves relate to the relevant accesses.
14. The section of track between the highway and the appeal site is outside of the original 'red line' defining the extent of the appeal site as submitted in support of the 2019 planning permission. The appellant states they have a right of access over the land between the highway and the appeal site. I have had regard to the interested parties' views regarding the land ownership and precise access arrangements over the land between the highway and the secondary access gates. There is no detailed or definitive evidence before me to show the exact route of the right of access. In any event, for the purposes of the assessment of whether this secondary access would be suitable in highway safety terms, matters of land ownership or right of access would not affect the assessment of the planning merits.
15. In conclusion therefore, the alternative access would be acceptable in terms of highway safety and would provide a means of accommodating the larger deliveries to the site. However, given there is uncertainty over whether the proposed secondary access could be achieved in practical terms given the limited evidence regarding rights of access, it would be reasonable to vary condition 7 rather than remove it.
16. I shall therefore vary the condition to enable the use to be operated in conjunction with either the secondary access to the west of the site, or the hardstanding as required by the original condition, each of which would be appropriate in terms of highway safety. I have removed the reference to ownership from the condition as the appellants no longer own the plot of land opposite the entrance, and that element of the condition would not be enforceable. The varied condition would be reasonable and necessary in the interests of highway safety.
17. The proposed arrangement would be in line with the aims of Uttlesford Local Plan Policy GEN1 and the Highway Authority's Development Management Policies adopted as Supplementary Planning Guidance in 2011, insofar as they require the design of the site not to compromise road safety, and protect the safety and efficiency of the highway network.

## **Other Matters**

18. The Council maintain that the most appropriate way to manage the development at the site would be for the appellant to submit a planning application under S73A of the Act to regularise the breach of planning control and include all works undertaken at the site within the application. Whilst this would be one way of regularising the development undertaken, that is not a matter before me, and I am required to determine the appeal scheme on its own merits.
19. I note the views of interested parties that a groundworks business is also operating from the site which generates additional traffic. This is not a matter before me in the appeal proposal. It would be open to the Council to determine whether any breach of planning control has occurred.
20. A Grade II listed building known as The Cottage lies to the north of the appeal site. The significance of the building is derived from its rural setting and timber framed 18<sup>th</sup> Century domestic vernacular in terms of its timber frame, use of plaster and thatched roof. It is principally experienced in views from Valance Road.
21. I have had regard to the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) with respect to the desirability of preserving the setting of the cottage. There would be some intervisibility between the appeal site and the listed building. The location of the appeal site beyond a substantial screen of large trees and is therefore somewhat removed from the building's immediate setting. As such, I conclude that the appeal proposal would not harm the significance of the designated heritage asset though development within its setting, such that its setting would be preserved.

## **Conditions**

22. In addition to the varied condition 7 (now condition 4), I shall re-attach those conditions that relate to an ongoing requirement or are still relevant, with wording updated to reflect details that have already been approved.

## **Conclusion**

23. For the reasons given above I conclude that the appeal should partly succeed. I will grant a new planning permission with a varied disputed condition and restating those that relate to an ongoing requirement.

*L Francis*

INSPECTOR

### **Schedule**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 05218/E1, 05218/T1, 1822/PD/200B, 1822/PD/201A, 1822/SD/100B, 1822/PD/202A, 1822/PD203A, 1822/PD/204A.
2. The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing numbers 1822/PD/203A and 1822/PD/204A.
3. The storage and disposal of manure, run off and waste water shall be carried out in accordance with the approved scheme reference UTT/19/1104/DOC.
4. The use hereby permitted shall only be operated in conjunction with either:
  - a) the secondary access as specified in the Transport Note dated November 2024 by Iceni; or,
  - b) the hardstanding as approved under application UTT/19/0375/FUL.
5. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, June 2018). This includes due diligence regarding nesting birds, bat sensitive lighting, installation of a barn owl box, martin and swallow boxes.

### **End of Schedule**