



Appeal Decisions

Site visit made on 1 July 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal A Ref: APP/Y3940/W/25/3360207

The Lodge Stables, Hoggington Lane, Southwick, Trowbridge BA14 9NR

- 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 Mr C & Mrs R Evans against the decision of Wiltshire Council.
 - The application Ref is PL/2024/08378.
 - The development proposed is the conversion and alterations to stables to provide replacement dwelling for equestrian site manager/owner. Provision of new internal stable stalls and relocation of current indoor horse walker.
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Appeal B Ref: APP/Y3940/W/25/3360208

The Lodge, Hoggington Lane, Southwick, Trowbridge BA14 9NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C & Mrs R Evans against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09264.
 - The application sought planning permission for the erection of a bungalow to replace an existing prefabricated dwelling without complying with a condition attached to planning permission Ref 08/00226/FUL, dated 25 November 2008.
 - The condition in dispute is No 1 which states that: *The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or in the keeping, care and training of horses, or a widow or widower of such a person and any resident dependents.*
 - The reason given for the condition appears to relate to the need to meet the appellant's needs and retain the tie between the Lodge and the holding, so as to avoid the risk of having to meet the demand for an agricultural worker's dwelling sometime in the future.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the conversion and alterations to stables to provide replacement dwelling for equestrian site manager/owner and the provision of new internal stable stalls and relocation of current indoor horse walker at The Lodge Stables, Hoggington Lane, Southwick, Trowbridge BA14 9NR in accordance with the terms of the application, Ref PL/2024/08378, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of a bungalow to replace an existing prefabricated dwelling at The Lodge, Hoggington

Lane, Southwick, Trowbridge BA14 9NR in accordance with the application Ref PL/2024/09264, without compliance with condition No. 1 previously imposed on planning permission Ref 08/00226/FUL granted on 25 November 2008, and subject to the condition in the attached schedule.

Preliminary Matters

3. As set out above there are two appeals, the sites are located close to one another and the appeal proposals are interlinked. While I have considered the separate main issues on their individual merits, I have also considered the overall effects of the two schemes together.
4. A report of the structural condition of the stable building¹ proposed to be converted was submitted in relation to Appeal A. The Council has had the opportunity to consider it as part of the appeal process, as such no injustice would occur should I accept the additional information.

Background and Main Issues

5. Planning permission was originally granted for a replacement dwelling now known as The Lodge. The approval was subject to a condition to restrict the occupancy of the dwelling to a person employed in agriculture. The condition was subsequently varied to include the occupation of the dwelling by a person mainly working, or last working, in the keeping, care and training of horses, or a widow or widower of such a person and any resident dependents. The decision sets out that the variation was permitted to meet the appellant's needs and to retain the tie between the Lodge and the holding, Lodge Stables, so as to avoid the risk of having to meet the demand for an agricultural worker's dwelling sometime in the future.
6. Appeal A seeks the conversion of part of the existing stable building at Lodge Stables to provide a new 4 bedroom dwelling for occupation by the owner/manager of the existing equestrian business at the site. The accommodation is proposed in lieu of the existing property, The Lodge, which, as set out above, is subject to an occupancy condition, and the groom's flat. In connection with this, Appeal B seeks to remove the occupancy condition from The Lodge to allow it to become an open market dwelling, effectively transferring the condition to the new dwelling proposed under Appeal A.
7. The main issues are:

In respect of Appeal A

- whether there is an essential need for the dwelling to accommodate a rural worker; and
- whether the building is structurally sound and capable of conversion without major rebuilding.

In respect of Appeal B

- whether the occupancy condition on The Lodge is necessary and reasonable, having regard to the development plan.

¹ Structural Inspection of Northwestern Stable Block by Structures2 dated 30 January 2025

In respect of both appeals

- whether there are any other material considerations that might weigh in favour of the proposals.

Reasons

Need (Appeal A)

8. The appellants currently reside in The Lodge, a detached dwelling located a short distance from Lodge Stables, opposite the entrance to the site from Hoggington Lane. The appellants consider that the property, which was not specifically built to serve the existing equestrian business, is not within reasonable direct sight or sound of the stabling, to meet the needs of the enterprise, in terms of animal welfare and security. It is for this reason that the groom's flat was provided at Lodge Stables, so as to enable the necessary on-site presence in the case of an emergency. It is also put to me that the groom's flat is not commensurate with the status and responsibility of a manager. Appeal A therefore proposes a new dwelling on site, to more closely align with the needs of the business, and to reflect the appellants' existing accommodation, The Lodge, which it would replace.
9. The Lodge and Lodge Stables are located in an area of open countryside. Core Policy 48 of the Wiltshire Core Strategy, adopted January 2015 (WCS) sets out that, outside the defined limits of development of the existing built up areas, proposals for residential development will be supported where they meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. In addition, proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.
10. While I note the Council's concern that there is limited functional and financial evidence to support the need for a new dwelling at the Lodge Stables, there is no dispute that an established equestrian training business operates at the site and has done so for some time. The provision of the existing grooms flat at the site, in close proximity to the stables, means that there is a member of staff on site in attendance should any out of hours emergency animal welfare incidences arise. While I appreciate the appellants' wish to rationalise their accommodation, there is no clear evidence as to why the existing arrangements, which include 24 hour on site presence, in addition to the more generous accommodation at The Lodge, where a more senior member of staff could reside, just 170m from the stables, could not meet the needs of the existing enterprise at Lodge Stables.
11. Accordingly, taking Appeal A in isolation, it has not been demonstrated that there is an essential need for the proposed dwelling to accommodate a rural worker to meet the needs of the enterprise. In that regard, the proposal would fail to accord with Policy 48 of the WCS.

Whether structurally sound (Appeal A)

12. The structural inspection of the building carried out on behalf of the appellant confirms that it is of robust and recent construction and is suitable for a conversion to a dwelling without noticeable elements of reconstruction. The Council's submissions indicate that it has no evidence to contradict these findings.

13. As such, based on the evidence before me and my own observations of the building on site, I find that the building is structurally sound and capable of conversion, including the provision of a new lightwell, without major rebuilding. In that regard it would not conflict with the aims of Core Policy 48 of the WCS which support the conversion and re-use of rural buildings where the building is structurally sound and capable of conversion without major rebuilding.

Whether the occupancy condition is reasonable or necessary (Appeal B)

14. The Lodge is located within an area of open countryside which includes scattered residential development and farmsteads. Core Policy 1 of the Wiltshire Core Strategy adopted 2015 (WCS) sets out the settlement strategy for the area and includes a hierarchy of settlements to which new development will be directed. In accordance with Core Policy 2 of the WCS, development will not be permitted outside the defined limits of development, other than in circumstances as permitted by other policies within the WCS. Core Policy 29 of the WCS sets out that development in the Trowbridge Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.
15. The removal of the occupancy condition would result in an open market dwelling in an area where new residential development is strictly controlled and would therefore conflict with the development strategy set out in Core Policies 1, 2 and 29 of the WCS. I therefore find that the occupancy condition in relation to The Lodge is necessary and reasonable, having regard to the development plan.

Other material considerations

16. While the two appeals are separate, and individually result in conflict with the development plan, they are presented as a combined proposal. Thus, Appeal A does not relate to the provision of a new or additional dwelling in association with the Lodge Stables but rather seeks to replace the existing dwelling associated with the existing business. Consequently, adequate on-site support for the enterprise would be retained. In lieu of that, Appeal B would result in The Lodge becoming available on the open market.
17. The Council indicates that it cannot demonstrate an adequate supply of housing land, with a current supply of 2.03 years. In such instances paragraph 11 of the National Planning Policy Framework (the Framework) falls to be considered. In so far as this appeal is concerned, this indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. While the removal of the occupancy condition from The Lodge would not result in an overall net gain in residential units, given that it is an existing dwelling, it would mean that, instead of providing a dwelling exclusively for a rural worker, the property would contribute to the general housing supply. It would also replace the very small groom's flat, as such, when taken alongside Appeal A, there would be an increase of one family sized unit. As the proposal relates to a single dwelling, the benefit in terms of housing stock would be limited and would not greatly improve total supply but in the current circumstances, there is no suggestion that that would not be of some, albeit very small, benefit.

19. Furthermore, given the size of the new dwelling, the proposal would be likely to increase the number of trips by private car to local services and amenities overall, when compared to those generated by the existing modest accommodation at the site in the form of the existing grooms flat. As the relative harms and benefits would both be very small, the planning consequences are essentially neutral. The adverse impacts do not significantly and demonstrably outweigh the benefits and the proposals, taken together, benefit from the presumption in favour of sustainable development outlined at paragraph 11d of the Framework.

Planning Balance

20. The two proposals would conflict with the development plan. However, in this case, taken together, the proposals would benefit from the presumption in favour of sustainable development, set out at paragraph 11 of the Framework. As Government policy, that is a material consideration of significant weight and, in this case, indicates that a decision should be made otherwise than in accordance with the development plan. Therefore, having regard to all other relevant material considerations, I conclude that planning permission should be granted for the removal of the occupancy condition from The Lodge, and replacement of the existing rural workers dwelling, which would be subsequently lost, through the proposed conversion of the stable to a new dwelling.

Conditions

Appeal A

21. I have imposed the standard implementation condition, along with a condition listing the approved plans to provide certainty. A condition to restrict the occupancy of the proposed dwelling is reasonable and necessary to prevent it being occupied for general housing purposes, contrary to local and national planning policies limiting new dwellings in the countryside, and to require the groom's flat to revert to welfare facilities, in accordance with the terms of the proposal.
22. In order to ensure the proposed development would include appropriate means of surface water drainage so as not to exacerbate flooding, a condition to secure a surface water drainage strategy is necessary. To conserve and enhance biodiversity, including protected species, a condition is necessary to ensure the development is carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal submitted as part of the application.

Appeal B

23. To ensure that suitable residential accommodation for rural workers employed locally is available, a restrictive occupancy condition is necessary, until such time that the proposed dwelling allowed under Appeal A is first occupied.

Conclusion

24. For the reasons given above, Appeals A and B are allowed.

E Worley

INSPECTOR

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dwg. no. LPC 5039 EX 101, Site Plan - Proposed dwg. no. LPC 5039 PR 101, Stables Plans - Proposed dwg. no. LPC 5039 PR 102, Stables Elevations – Proposed dwg. no. LPC 5039 PR 103, Workshop Plan & Elevations – Proposed dwg. no. LPC 5039 PR 104 and Horse Walker – Proposed dwg. no. LPC 5039 PR 105.
- 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry or in the keeping, care and training of horses, or a widow or widower of such a person, and to any resident dependants.
- 4) No development hereby approved shall commence above ground floor slab Level until a detailed scheme for the discharge of surface water from the site, incorporating sustainable drainage details together with permeability test results to BRE365 and including all necessary permits, consents and permissions, has been submitted to and approved in writing by the Local Planning Authority together with a timetable for its implementation. The development shall thereafter be undertaken in accordance with the approved details and timetable and maintained as such thereafter.
- 5) All works in relation to the development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal by Luscinia Ecology dated September 2024. The compensation and enhancement measures therein shall be implemented in full prior to the first use of the development and shall be retained thereafter in perpetuity.

APPEAL B - SCHEDULE OF CONDITIONS

- 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry or in the keeping, care and training of horses, or a widow or widower of such a person, and to any resident dependants, until such a time as the dwelling granted planning permission under reference PL/2024/08378 is first occupied, in accordance with condition 3 of that permission.

***** END OF CONDITIONS *****