

Planning Department
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

16th April 2026

Dear Sir/Madam,

Lawful Development Certificate of Existing Development

At: Upper Wick Barn, Downton, Wiltshire, SP5 3NW

Introduction

This Lawful Development Certificate has been submitted to Wiltshire Council to seek confirmation that planning application PL/2023/01735 (Appendix A) has been lawfully implemented due to a material operation on site having commenced prior to the expiry of the planning permission.

Section 56(4) of the Town and Country Planning Act 1990, states the definition of undertaking a 'material operation' at the site which would then constitute commencing the development on site,

"(4) in subsection (2) "material operation" means –

- (a) Any work of construction in the course of the erection of a building;*
- (aa) any work of demolition of a building;*
- (b) The digging of a trench which is to contain the foundations, or part of the foundations of a building;*
- (c) The laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
- (d) Any operation in the course of laying out or constructing a road or part of a road;*
- (e) Any change in the use of any land which constitutes material development".*

Planning application PL/2023/01735 was approved on the 9th May 2023 and permitted "Erection of ancillary accommodation in garden"

Four conditions were attached to the consent, but none require discharging prior to commencement of below ground works.

Material Commencement of Development

The Applicant has dug a trench to contain part of the foundations of the new building. The area of trench dug is shown in red on the plan at Figure 1 below, followed by the photographs of the work that has been undertaken.

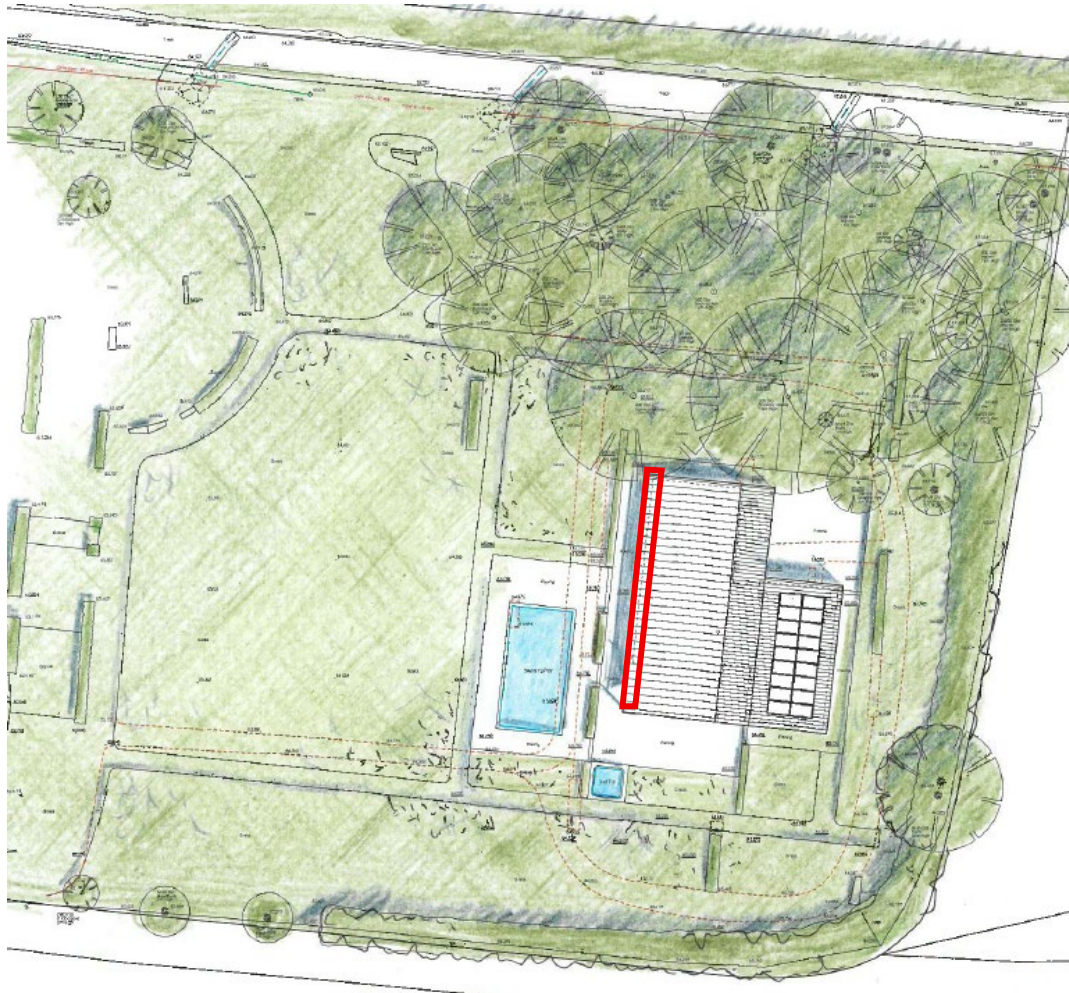


Figure 1: Approved Site Plan





This work was undertaken in March 2026, and an initial site inspection was undertaken by a building inspector as confirmed by the email included at Appendix B.

It is considered that the operations that have commenced at the site constitute a material start on site under criterion (b) set out above, *"The digging of a trench which is to contain the foundations, or part of the foundations of a building"*

Conclusion

I trust that the enclosed information is sufficient to confirm that a material start has been made on site and there is sufficient evidence to show the Planning Permission has been implemented when regard is given to Section 56(4) of the TCPA 1990.

If you require any further information, please do let me know.

Yours faithfully

Zoe Wilkinson

Zoe Wilkinson BSc (Hons) MSc MRTPI

Associate

01722 638 008

zoe@atlasplanninggroup.co.uk

Appendix A – Full Planning Decision Notice

The Town and Country Planning Act 1990
Approval of Householder Planning Permission with Conditions

Application Reference Number: PL/2023/01735

Decision Date: 09 May 2023

Applicant: Mr & Mrs Rauh
Upper Wick Barn , Wick Lane, Downton, Wiltshire, SP5 3NW

Particulars of Development: Erection of ancillary accommodation in garden
At: Upper Wick Barn, Wick Lane, Downton, Salisbury, Wilts, SP5 3NW

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).
In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.
Subject to the following conditions:

Conditions: (4)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 590/P.01A Existing site location and block plan dated 19/03/23, 590/P.05A Proposed general Arrangement, 590/P.04 Proposed site sections, 590/P.03 Proposed site location and block plan and 590/P.02 Existing site sections dated 02/03/23.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Upper Wick Barn and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted of the development hereby permitted.

REASON: In the interests preserving the landscape character of the AONB.

Informatives: (2)

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Parvis Khansari ~ Corporate Director, Place

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk

Appendix B – Email from Building Inspector



Outlook

Fwd: Spire Building Control Site Inspection at Upper Wick Barn, Downton, Salisbury, Wiltshire, SP5 3NW 01/04/2026

From [REDACTED]

Date Thu 02/04/2026 12:19

To [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]

Date: 1 April 2026 at 20:32:14 GMT+1

To: [REDACTED]

Cc: [REDACTED]

Subject: Spire Building Control Site Inspection at Upper Wick Barn, Downton, Salisbury, Wiltshire, SP5 3NW 01/04/2026

**Site Inspection Record
The Building Regulations 2010**

Excavation Works - 01/04/2026

Site Address

Upper Wick Barn, Downton, Salisbury, Wiltshire, SP5 3NW

Description of Works

Substructure only for a new pool building/Annexe

Reference number: 16600/2026

Project manager: Tom Young (RBI Class: Class 4: building inspector (technical manager))

Contact number: [REDACTED]

Email: [REDACTED]

Inspection type performed: Excavation Works

Date: 01/04/2026

Inspection carried out by:

Paul Vigor (RBI Class: Class 1: building inspector)

Weather conditions: Overcast

Compliance statement:

At the time of inspection, no known contraventions were identified

Inspection Notes

Excavation of a section of strip foundation.

Dug at 600mm wide and approx. 1.8m deep in solid rock chalk.

All dry and stable.

OK to concrete..

Expected next stage of inspection: Remaining Excavation Works

We have inspected the site and as far as reasonably practical consider the works comply with the building regulations subject to any non-conformity noted.

If you require an official site report then please contact the main office, quoting your reference number, who will be happy to assist.

Spire Building Control Services Ltd
Mills House, Mills Way, Boscombe
Down Business Park,
Amesbury, Wiltshire, SP4 7RX
www.spirebcs.co.uk



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Kind Regards

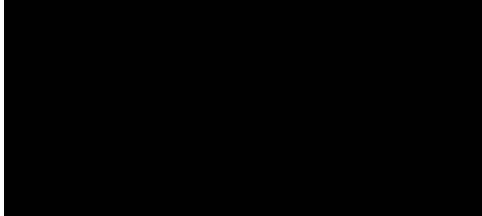
<image001.jpg>

Paul Vigor *MRICS, MCABE C.Build.E*

Mobile: [REDACTED]

Email: [REDACTED]

Spire Building Control Services Ltd



www.spirebcs.co.uk

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