

BRIMBLE LEA

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Wiltshire Council
Planning - Development Management
The Council Offices
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Our Ref: 25067
Your Ref:

27th April 2026

Dear Sir/ Madam,

CERTIFICATE OF LAWFULNESS (PROPOSED USE)

RE: THE SILVER PLOUGH, PITTON, SALISBURY, WILTSHIRE, SP5 1DU

Please find enclosed an *application for a 'Certificate of Lawfulness' for the proposed use of existing rooms at **The Silver Plough*** as additional guest accommodation.

The application has been submitted on behalf of our client, **Chickpea Group Ltd.**

The supporting plans have been prepared by *Adlem & Kemp Ltd.*

The following documents are provided to support this application:

- Completed Application Form
- Covering Letter & Planning Statement (25067) – Certificate of Lawfulness
- The Silver Plough - Proposed Floor Plans
- The Silver Plough - Existing Ground Floor Plans
- The Silver Plough - Existing First Floor Plans
- The Silver Plough - Annexe Existing Elevations & Floor Plan
- The Silver Plough - Topographical Survey
- The Silver Plough – Site and Location Plan
- Appeal relating to Tesco Stores Ltd v Leeds CC

The requisite application fee of £305, plus £91 Planning Portal processing fee, has been paid by the client through the Planning Portal

PLANNING STATEMENT



This proposal involves the creation of additional guest accommodation to serve *The Silver Plough* through re-using existing rooms within the public house, as shown within the existing and proposed floor plans provided.

On the proposed ground-floor, the skittle alley will be converted into 3 x guest rooms, (all with en-suite bathrooms) and on the first floor the owner's accommodation will be converted into a further 6 guest rooms, all with en-suite bathrooms. All of the guest rooms are accessed via the existing public house.

The works involve purely internal alterations only, therefore no existing or proposed elevation plans have been provided to accompany this application.

Section 55 of the Town & Country Planning Act (the Act) defines 'development', and this includes the making of any 'material change in the use' of any building or other land. Therefore, for a change of use to be development, it needs to be a material change. The meaning of 'Use' is provided in s336(1) of the Act, but the concept of a 'material change of use' is not defined in statute.

The basic approach is that, for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree.

The proposed guest accommodation will form an extension of the existing guest accommodation already offered within the public house, and they will not have their own separate means of access, curtilage, postal address, utility supplies etc.. and will be accessed through the main public house. Each room will have an en-suite bathroom, but the kitchen and bar facilities offered by the public house will be used by the guests, who will have access via/ through the pub itself.

As such there is considered to be no significant difference in the character of activities offered, where the overall planning unit will remain in single occupation (as a public house with ancillary guest accommodation), and no material change of 'use' will therefore arise. The internal works proposed can also be carried out without requiring planning permission.

An appeal case/ decision involving '**Tesco Stores Ltd v Leeds CC**' has been referenced below and appended to the supporting documents. In this appeal the appellant's position is that the premises are in use as a **public house**, which is a term that encompasses a variety of ancillary activities including the provision of accommodation. However, the Local Planning Authority contended that the level of accommodation provided is more than ancillary to the public house use, such that the use of the premises ought to be regarded as a mixed use as a public house and hotel.

The Inspector allowed the appeal and concluded that:

"All things considered, I take the view that, as a matter of fact and degree, the provision of guest accommodation at The Crown, whether that was for three bedrooms or seven, did not take the use of the building beyond what could properly be described as a public house. The building had the external and internal character and appearance of a public house and the range of facilities on offer was encompassed in the term "public house" as would be generally understood by the average person. The level of activity associated with the premises would at all times have been what a person living close by could have expected of a public house. That being so, I conclude that the Council's decision to refuse to grant a LDC was not well-founded. The lawful use of the premises is as a public house, rather than a mixed use as a public house and hotel. The use therefore falls within Class A4 of the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended. The appeal succeeds and I shall issue a LDC to that effect".

For these reasons, the proposals described in this application would be lawful, and we would respectfully request a Certificate be issued/ granted accordingly, pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended).

Should you have any further queries in respect of this application, please do not hesitate to contact me. Otherwise, I look forward to receiving confirmation from the Case Officer that a Certificate will be issued at their earliest opportunity.

Many thanks.

Yours faithfully



James U'Dell BSc (Hons) MSc RTPI

Planning Consultant

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