VISION
PLANNING

Planning Services
Development Management
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our ref: 00196/SM
Your ref:

7th May 2026

Dear Sir/ Madam

Certificate of Lawful Proposed Use or Development at The Mount, Upper Seagry, Wiltshire SN15 5EX

I am instructed by the applicant, Mr G N Good, the owner of the above property, to submit an application for a certificate of lawful proposed use or development (a "CLOPUD"). The CLOPUD seeks confirmation that *"the use of the approved outbuilding and former stable building as a residential annex"* would be lawful.

A location plan is included at **Enclosure 1**.

1. Planning History/ Development Context

This CLOPUD relates to two buildings:

1. A permitted ancillary outbuilding ("Building 1"); and
2. An existing outbuilding ("Building 2").

These are indicated on the location plan at **Enclosure 1**.

In relation to Building 1, planning permission (reference 20/07250/FUL) was granted, with conditions, on 20 October 2020 for *"demolition of existing outbuilding and erection of replacement outbuilding with link to existing stable block."*

Two conditions attached to the permission are relevant to this CLOPUD:

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

"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 The Mount and it shall remain within the same planning unit as the main dwelling"

This CLOPUD seeks confirmation that the completion of Building 1, and then its use as an annex (which would be an ancillary residential use) would be lawful. We set out the applicant's case in section 3.

Building 2 was originally a stable, and is referred to as such in the decision notice for 20/07250/FUL. However, in our view, the stable building is now lawfully in residential use, and The Mount, Building 1 and Building 2 fall within a single residential planning unit.

Building 2 was the subject of an enforcement investigation reference ENF/2025/00162, relating to an allegation that the stable had been converted to a residential dwelling.

The enforcement officer, John Langdown, sent the applicant an extract from his officer's report on 24 April 2025. The extract reads as follows:

"The stables form part of the C3 planning unit and having looked inside, appear to be an incidental outbuilding to the host dwelling. There are areas for a potting area, gym, workshop and garden tool storage. The windows and door appear new however alterations/improvements to an incidental outbuilding would be permitted. There is no indication, whatsoever, that there are any works to convert the building to an independent, self-contained unit of accommodation. I advised Mr Good that doing so would require planning permission."

The applicant has made some alterations and improvements to Building 2 but, as Mr Langdown notes, these works are permitted development.

The current Building 2 is described in the drawings at **Enclosure 2**.

The proposed annex building is described in the drawings at **Enclosure 3**. For the avoidance of doubt, these drawings show the existing Building 2, as shown in the drawings at Enclosure 2, combined with the outbuilding permitted via 20/07250/FUL.

The applicant intends to create a door between the two buildings at ground floor level, but that would not need planning permission.

The use of an existing incidental residential outbuilding as an ancillary residential outbuilding does not require planning permission so, in our view, the use of Building 1 and Building 2 as an ancillary residential annex is lawful.

We explain this conclusion further below but, in essence, this CLOPUD seeks the LPA's confirmation of this.

2. Relevant Legislation

"Development" and *"new development"* are defined in S55 of the Town and Country Planning Act 1990 (TCPA90). The sections relevant to this CLOPUD are below.

"(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[…]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which-

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building, …

[…]

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

[…]

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any purpose of the same class.

[…]"

S56 of the TCPA90 defines the *"Time when development begun"*, as follows:

"(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated-

(a) if the development consists of the carrying out of operations, at the time when those operations begun…"

3. The Applicant's Case

Building 1

In relation to Building 1, we first demonstrate that works to construct the building began within the three-year limit referred to in condition 1 of 20/07250/FUL, so the permission remains extant, and construction works can continue after that date. Then we demonstrate that the use of the building as an ancillary annex is lawful.

Building operations to start the construction of Building 1 began in October 2023.

An Initial Notice under S47 of the Building Act relating to the construction of Building 1, dated 5 October 2023, from Total Building Control is attached at **Enclosure 4.**

An Inspection Report by Total Building Control dated 13 October 2023 is at **Enclosure 5**. This notes that *"Foundations excavated 1m sandy clay"*.

The photographs below and overleaf show the construction of footings relating to Building 1, dated 10 October 2023 and 18 October 2023.

Therefore, building operations relating to permission 20/07250/FUL began on or before 10 October 2023. This meets the requirements of condition 1 on 20/07250/FUL (which was dated 20 October 2020), so the permission remains extant and building operations can continue beyond the three years referred to in condition 1.

The proposed use of the building as an annex would be lawful because:

1. This would comply with the permitted description of the building in the 20/07250/FUL particulars of development as an *"outbuilding"*;
2. This would comply with the requirements of condition 3 on 20/07250/FUL, that *"the accommodation shall not be occupied … other than for purposes ancillary to the … main dwelling … and it shall remain within the same planning unit as the main dwelling."*
3. Despite the proposed floor plans of Building 1 as referred to in condition 2 of 20/07250/FUL referring to the various rooms as spa room, games room, store, gym and office, using them for any ancillary residential purpose would not be *"development"* as per S55(2) of the TCPA90.

The proposed use of Building 1 as an ancillary annex would therefore be lawful, in our view.

Building 2

In our view, Building 2 is in the same planning unit as The Mount and Building 1.

Three key tests to determine whether a single planning unit or multiple planning units exist are set out in Burdle[1].

[1] Burdle and Williams v SSE and New Forest DC [1972] 1 WLR 1207

These are:

1. *"whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered"*
2. *"it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land."*
3. *"it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit."*

The applicant uses the whole of the site for a single purpose – as a residential dwelling. None of the buildings are used for any non-residential purpose, so the property is in a single planning unit and in a C3 residential use. This is confirmed by John Langdown's 24 April 2025 officer report extract, referred to in section 1.

Furthermore, Building 2 is within the curtilage of the Mount, so its use for incidental residential purposes is not development, as set out in S55(2)(d) of the TCPA90. This is also confirmed by John Langdown's 24 April 2025 officer report extract.

Additionally, we provide the statutory declaration signed by the applicant at **Enclosure 6**, which explains that Building 2 has been used solely for residential purposes since the applicant purchased the property in November 2002. It is therefore lawfully in residential use.

The applicant has undertaken works to Building 2, including the installation of new doors and windows, as noted in the email from John Langdown above, which also confirms that in his view, these works are permitted development. This would be under the terms of Class E of Part 1 of the GPDO, because Building 2 is currently an incidental residential building.

The proposed change of use of Building 2 from an incidental residential building to an annex, i.e. an ancillary residential building, would not be "development" as per S55(2)(f) of the TCPA 90.

The proposed use of Building 2 as an ancillary annex would therefore be lawful, in our view.

Conclusion

In our view, the proposed use of the approved outbuilding (Building 1) and the former stable building (Building 2) as a residential annex would be lawful.

We would appreciate your confirmation of this.

Please feel free to contact me if you have any questions.

Yours Faithfully

[redacted]

Stuart Miles BEng (Hons) MA MRTPI

Director

cc:

Enclosures:

- 1: Location Plan.
- 2: Plans and Elevations of existing residential outbuilding – "Building 2".
- 3: Plans and Elevations of proposed building.
- 4: Initial Building Act Notice, Total Building Control, 5 October 2023.
- 5: Inspection Report, Total Building Control, 13 October 2023.
- 6: Applicant's Statutory Declaration, 15 October 2025.