

Development Management, Economic Development and Planning,
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	36
Suffix	
Property Name	
Address Line 1	The Nursery
Address Line 2	
Address Line 3	Wiltshire
Town/city	Devizes
Postcode	SN10 2AG

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
400009	161720
Description	

Applicant Details

Name/Company

Title

Mrs

First name

Kathryn

Surname

Flack

Company Name

The Jolly Bean Play Café

Address

Address line 1

36 The Nursery

Address line 2

Address line 3

Town/City

Devizes

County

Wiltshire

Country

Postcode

SN10 2AG

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☐ Yes

☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

☐ Yes

☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The property has been running as a retail property since the 1900's, up until very recently. The VOA records also lists the property as a shop and retail premises. It has had continuous commercial occupation since the 1900's. The boundaries for the retail property has changed since the 1900's.

The late 1960s/early 1970s extension fundamentally changed how the property operated, shifting it from a traditional "shop with a house attached" to a fully integrated commercial footprint. The internal and structural layout changes over the years evolved through three main phases:

1. The Hargreaves Layout (1970s – 1990s) The Breakout Wall: To link the new left-hand extension, the original thick exterior brick wall on the left side of the 1930 shopfront was knocked through. This created a wide, open archway leading from the main counter area into the new machinery showroom. The Machinery Doorway: The left extension was purposely built with an extra-wide double doorway facing the street. This layout allowed staff to easily wheel large horticultural machinery, ride-on mowers, and rotavators from the front forecourt directly into the indoor display area. Separation of Home and Business: During this era, the upper floor and the right-hand side of the property remained strictly residential for the family, with a rear staircase leading up to the living quarters.

2. The Commercial Consolidation (2000s) Losing the Living Quarters: As the business outgrew its footprint, the residential parts of the ground floor were completely absorbed. Internal partition walls were removed to create a larger, unified ground-floor retail space. Rear Access Re-routing: Because the left-hand driveway had been built over by the extension, a new internal through-way was established. Staff had to walk through the back of the shop to access the 1,601 sq ft of rear outbuildings, workshop bays, and the former stable yard.

3. The Assured Mobility Modernisation (2013 – 2025) The Continuous Showroom: When Assured Mobility took over, they completely gutted the interior to create a single, level, open-plan showroom spanning roughly 1,989 sq ft. The physical visual barrier between the original 1930s shop and the 1970s left extension was entirely smoothed over with modern plasterboard and continuous flooring. Damp-Proofing and Levelling: Because the left extension had been built decades later on a slightly different foundation (originally meant for heavy machinery storage), the floors had to be professionally levelled and damp-proofed to make the entire ground floor safe and seamless for mobility scooters and wheelchairs. First-Floor Office Shift: The upper residential rooms were officially converted into commercial office space, staff toilets, and stockrooms, completely cutting off the building's historic past as a family home.

Proposed use of the premises as a mixed-use cafe and indoor Childrens role play space falling within Class E use.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

The VOA has it listed as a shop and premises and has a record of its rateable value from 1st April 2017.
Newspaper clippings to show that it was originally a sweet shop.
Photo to show the building was Hargreaves Horticulture Machinery.

Select the use class that relates to the existing or last use.

Other

Other (please specify)

Due to long retail history, currently does not have a class E certification but falls under Retail.

Information about the proposed use(s)

Select the use class that relates to the proposed use.

E(b) - Sale of food and drink for consumption mostly on the premises

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The proposed business operates as a mixed use coffee shop and role play area falling within the class E of the town regulations. The property has an established, continuous historical use as a retail shop dating back to 1900, which automatically sits with Use Class E. This does not constitute as development. As both the cafe and play element of the cafe sit within Class E, a formal planning permissions application is not required.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
- ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☒ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
- ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

29/05/2026

Details of the pre-application advice received

The property has been trading as a shop for many years, since the 1900's. The VOA shows it as a shop and premises on their website. I was asking if I needed to obtain a Class E certificate. Mary advised that she couldn't confirm the lawful use of the property, while the planning history may provide some indication, they couldn't verify what permissions may have been implemented over time. Mary advised to seek out an application for a Certificate of Lawful Use to regularise its intended use.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☒ Lessee
- ☐ Occupier
- ☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Kathryn Flack

Date

09/06/2026