

PLANNING STATEMENT

Rear Courtyard, Outdoor Seating and Mobile Catering Trailer
The Pour House, 28A St John's Street, Devizes, Wiltshire, SN10 1BN

Applicant: Sarah Watts Ltd, trading as The Pour House

Site address: 28A St John's Street, Devizes, Wiltshire, SN10 1BN

Application type: Full planning application for change of use, part retrospective, part prospective

Local Planning Authority: Wiltshire Council

1. Introduction

This statement is submitted in support of a planning application relating to the rear courtyard of The Pour House, 28A St John's Street, Devizes. The application seeks:

- Retrospective planning permission for the use of part of the rear courtyard as ancillary outdoor customer seating, in use since 22 May 2026; and
- Retrospective planning permission for the siting and planning permission for the operation of a mobile catering trailer within the rear courtyard, for the ancillary preparation and service of food to customers of The Pour House.

Both elements of the proposal have arisen directly from customer demand. Customers of The Pour House have increasingly asked to be able to sit outside, particularly during warmer weather in recent summers, and have asked for food to be available alongside their drinks. The applicant has responded to this existing demand from her own customer base, rather than seeking to create a new or expanded business.

This application follows correspondence with Wiltshire Council's Planning Enforcement Team, who confirmed that no planning permission exists authorising the use of the rear courtyard for customer seating, storage, or food preparation and cooking activities, and invited the applicant to regularise the position through a formal application. The applicant has engaged constructively and promptly throughout that process and this application represents the agreed next step.

2. Site Description and Planning History

The application site comprises the rear courtyard area of The Pour House, a ground floor drinking establishment (sui generis use) forming part of a three-storey, stone-built building in the historic centre of Devizes. The building is Grade II listed, sits within the setting of other listed buildings, and lies within the Devizes Conservation Area.

The rear courtyard forms part of the wider site included within the applicant's lease. It is accessed via a privately owned car park, over which rights of access and egress apply. Prior to the applicant taking on the lease, the area had been used by previous occupiers as an informal dumping ground for rubbish, discarded equipment, wood and other waste materials, alongside informal use for parking. With the consent of her landlord, the applicant cleared, tidied and improved the area, removing accumulated waste, before any customer seating was introduced. This clearance involved the removal of loose rubbish, discarded equipment and waste materials only; no demolition, structural alteration, or building or renovation works of any kind were carried out to any structure, wall or surface as part of this clearance, and no permission was required for, or is sought in relation to, this tidying. This clearance and improvement of a previously neglected area is consistent with Chapter 11 of the National Planning Policy Framework, which encourages the effective and efficient use of land. No planning permission has previously been sought or granted for the use of this land for any purpose, including parking or storage; its historic use predates the site's relevant planning history and was never the subject of a formal application.

Relevant planning history for the building itself is as follows:

- 13/01343/FUL — Change of use of ground floor area from A1 (retail) to A4 (drinking establishment), with internal alterations including removal of a stud partition wall and creation of a WC. Approved with conditions, 06 September 2013.
- 13/01598/LBC — Listed Building Consent for the internal alterations associated with 13/01343/FUL. Approved with conditions.
- K/58594/LBC (2008) — Internal reconfiguration works and window/roof repairs affecting 28A and the adjoining 28C St John's Street. Approved with conditions.

- K/11735/L, K/11736 and K/11737 (1988) — Historic consents relating to the rear archway, shopfront and covered way. Approved with conditions.
- PL/2023/04622 — Variation of Condition 2 (opening hours) of 13/01343/FUL, submitted by the previous operator, Tonka Bean Cafe/Bar Ltd. Approved with conditions, 29 August 2023.

Condition 6 (an informative) attached to PL/2023/04622 drew the previous operator's attention to the potential unauthorised use of the premises as a café alongside the approved drinking establishment use, noting that "insufficient information has been submitted to consider this cafe use as ancillary to the sui generis use" and that this "may need to be dealt with under a separate planning application for a mixed use at the premises to regularise the cafe use." That application was never submitted by the previous operator. The applicant took over the premises on 1 November 2024 and, in bringing forward the present application, is addressing a matter that has been outstanding since 2023 and predates her tenancy.

The extant conditions attached to the site (opening hours, no live music, and delivery/despatch hours) are addressed in Section 5 below. No condition requiring the retention of on-site parking has been identified within the planning history of the site.

3. Description of the Proposal

3.1 Courtyard seating

The proposal regularises the existing use of part of the rear courtyard as ancillary outdoor customer seating, for use exclusively by customers of The Pour House; it is not, and is not intended to become, a separate or standalone business. The seating comprises two tables and four benches with cushions, accommodating approximately 10 to 12 people, installed on 22 May 2026 following the grant of a premises licence variation on 21 May 2026. The furniture is entirely movable and unattached; no permanent building work has been carried out. Movable planters, containing small trees, are used to define and screen the seating area; these are unattached and not fixed to the ground, and no new planting has been introduced directly into the ground. The seating area sits close to the building and is used during The Pour House's normal trading hours.

3.2 Mobile catering trailer

The proposal separately seeks permission for the siting and future operation of a mobile, self-contained catering trailer, arrived on site on 2 July 2026, intended for the preparation and cooking of pizzas exclusively for customers of The Pour House. It is not, and is not intended to become, a separate business open to passing trade or the wider public. The trailer is not and has not traded. Key features of the unit are:

- Fully mobile and unattached, remaining on wheels and not fixed to the ground in any way;
- Electrically powered via mains hook-up, with no generator used in normal operation and no use of wood or solid fuel;
- Electric pizza ovens and two refrigerators, with no external flue and no mechanical external extraction; the food offer is limited exclusively to pizzas prepared in these dedicated ovens, with no other cooking method or menu proposed;
- Natural ventilation via an opening roller shutter during operation;
- Its own portable clean water supply and separate wastewater container for appropriate removal.

A generator would only ever be used in exceptional circumstances, such as a loss of mains power, and is not part of the applicant's intended routine operation; the applicant has deliberately chosen a mains-electric unit specifically to avoid the noise associated with generator use.

The trailer is clad in varnished timber, with a traditional appearance selected to be visually sympathetic to the historic character of the site, rather than a modern or brightly branded catering unit. Once brought into use, the trailer is intended to be available on any day that The Pour House is open to customers, within the premises' existing permitted opening hours under Condition 2 of 13/01343/FUL, as varied by PL/2023/04622 (08:00 to 21:30 Monday to Saturday, and 12:00 to 21:30 on Sunday), providing food to customers already using The Pour House rather than operating as a standalone takeaway business. In practice, initial use is expected to be concentrated on weekend evenings, with the wider hours sought reflecting operational flexibility rather than an intention to trade continuously throughout every permitted hour.

The applicant has also actively maintained the mature trees within the courtyard and selected the trailer's position specifically to preserve the trees, their canopy and foliage intact, which in turn provides additional screening for the unit. No felling, topping or lopping of any tree has been carried out or is proposed; the statutory notification

requirement for works to trees within a conservation area under section 211 of the Town and Country Planning Act 1990 is therefore not engaged.

4. Relevant Policy Framework

This statement has had regard to the following, consistent with the framework applied by the Local Planning Authority in its assessment of the site in 2023:

- National Planning Policy Framework: Chapter 4 (Decision-making), Chapter 9 (Promoting sustainable transport), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed places);
- Wiltshire Core Strategy (adopted January 2015): Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy), Core Policy 12 (Spatial Strategy for the Devizes Community Area), Core Policy 34 (Additional Employment Land), Core Policy 57 (Ensuring High Quality Design and Place Shaping);
- Kennet Local Plan 2011 (adopted April 2004): ED17 (Town Centre Development), ED18 (Prime Shopping Areas);
- Sections 16, 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- The Wiltshire Local Transport Plan 2011–2026: Car Parking Strategy (March 2015);
- The Devizes Area Neighbourhood Plan (Referendum Version, adopted July 2015).

This application also sits within a clear and continuing national policy direction of supporting hospitality businesses to diversify and make fuller use of their premises. Permitted development rights already allow public houses to move between a drinking establishment and a drinking establishment with expanded food provision without the need for planning permission, and separate permitted development rights, introduced in 2020 and made permanent in December 2021, allow pubs, cafes and restaurants to erect moveable structures such as marquees and gazebos in their outdoor space without planning permission. The government has more recently set out further proposals to make it easier for hospitality venues to trade successfully, including protecting outdoor dining and al fresco seating, increasing the number of temporary event notices available to pubs, and consulting on further easements to planning rules for pubs wishing to expand their trading areas. While these measures do not remove the need for the present application, they reflect a clear and continuing policy direction in favour of supporting hospitality venues, of which The Pour House's modest and ancillary food offer forms a part.

5. Planning Assessment

5.1 Principle of development

The Pour House operates under the permitted sui generis use of a drinking establishment. The seating and trailer proposed are ancillary to that use, providing outdoor space and food service to existing customers rather than establishing a freestanding, separate business. This directly addresses the matter flagged in Condition 6 of PL/2023/04622, which questioned whether food provision at the site was ancillary to the sui generis use or required a separate application for a mixed use. This application resolves that outstanding question by seeking a formal planning decision on the point, rather than leaving it unaddressed as it was left by the previous operator.

To be clear, the trailer is not intended to operate as a standalone takeaway business open to passing trade. Food is provided solely to customers already using The Pour House, in the same way that food service from within the building itself would be ancillary to the drinking establishment use.

The provision of food alongside drinks also supports the licensing objectives underpinning the Licensing Act 2003, in particular the prevention of crime and disorder and the prevention of public nuisance. Food provision to customers is a recognised means of moderating the effects of alcohol consumption and reducing the likelihood of alcohol-related antisocial behaviour. The trailer's food offer therefore supports the same objectives already secured through the premises licence, rather than introducing any new or conflicting consideration.

5.2 Impact upon neighbour amenity

The courtyard is enclosed and substantially screened by walls, buildings, fencing, trees and vegetation, and is not visible from the public street or from inside the main customer area of The Pour House unless the rear door is open. Customer access to the courtyard is via The Pour House itself, not via any car park; the private car park behind the site, over which vehicular access and egress rights exist, is separate land and does not form part of the customer route. Residential bungalows are situated beyond that car park, screened by established trees and vegetation. The courtyard is also

screened from the adjoining private car park belonging to Awdry Law by a large tree; a small footway connects that car park to the courtyard, but this is a private route, not open to the public or to customers.

A premises licence variation was granted on 21 May 2026 following full statutory consultation, with conditions agreed with the Council's noise and public protection team preventing live music, speakers and amplified music in the courtyard. Those conditions are fully observed, and equivalent restrictions will apply to the mobile catering trailer, from which no radio, speaker or other music is permitted.

Further measures in place to protect neighbouring amenity include CCTV coverage of the courtyard, active monitoring of customer behaviour, no emptying of glass or removal of noisy waste at night, and an early closing time of 9.00pm. The trailer's proposed hours are tied to the premises' own existing permitted opening hours rather than a new or wider time envelope, so no additional period of activity beyond what has already been assessed and accepted for the site is introduced. The trailer's electric-only specification and lack of external extraction avoid introducing odour or noise impacts of the kind that a fixed internal kitchen with mechanical extraction might create.

5.3 Impact upon the listed building, its setting, and the Devizes Conservation Area

The application property, 28A St John's Street, comprises two distinct parts. The front part, facing St John's Street, is understood to be the former coach house of the adjoining District Club, a Grade II listed building (List Entry Number 1252311, first listed 9 April 1954). Although the coach house has separate access and numbering from the Club (addressed as 27 St John's Street), its front part was constructed as part of the same building and, by virtue of section 1(5)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990, forms part of the designated heritage asset. The rear part of the property, through which customers pass to reach the courtyard, is a later, modern structure built to enclose what was previously an open covered way, granted its own separate planning permission and not understood to form part of the designated heritage asset. The site also lies within the Devizes Conservation Area. The Local Planning Authority is required to have special regard to the desirability of preserving the building, its setting, and the character and appearance of the conservation area, under sections 16, 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A full assessment, including of this rear structure and its planning history, is provided in the accompanying Heritage Statement.

In summary, the seating and trailer are located to the rear of the building, beyond this later, unlisted rear structure, are not visible from St John's Street, from the shared street frontage of the coach house and Club, or from within the conservation area's public realm, and are screened by boundary treatments, parked vehicles, trees and vegetation. No works have been carried out to the historic fabric of the building, the rear archway, the covered way, or any curtilage feature predating 1 July 1948; the seating furniture, planters and trailer are all new, movable items unconnected to the building's fabric. On this basis, it is considered that the proposal preserves the character and appearance of the conservation area and does not cause harm to the listed building or its setting, consistent with the Local Planning Authority's own conclusion when assessing changes at this address in 2023, that comparable changes would have "no impact upon the heritage assets and their settings." The applicant's clearance of accumulated rubbish, discarded equipment and waste from the yard, replacing it with planting and screening, represents a visible improvement to a previously neglected area within the setting of the designated heritage assets, consistent with the duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.4 Parking and highway safety

No condition has been identified within the site's planning history requiring the retention of a specified number of on-site parking spaces. The courtyard and adjoining car park form part of privately owned land within the applicant's lease, accessed via a private car park rather than directly from the public highway.

The photographs submitted with this application demonstrate that the parking area does not operate as a formal car park with defined, independently accessible bays. Vehicles are parked close together, and the ability to access or remove any individual vehicle is frequently dependent on the position of other vehicles parked at the same time. The area therefore does not provide a fixed or reliable number of independently usable parking spaces, and the introduction of seating and the trailer within part of this area is not considered to represent a material loss of functional parking provision.

No change is proposed to the existing vehicular access and egress arrangements serving the site from St John's Street. The seating and trailer serve customers already using The Pour House on foot, rather than generating new standalone trip-making of the kind associated with a separate takeaway business, and are not therefore expected to increase vehicle movements to or from the site. No deliveries are received at the rear of the property; the constrained access and egress of the private car park behind the site means that all deliveries, for the existing bar operation and for the trailer alike, are received at the front of the premises from St John's Street, within the existing delivery hours set out in Condition 4, as addressed in section 5.5 below. The proposal does not affect any public right of way or highway land, and is not considered to give rise to any highway safety concerns.

5.5 Compliance with existing conditions

The proposal is compatible with the extant conditions attached to the site. Condition 2 restricts opening to the public until 21:30; the courtyard closes with the rest of the premises by 9.30pm, and the trailer's proposed operating hours are deliberately set to mirror this existing condition rather than extend beyond it. Condition 3 prohibits live music; no live or amplified music takes place in the courtyard or from the trailer. Condition 4 restricts deliveries and despatch to between 07:30 and 21:00 Monday to Saturday, with none on Sundays or bank holidays; deliveries associated with the trailer, including gas-free electrical servicing, water and stock, are received at the front of the premises, in common with deliveries for the wider bar operation, and are managed within these hours.

5.6 Biodiversity net gain

Biodiversity net gain became a mandatory consideration for most planning applications in England from 12 February 2024, under the Environment Act 2021. Development is exempt from this requirement where it does not affect a priority habitat and impacts less than 25 square metres of on-site habitat, or five metres of on-site linear habitat such as hedgerows. The proposal is confined to an existing hardstanding and yard area previously in use for parking, involves no groundworks, and no habitat, hedgerow or vegetation is proposed to be removed or altered; additional planting, in movable planters only, has already been introduced by the applicant, as set out above. On this basis, the proposal falls within the exemption for developments below the relevant threshold, and no biodiversity net gain assessment or metric is required.

5.7 Waste and odour management

The Pour House already maintains bins on site for the storage of waste and recyclable materials arising from the existing bar operation, and these facilities are considered appropriate to accommodate the limited additional waste arising from the trailer's operation. Commercial waste and litter arising from the trailer will be managed through the applicant's existing commercial waste collection arrangements for the premises, rather than any new or separate arrangement.

The trailer's wastewater is contained within its own dedicated tank and removed appropriately, with no wastewater discharged to the surface or drainage within the courtyard. The trailer's food offer is limited to pizzas prepared in electric ovens; this method of preparation does not generate the grease-laden extract associated with fried food operations, and no mechanical extraction or external flue is required as a result. As there is no commercial kitchen extraction system associated with the proposal, it is not considered that a specialist odour assessment is required, and no adverse odour, waste or drainage impact is anticipated.

5.8 Noise

A separate Noise Impact Statement accompanies this application, addressing the potential for noise impact on neighbouring amenity. In summary, no deliveries are received at the rear of the property, no live, recorded or amplified music is played in the courtyard or from the trailer, and the courtyard is used for seating and conversation only, within the premises' existing permitted hours. On this basis, it is not considered that a specialist acoustic assessment by a qualified acoustician is required or proportionate.

5.9 Fire safety and means of escape

The trailer and seating are positioned in the open air to the rear of the building, adjacent to the private car park and at the point where the premises' existing fire exit route leads. This area already serves, and will continue to serve, as the premises' assembly point in the event of an emergency evacuation. The applicant will ensure that sufficient clear space is maintained around the seating and trailer at all times to preserve this function, and no obstruction is introduced to the fire exit route itself. The proposal does not alter the building's existing means of escape or emergency evacuation arrangements in any way.

6. Conclusion

The proposal regularises a modest, well-managed and substantially screened use of the rear courtyard that is ancillary to the established drinking establishment use of The Pour House. It resolves a planning question left outstanding since 2023, addresses neighbour amenity through licensing conditions, active management and physical screening, and has no identified conflict with parking provision, highway safety, or the setting of the adjoining heritage assets. The applicant respectfully requests that the application be approved.