

APPLICATION FOR VARIATION/REMOVAL OF CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02887
APPLICATION TYPE:	Removal/variation of conditions
SITE ADDRESS:	The Silver Plough, Pitton, Salisbury, SP5 1DU
DEVELOPMENT DESCRIPTION:	Vary Condition 4 on S/1998/1872 - Full application - erection of new building for two staff bedrooms and store, following demolition of existing store building.
RECOMMENDATION:	Approve with Conditions

SITE DESCRIPTION/CONTEXT

The application site is on adjacent to the junction of White Hill, occupying a corner position, in the Large Village of Pitton. The site is bordered by residential dwellings to the north east, and north west, and by the highway to the south east and south west. The site is outside of the Pitton Conservation Area, however does fall within the River Test catchment, and New Forest Protected Sites Zone of Influence. The site is set within Flood Zone 1, and in the Special Landscape Area (C6 of the saved Salisbury District Local Plan). The Silver Plough is a Public House, approved as an Asset of Community Value in 2023. Consent was granted in 1999, for the erection of a new building for two staff bedrooms and store, following demolition of existing store building, within the curtilage of the Public House.

PROPOSAL

This report considers a Section 73 application for the variation of condition(s) imposed on planning permission S/1998/1872. The application relates to the site at The Silver Plough public house, Pitton, Salisbury and seeks to vary condition 4 in relation to the bedrooms approved being occupied solely for persons currently employed by The Silver Plough Public House. This application seeks to amend the condition to allow the bedrooms to be occupied by either staff and/or guests of The Silver Plough Public House.

RELEVANT PLANNING HISTORY

Proposal / Summary
S/1984/0321 Internal alterations to and extension of the public house and restaurant to include a function room. Refused Date: 04/04/1984
S/1986/1237 Extension to cellar Approved with conditions Date: 24/09/1986
S/1987/1542 Erection of staff accommodation and stores Approve with Conditions Date: 25/11/1987
S/1989/1693 Kitchen Extension Approve with Conditions Date: 22/11/1989
S/1990/0104 10 Additional Bedrooms with Bathrooms En Suite. Staff Office Accommodation and Conference Room Over Existing Building. New Reception and Breakfast Area Refused Date: 25/04/1990

S/1990/1619 Construction of Building to Provide Additional 8 Bedrooms To Existing Public House Approve with Conditions Date: 02/01/1991
S/1998/1872 Erection of new building for two staff bedrooms and store, following demolition of existing store building Approved with Conditions Date: 19/01/1999
PL/2021/09770 Insertion of French Doors in Principal elevation and construction of a raised decked area and balustrade Approved with Conditions Date: 07/12/2021
ACV/2023/00009 Nomination of The Silver Plough Inn, White Hill, Pitton to be listed as an Asset of Community Value Approved Decision Date: 18/07/2023
PL/2026/02888 Certificate of Lawfulness: Proposed Use. This proposal involves the creation of additional guest accommodation to serve The Silver Plough through re-using existing rooms within the public house. Refused Date:20/06/2026

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Town and Country Planning Act. 1990 (as amended)

Section 73 of the Town and Country Planning Act. 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. It states that:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The National Planning Practice Guidance (PPG) states the following:

- *Nature of the Application:* A Section 73 application is treated as a new planning permission, although it does not alter the original permission itself. The original permission remains intact and can still be implemented unless it has expired or been superseded.
- *Limitations:*
 - Section 73 cannot be used to change the description of development or the operative part of the permission (e.g. the nature or extent of the approved use).
 - It cannot be used to extend the time limit for implementing the original permission.
 - If the proposed changes go beyond what can reasonably be considered under Section 73, a new planning application under Section 70 would be required.
- *Decision-making:* The local planning authority must consider the application only in relation to the conditions subject to which the original permission was granted. However, it may impose new or revised conditions if granting a new permission.

- *Legal Agreements:* Because a Section 73 application results in a new permission, any existing Section 106 agreement may need to be varied or replaced via a deed of variation to ensure obligations continue to apply to the new permission.

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The adopted Wiltshire Core Strategy (WCS), with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 23 Spatial Strategy: Southern Wiltshire Community Area;
- Core Policy 35 Existing Employment Land;
- Core Policy 39 Tourist Development;
- Core Policy 40 Hotels, bed and breakfasts, guest houses and conference facilities;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management;
- Core Policy 67 Flood Risk;
- Core Policy 69 Protection of the River Avon SAC.

Supplementary Planning Documents:

- Pitton and Farley Parish Plan 2007
- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)
 - Active travel infrastructure design standards 2022
 - Active travel parking standards and design guide 2022
- LTN1/20 – Cycle Infrastructure Design (July 2020)

ISSUES

The key considerations in the assessment of this application are as follows:

- Determining whether the proposed amendments fall within the scope of Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to an existing planning permission.
- Assessing whether the development, as amended, remains in accordance with the relevant policies and provisions of the development plan, and whether the changes materially alter the nature or impacts of the approved scheme.

CONSULTATION RESPONSES

Ecology: No Objection, comment stated below:

Based on the Covering Letter and Planning Statement (Brimble Lea, 27 April 2026), this S73 application seeks to vary Condition 4 (use) of planning permission S/1998/1872 to permit the annexe accommodation to be used by both staff and guests. The existing permission restricts the accommodation to staff use only. The applicant's agent states that the annexe is already occupied by staff and that allowing guest use would be materially the same in nature and would not increase overnight accommodation. On the basis of this information, there is no justification to screen the application into an Appropriate Assessment under the Conservation of Habitats and Species Regulations in relation to the Hampshire Avon SAC. No physical alterations are proposed, and I am not aware of any other ecological issues arising from the change of use.

Habitats Regulation Assessment (HRA)

*A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given the scale and nature of the development, there is no mechanism for adverse effect. **The HRA has concluded that the application is not likely to have significant impacts on the SAC and subsequently the application is screened out of Appropriate Assessment***

Highways: No Objection, comment stated below:

I refer to the above planning application which seeks to vary condition 4 on S/1998/1872 which restricts the use of the staff bedrooms for occupation by employees of The Silver Plough Public House.

The proposal relates to the variation of the condition to allow the accommodation within the annexe building to be occupied by both staff and guests.

The suggested variation of the condition wording is "The bedrooms hereby approved shall be occupied by either staff or/ and guests of The Silver Plough Public House."

It is understood that the proposed guest accommodation within the annexe, which is located at the rear of the site, would provide an extension of the existing guest accommodation offer within the public house.

Access and Parking

The proposal would not result in any change to the existing access and parking arrangements, which would continue to provide access and parking for the staff, patrons and guests associated with the public house use and guest accommodation.

The existing parking provision is considered adequate for mixed use.

Summary and Recommendations

The proposal would not result in any changes to the existing access or parking arrangements at the site.

The variation of condition to allow occupation by guests as well as staff is not considered to materially increase trip generation, as the accommodation remains ancillary to the public house use and is limited to two bedrooms.

The existing parking provision is considered adequate to accommodate this flexible use.

Therefore, no highway objection is raised.

Pitton and Farley Parish Council: No Objection

REPRESENTATIONS

None Received

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

A Section 106 was completed for the application, for £610 to be provided for the provision of open space in the Parish of Pitton and Farley, to be used for maintaining adult sport play or recreation facilities or installing and/or maintaining equipment in connection with such facilities. It is not considered that the proposed variation to condition 4 would impact on this obligation or agreement, and as such a Deed of Variation is not required.

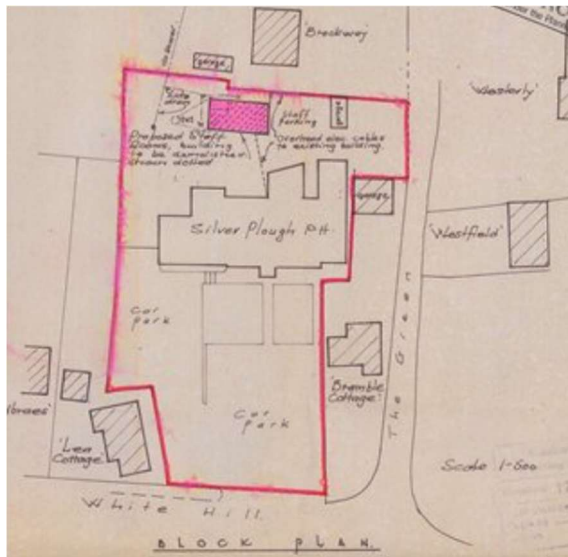
The highways consultee responded with no objection, noting that the proposal would not result in any changes to the existing access or parking arrangements, the variation is not considered to materially increase trip generation, and the existing parking provision is adequate to accommodate the proposed flexible use.

The ecology consultee provided a response of no objection, on the basis that the application files state the annexe (staff bedrooms) is already occupied by staff and allowing guests to use this would be materially the same in nature, and not reflect an increase in overnight accommodation. As such, there is no requirement to screen the application into an Appropriate Assessment. They noted that there are no physical alterations proposed, nor were they aware of any other ecological issues arising from the proposed variation of condition. The HRA concluded that the application is not likely to have significant impacts on the River Avon SAC.

The proposed variation to condition 4 on the original consent, to allow the 2 staff bedrooms to be occupied for either staff or guest use, is considered acceptable by the relevant consultees.

Approved Site Plan:

Site Plan submitted with S73 application:



The annexe building, where the existing staff bedrooms are currently sited, is to remain the same. This is located to the rear of the public house, adjacent to the boundary with neighbouring residential dwelling Brockway. The scale and location of the building is to remain the same, as is the internal layout, and existing fenestrations. The scale and siting of the building was considered acceptable in the previous consent, therefore only the occupation is considered here.

The application files state that the public house already has provision of guest accommodation, however it is unclear where this is provided for, as no floor plans of the main building have been provided. The public house has sufficient parking provision to support this small scale guest accommodation use, and the highways consultee has raised no concerns. The bedrooms would be accessed from within the site, using the existing entrance from the highway. As such, there is not considered to be additional impact on neighbouring dwellings as a result of the proposed amendment, where a current restriction in occupation applies.

The bedrooms are of limited size, and would therefore not be able to accommodate a significant number of guests. It is considered that the impacts of the occupation of these bedrooms for guests would not be beyond that of the existing, when used by staff.

Principle of the Development – Do the proposed amendments fall within the scope of s73?

The proposed amendments have been reviewed and are considered to fall within the scope of Section 73 of the Town and Country Planning Act 1990. The changes do not result in a fundamentally different development from that originally approved, nor do they seek to alter the description of development or extend the time limit for implementation. As such, the application is valid under Section 73 and can be determined as a variation of condition(s) attached to the original planning permission.

Compliance with the Development Plan

The Wiltshire Core Strategy, the current Local Development Plan, was adopted in January 2015. The original consent pre-dates the adoption of the WCS, so there are changes in planning policy that alter how the application would have been assessed were it to be submitted now. The S73 application must be assessed in line with the current NPPF, and WCS.

Pitton is identified as a Large Village, under CP1, CP2, and CP23 of the WCS. CP1, Settlement Strategy, states that *'Large Villages are defined as settlements with a limited range of employment, services and facilities... Development at Large and Small Villages will be limited to that needed to help meet the housing needs of the settlements and to improve employment opportunities, services and facilities.'*

CP2, Development Strategy, states that *'Within the defined limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.'*

CP39, Tourist Development, states that *'Outside the Principal Settlements and Market Towns, tourist and visitor facilities should be located in or close to Local Service Centres or Large and Small Villages and, where practicable, be located in existing or replacement buildings. Any proposal needs to carefully consider the need to protect landscapes and environmentally sensitive sites with the objective of providing adequate facilities, enhancing enjoyment and improving the financial viability of the attraction. If new buildings are required in the countryside for tourist development, these should be directed towards the Local Service Centres and Large and Small Villages.'*

CP40, Hotels, bed and breakfasts, guest houses and conference facilities states that *'Proposals for new hotels, bed and breakfasts, guesthouses or conference facilities, together with the sensitive extension, upgrading and intensification of existing tourism accommodation facilities will be supported within:*

i. Principal Settlements and Market Towns

ii. Local Service Centres, and Large and Small Villages where the proposals are of an appropriate scale and character within the context of the immediate surroundings and the settlement as a whole

iii. Outside the settlements above, proposals that involve the conservation of buildings that for contextual, architectural or historic reasons should be retained and otherwise would not be.

In all cases it must be demonstrated that proposals will:

iv. not have a detrimental impact on the vitality of the town centre

v. avoid unacceptable traffic generation.'

When considering the proposal against current policy, the location of the site, within the Large Village of Pitton, occupying an existing building with no proposed alterations, where there is sufficient parking provision, and no measurable impact on amenity for surrounding occupiers beyond that of the existing, it is considered that a variation to the condition restricting use of the annexe buildings is acceptable.

Although it was considered necessary to restrict this in the original consent, the policy relevant to this case has changed, and it is now considered that, in line with CP39, the provision of tourist accommodation located close to Local Service Centres of Large and Small Villages, within existing or replacement buildings, is acceptable. There would be no impact on landscape, as the external appearance and scale of the building is to remain the same. Policy also states that proposals with the objective of improving the financial viability of the attraction should be supported. The guest accommodation will be located within the existing Public

House site, supporting an existing business, and also contributing to tourist accommodation provision within the area.

Assessment of Conditions

Condition 4 on the original consent states:

(4) the staff bedrooms hereby approved shall not be occupied other than by persons currently employed at The Silver Plough Public House.

Reasons for Condition:

It would not be in the interests of proper planning for the bedrooms to be occupied other than by employees of the adjoining Public House.

The application requests that condition 4 be varied to:

The bedrooms hereby approved shall be occupied by either staff or/ and guests of The Silver Plough Public House.

It is understood that the occupation of the two bedrooms would not require any alterations to the existing building structure, and as such would not require amendments to the approved plans. The parking arrangement is also to remain as existing. Other conditions on the consent related to material samples, timeframe for commencement of development, and non-opening and obscure glazing to the shower room windows on the North East elevation. These conditions would not be affected by the proposed variation to condition 4.

It is believed that the materials condition has been discharged, as this was a pre-commencement condition required materials to be agreed prior to construction. The relevant conditions will be included on this consent.

As the application was approved over 25 years ago, there is no supporting Case Officer Report which explains or justifies the restrictions, however the reason provided refers to the interests of proper planning and therefore requires the bedrooms to be occupied for employees of the adjoining public house. The relevant policy at the time has now changed, and the Wiltshire Core Strategy is now the relevant Local Development Plan for the assessment of this application. As discussed above, policy recognises and supports the provision of tourist accommodation in or near Large Villages, where it is not of detriment to visual amenity, ecological designations, highways access and safety, or the wider landscape setting.

The application seeks only to vary a condition on the original consent which restricts the occupiers of the bedrooms in the approved annexe. The proposed variation is considered reasonable, and justified, where the provision of guest accommodation within the Public House site can be accommodated and supported by the required parking and highways access, of a suitable scale and siting, and does not impact on other conditions or the legal agreement for the original consent. This S73 application has been assessed against the current Development Plan, where development for tourist accommodation in this location can be supported.

The proposed wording of the condition can be accepted, as it maintains a level of restriction, ensuring that the 2no. bedrooms remain linked to The Silver Plough, and are occupied only by guests of the public house, or staff of the public house. Should the applicants seek to change this building to be used for residential purposes, they would require a change of use

application which would be assessed by the Local Planning Authority as a separate application. It is conditioned therefore, that the proposed variation of condition 4 can be supported, and amended to allow the annexe bedrooms to also be occupied for guest accommodation. It is of a limited scale, where any alterations or extensions would require further planning consent, and as such the proposal is deemed acceptable.

PLANNING BALANCE AND CONCLUSION

In determining this application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority has considered whether the proposed amendments fall within the scope of Section 73. The proposed amendments have been assessed against the relevant policies of the Wiltshire Core Strategy, any applicable Neighbourhood Plan, and the National Planning Policy Framework. The assessment has also considered whether the development, as amended, materially alters the nature or impacts of the approved scheme.

The proposed variation of condition 4 is considered acceptable. The benefits of the proposal are judged to outweigh any identified harms, which can be appropriately mitigated through planning conditions or other controls. The proposal is in accordance with the development plan and relevant national guidance, and there are no material considerations that indicate otherwise.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

1. The shower room windows on the NE elevations shall be maintained as non-opening, and glazed with obscure glass, and shall be maintained in this condition thereafter.

REASON: To prevent the undue overlooking of adjoining dwellings

2. The bedrooms identified on plans Annexe Elevations and Floor Plan (ref: 25-0701f Date Received: 05/05/2026) and Location and Proposed Block Plan (Date Received: 05/05/2026) shall be occupied only by staff and/or guests of The Siler Plough Public House, and for no other purpose

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.