



Appeal Decision

Site visit made on 19 May 2026

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2026

Appeal Ref: APP/Y3940/C/24/3348384

Land at the Three Crowns, Whaddon, Salisbury SP5 3HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr & Mrs R Gibbs against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 30 August 2023.
 - The breach of planning control as alleged in the notice is: Without the benefit of planning permission, the material change of use of the Land to a use consisting of the residential use of the public house as well as the siting and occupation of a mobile home all unconnected to the use of the Three Crowns as a public house.
 - The requirements of the notice are to:
 - a) Permanently cease the use of the Three Crowns Public House for all residential purposes other than for purposes ancillary to the primary use of the premises as a public house.
 - b) Permanently cease the use of the mobile home and remove the mobile home from the Land unless it is used for purposes ancillary to the primary use of the premises as a public house.
 - c) Remove from the Land all residential items and paraphernalia ancillary to the unauthorised use of the Land.
 - The period for compliance with the requirements is: Nine months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Procedural matter

1. The appeal was made on grounds (a), (b), (c) and (d). However, there are submissions from both parties in connection with the time that should be allowed to comply with the enforcement notice ("the Notice"). That is relevant to an appeal on ground (g). In light of the evidence that has been provided, no injustice would arise if I were to also consider the appeal on ground (g).

The enforcement notice

2. An enforcement notice must inform the recipient with reasonable certainty what the breach of planning control is and what must be done to remedy it. If necessary, before determining the appeal, I have a duty to put the Notice in order. My powers under section 176(1)(a) of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the Notice. In each case, the only test is whether the correction or variation would cause any injustice to the appellants or the local planning authority.
3. The Notice does not clearly state the breach of planning control. This is because it does not clearly allege a new use, it just suggests that part of an existing use is no

longer lawful because it has become unconnected with the use of the Three Crowns as a public house. There is also a mobile home which is said to be occupied, but the Notice does not specify its use, again just that it is not connected with the use of the Three Crowns as a Public House. As such, the new use that must have arisen if there is a breach of planning control is not specified.

4. A material change of use can only have occurred if it has resulted in a new use (or uses) replacing an existing use across a planning unit, when that unit is considered as a whole. The Council contends that the site was historically a single planning unit, in use as a public house. The public house then closed and residential uses continued. If the Council is correct that this resulted in a material change of use, then the allegation should more properly be expressed as the material change of use of the land subject to the Notice ("the Land") as a residential dwelling, being the only use remaining at the site.
5. The presence of the mobile home creates further complication, however. The Council's position is that, at the time the Notice was issued, it was occupied in a manner ancillary to the public house, and indeed, that is reflected by a certificate of lawful use or development ("LDC") that confirmed the lawfulness of such in 2020. Moreover, it is the Council's contention that all of the various residential occupations were functionally separate to each other.
6. Having shared my observations in connection with the above in a note to the main parties ("my Note"), the Council suggested that the alleged breach could more accurately be described as the material change of use of the land from use as a public house with ancillary residential accommodation to a mixed residential use, including the use of the building as independent residential accommodation and the siting and occupation of a mobile home for residential purposes.
7. I am concerned that this is still not precise enough to provide the necessary certainty about what has happened. The use of the word 'including' indicates an open list, and so it is imprecise to say that there is a mixed residential use including a couple of separate residential elements: If the residential elements are separate, then there must be two residential units, and that should be specified.
8. There is no need for an allegation to specify what the former use was, although it might be relevant to the grounds of appeal. Therefore, I conclude that the alleged breach of planning control should be described as:

Without planning permission, the material change of use of the former public house building to a single dwellinghouse, and the siting of a mobile home for independent residential purposes.

Whether or not that has occurred, or is a breach of planning control, is a matter for consideration under the grounds of appeal.

9. However, as noted above, I can only make the necessary correction if no injustice would be caused to the appellant or the Council. My choice of wording would be close to that suggested by the Council, just with more precision. The Council confirmed that it believes its suggestion would not cause injustice. Moreover, the Council's case across the grounds of appeal is based upon the public house use having been replaced with residential ones. That would still be alleged. It also broadly reflects the Council's position as explained in its response to my Note, so no injustice would occur to the Council.

10. My Note proposed an allegation where only one residential use had occurred, with the mobile home being incidental to that. As discussed above, that is not what the Council alleges, and, therefore, not what the Notice should state. However, it is the allegation on which I sought the appellants' comments as to potential injustice.
11. In response to my Note, the appellants have confirmed that at the time the Notice was served, a single residential use was going on in the first floor of the public house. While the ground floor space was unused (as remained the case at the time of my site visit), the description of a single residential use in the main building would appear to be an accurate one. Again, whether or not that is what has happened, or is a breach of planning control is a matter for consideration under the grounds of appeal, and the appellants make their case in response to that. Therefore, no injustice would arise from that part of the allegation.
12. The situation with the mobile home is less certain. However, the appellants have produced the 2020 LDC and put their case in terms of its historic lawfulness, and a lack of clarity around what should happen when its occupation ceased (as is now the case). The LDC confirmed lawfulness on the basis of the accommodation being ancillary to the public house use, not other residential uses. The Notice, as originally drafted, suggested occupation of the mobile home unconnected with the public house use with no mention of potential links to other uses at the site. No case has been put suggesting that was wrong.
13. Therefore, I am satisfied that making a clear allegation that a new separate residential use was formed in the mobile home (as was the case at the time the Notice was served) would not result in injustice to the appellants.
14. In my Note, I shared my observation that the Land includes a fenced off area between the public house, mobile home and A36 slip road that appeared to be in use for paddocks. The parties have provided differing accounts as to whether this was ongoing at the time the Notice was served and I have no particular evidence about how it is or was used in any event. The Council's position is that it was not in use for livestock at the time the Notice was served, so as the party making the allegation, I have no reason to introduce reference to it in the Notice.
15. My correction to the allegation does require consequential corrections to the requirements. It is important that they align with the allegation, to ensure that the Notice would still remedy the breach of planning control. Thus, it is necessary to correct the first two requirements to read:
 - a) *Permanently cease the use of the Three Crowns Public House as a single dwelling;*
 - b) *Permanently cease the use of the mobile home for independent residential purposes and remove the mobile home from the Land.*
16. As originally drafted, these requirements had words that would have allowed the continued use for purposes ancillary to the primary use of the premises as a public house. While it is important that an enforcement notice preserves lawful use rights, it is unnecessary to include such safeguards in this case. That is because, if the breach of planning control has occurred, all residential uses at the site must (as suggested by the Council) have previously been ancillary or incidental to the primary use.

17. If the Notice were upheld and complied with, then a reversion to the previous lawful use (as a public house) could resume, along with any (e.g. residential) uses that were truly incidental to it. Even if the previous use were a mixed use as a public house and residential, complying with the Notice in the terms I set out above would still allow a reversion to the previous, lawful mixed use. Accordingly, the Notice would, in effect, continue to require the same thing, and would not preclude the resumption of anything that could not have resumed under the terms of the original drafting.
18. Therefore, I conclude that the Notice can be corrected in the terms I have set out above without causing injustice to either the appellants or the Council. The grounds of appeal now fall to be considered against the corrected Notice.

Ground (b)

19. Ground (b) is that the matters alleged in the Notice have not occurred. For clarity, that is the material change of use of the former public house building to a single dwellinghouse, and the siting of a mobile home for independent residential purposes. On this ground (and grounds (c) and (d)), the onus is on the appellants to prove their case to the standard of the balance of probabilities.
20. At the time the Notice was served, the public house was not open, and had not been for some time. The residential occupation at first floor was occupied as a single unit of accommodation. The mobile home was also occupied for residential purposes.
21. While the ground floor trading area remains available for use, and has been vacant throughout, there is no active use of the Land for public house purposes. The sole uses ongoing on the Land are the residential ones described in the Notice. While not all of it was in use, when the Notice was served, the building was only in use as a single unit of residential accommodation.
22. I saw that the mobile home contains all the necessary facilities to support day-to-day living, including bedroom, kitchen, and living areas. I, therefore, conclude that the evidence shows that its occupation at the time the Notice was served was as an independent dwelling.
23. I, therefore, find that the matters alleged in the Notice have occurred. The appeal on ground (b) must fail.

Ground (c)

24. Ground (c) is that the matters (if they occurred) do not constitute a breach of planning control.
25. The appellants suggest that the public house and residential functions could be regarded as two separate uses. However, it has not been shown that they are, or have ever been, used by separate occupiers to one another. Moreover, the residential accommodation at first floor can only be accessed via a staircase from the bar area. It is not possible to enter it without first passing through the public house. All this leads me to conclude that the Land should be considered as a single planning unit, which is usually regarded as being the unit of occupation, unless some smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes.

26. Within the single planning unit, it is possible that the Land could have been in a single use as a public house, with all residential accommodation being incidental to that use, or in a mixed use with two separate uses on the land. In either scenario a breach of planning control would only occur if any change of use of the planning unit, when considered as a whole, was material.
27. Whether there was a single use or a mixed use, and while the public house space has remained vacant and available for the use to be reinstated with relative ease, either by the appellants or others, the residential use of the Land has continued. That is the only use of the Land and the planning unit when it is considered as a whole.
28. The Land could previously be used by the public as a community facility. The closure of the public house means that the Land is not available for such a use and it ceased to provide that function. Its absence would likely also have a significantly different effect on the locality in terms of general activity about the Land and immediate area. The private, less intensive use for residential purposes is therefore materially different to the former use.
29. The siting of the mobile home was deemed lawful in 2020 by the Council because it was being used for purposes ancillary to the public house. In the absence of the public house use, such an ancillary link could not exist. It has not been evidenced that its use was or became ancillary or incidental to any other use at the site. It must, therefore, have become occupied as an independent unit of accommodation.
30. Alongside the residential only use of the public house, a use of the mobile home, as alleged in the Notice, means that the use of the Land is materially different to the former use as a public house. The making of a material change of use of Land constitutes development within the meaning of the 1990 Act. The absence of any condition or other restriction requiring the residential use to remain linked to the public house use does not change the fact that a new, materially different, use has occurred. Such requires planning permission and there is no evidence that any has been granted.
31. Planning permission was previously granted for a farm shop use on the land. However, there is no evidence before me that such a use has been implemented and the permission lapsed in 2025. Therefore, this has not affected the lawful use of the site and does not affect my earlier findings on this ground.
32. I, therefore, conclude that the matters alleged in the Notice do constitute a breach of planning control and the appeal on ground (c) fails.

Ground (d)

33. Ground (d) is that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters alleged. Section 171B of the 1990 Act provides that, no enforcement action may be taken after a period of 4 years where there is a breach of planning control consisting in the change of use of any building to use as a single dwelling house, and after 10 years in respect of any other change of use.
34. The appellants confirm that the public house closed on 31 August 2019. At that time, the mobile home would cease to benefit from the lawfulness confirmed by the LDC. The Notice was issued on 30 August 2023. Therefore, at the date the Notice

was issued, the matters alleged had not continued for long enough for it to have been too late to take action.

35. Accordingly, the appeal on ground (d) must fail.

Ground (a)

36. Ground (a) is that planning permission should be granted for the matters alleged. As per the corrected Notice, the deemed application is, in effect for two dwellings. The main issues are whether the site is in a suitable location for new residential development and the effect on the provision of community facilities.

Location

37. The Land is located on the southern end of the conjoined settlements of Alderbury and Whaddon. The Council has confirmed that the settlements should be considered as one for planning policy purposes, identified in the Wiltshire Core Strategy 2015 ("CS") as a Large Village that can accommodate some development. The Land is, however, outside the defined settlement boundary, where CS Policies CP 1, 2 and 23, read together, restrict new residential development.

38. Nevertheless, while at the edge of the settlement, the Land is not divorced from it. There are other dwellings around it, as well as employment opportunities. Bus stops providing access to Southampton and Salisbury are within a short distance, as is a local shop. The wider settlement has a range of other facilities available, including a primary school and another public house, albeit at a greater distance from the site.

39. Due to the accessibility, and the fact that the accommodation already within the building means that somebody could live on the Land alongside the public house, I do not find any conflict with those aims of CS Policies CP60 and CP61 that seek to promote accessibility and minimise travel by private car. It may well be that the National Planning Policy Framework ("the Framework") might support some new residential development here. However, due to the conflict with CS Policies CP1, 2 and 23, such is not supported by the development plan, read as a whole.

Community Facilities

40. The CS explains how local facilities are a vital part of smaller settlements but provision, especially of public houses, has continued to decline. In response, CS Policy CP49 seeks to resist the loss of community facilities, which on the other grounds of appeal, I have found to have occurred and to require planning permission. The Policy favours the retention of the existing use and, failing that, its use for an alternative community facility. Permission has been granted for use as a farm shop, but that does not appear to have been implemented. Applications were also made for other proposals, but withdrawn.

41. It is said by the appellants that the public house closed out of necessity, having been inadequately supported by the local community, perhaps due to its location at the settlement edge, and away from passing trade. However, a lack of viability has not been supported by substantive evidence, so I can attribute this contention only very limited weight.

42. Even so, in the absence of a community use, Policy CP49 requires marketing of the site. While I understand that some marketing may have occurred, and for a variety

of uses, I have no substantive evidence of its scope. The application to register the site as an asset of community value does not change any of this. It has not, therefore, been demonstrated that the requirements of Policy CP49 have been met, and the development conflicts with this policy.

43. For the foregoing reasons, I conclude that there has been an unjustified and harmful loss of community facilities.

Other matters

44. The Three Crowns is grade II listed. Its significance appears to derive from its role and associated architecture as a Mid C18 to C19 inn. It may well be beneficial for the building to remain occupied to ensure its general upkeep and avoid the need for the draining down of services and potential boarding up of the property. However, without compliance with CS Policy CP49, it has not been shown that the development is the only realistically available option to safeguard the heritage asset or achieve its optimum viable use. It would also put the building into a different use to the public house use that would appear to contribute to its significance. I, therefore, find that no significant heritage benefit, if any, has been demonstrated to weigh in favour of granting permission.
45. It may well be that there has been no harm to various matters such as the character and appearance of the area, living conditions of neighbouring residents or highway safety. However, such lack of harm does not weigh in favour of the development.
46. I have considered whether permission should be granted for part of the matters alleged, in particular, the use of the mobile home for independent residential purposes. However, even if I were to find that use an acceptable one, permitting it may artificially subdivide the Land and make the prospect of the future opening of the public house more problematic.
47. The situation surrounding the Council's housing land supply is unspecified. However, even if there is not currently a 5 year supply of deliverable housing land, the adverse impacts resulting from the loss of the community facility would significantly and demonstrably outweigh the small benefit arising from the limited additional residential development. The development would not, therefore, benefit from the presumption in favour of sustainable development outlined in the Framework.

Conclusion on ground (a)

48. Although there is no conflict with CS Policies CP60 and 61, the conflict with the Policies CS 1, 2, and 49 bring the development into conflict with the development plan, read as a whole. Material considerations, including finding a beneficial ongoing use for the heritage asset, have not been shown to indicate otherwise that permission should be granted.
49. Therefore, I conclude that the appeal on ground (a) should fail.

Ground (g)

50. Ground (g) is that the period specified to comply with the Notice falls short of what should reasonably be allowed. The Notice may require the current owners to

vacate the Land, if they cannot occupy it in a lawful way once the Notice is complied with.

51. While it may take time to market the property and prepare applications to the Council, such was already built into a lengthy compliance period and a substantial time between issue of the Notice and it coming into effect, which the Council advised was intended for that purpose. While the appellants may have underestimated the time required, concerted efforts to sell or find alternative uses have not been demonstrated. Providing more time to explore alternative uses or sale of the Land has not, therefore, been justified.
52. A longer period was also sought due to the appellants personal circumstances. However, while I am sympathetic to that request, I note that these have now changed, and no longer appear to justify a longer compliance period.
53. I, therefore, find that the period specified does not fall short of what should reasonably be allowed. Accordingly, the appeal on ground (g) should also fail.

Conclusion

54. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

Formal Decision

55. It is directed that the enforcement notice is corrected by:

- At section 3, the matters which appear to constitute the breach of planning control:

Delete the alleged breach of planning control in its entirety, and replace it with the following text: "Without planning permission, the material change of use of the former public house building to a single dwellinghouse, and the siting of a mobile home for independent residential purposes".

- At section 5, what you are required to do:

In subparagraph a) delete the text "for all residential purposes other than for purposes ancillary to the primary use of the premises as a public house" and replace with the text "as a single dwelling".

In subparagraph b) delete the text "and remove the mobile home from the Land unless it is used for purposes ancillary to the primary use of the premises as a public house" and replace with the text "for independent residential purposes and remove the mobile home from the Land".

56. Subject to the corrections, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

M Bale

INSPECTOR