

Pubs and Planning

An overview for campaigners

Paul Ainsworth



Introduction

For some years now, pubs have been closing at an alarming rate throughout Britain. To some extent, these losses have been offset by the growth in town/city centre bars and, more recently, micro-pubs. However, many traditional, community-focused 'locals' remain under constant threat and CAMRA is committed to protecting, where appropriate, these important components of our national heritage.

Not every pub can, or indeed should, survive. Some simply find themselves in the wrong place at the wrong time, with their former clientele either having diminished or moved away. We must also acknowledge that social habits are changing and visits to the local are not as attractive to many people as they once were. Drink can be bought much more cheaply in supermarkets and off-licences which, coupled with the greater sophistication of home entertainment, increases the difficulty of persuading people off their couches. Younger people in particular are often attracted to other social venues such as coffee shops. On top of that, alcohol consumption in the UK is falling generally, but especially among the under-30s.

Nonetheless, pub going remains a hugely important part of many people's lives and pubs are still the country's most popular leisure venue. Communities which lack the focus of a local pub indubitably suffer in terms of social cohesion and communal well-being. A recent Oxford University study – Friends on Tap – revealed that people who have a local pub have more close friends, are happier and more trusting of others and feel more engaged in the wider community. Pubs which are genuinely valued by their communities should therefore be protected from unwanted closure. They are community assets and their owners take on responsibilities as their custodians.

The Planning Background

Those who own pubs – whether they be pub companies, breweries or individuals – often, sadly, take a short-term view. Pubs are commonly regarded as primarily property assets whose value must be maximised for the benefits of the owners and shareholders. In the current property market, a pub building often has greater value if a change of use can be secured – to a house, a restaurant, a shop, an office – or if it could just be demolished and the site redeveloped.

Fortunately, we have a planning system which safeguards against unrestricted exploitation of community facilities for short-term commercial gain. CAMRA would, naturally, like those controls to be stricter but

campaigning by ourselves and others has helped achieve significant improvements in recent years.

The National Planning Policy Framework

The NPPF, published in 2012 and revised in 2018, sets out the Government's overall planning policies for England and how these are expected to be applied. Scotland, Wales and Northern Ireland have their own Frameworks.

The document contains several policies which are helpful to pub protection, but particularly those at paragraph 92. This requires Local Planning Authorities (LPAs) to 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs'. The supporting text makes clear that 'facilities' includes pubs.

Other useful provisions are at paragraphs 7 and 8 (recognising the value of communities in supporting the concept of sustainable development), paragraph 72 (promotion of community uses in new developments) and paragraphs 8(c), 192 and 197 covering Heritage Assets (see later).

Development Control

Planning permission has always been needed for some developments concerning pubs, notably change of use to residential. However, until recently, planning permission was not required in many cases to change the use of a pub to a shop, restaurant or some kind of office nor to demolish it altogether. Following a long campaign by CAMRA and others, the law changed in May 2017 so that planning permission is now necessary for any demolition or change of use of a pub. This, obviously, gives local people opportunities previously denied to them to object to proposed developments. The impact of these changes is, at the time of writing (January 2019), difficult to gauge, though there has been a noticeable drop in closures in the intervening period (which might be coincidental).

Heritage Assets

Many pubs occupy buildings of heritage interest. Some are statutorily listed while others appear on Local Lists. The NPPF requires conservation of heritage assets in a manner appropriate to their significance. It makes clear that this protection extends to non-designated heritage assets with a balanced

judgement needed on any application which has regard for the scale of any harm or loss and the significance of the asset.

CAMRA campaigns strongly, through its Pub Heritage Group, to protect and promote pubs whose interiors are of historic or architectural importance. Visit pubheritage.camra.org.uk for more information.

Local Plans

Local Plans guide development in the area of each LPA. Many (but not all) contain policies that are, to a greater or lesser extent, protective of community facilities. Some have specific pub protection policies.

Strictly speaking, the NPPF has primacy so even if the Local Plan lacks a relevant policy, pubs in the area should enjoy the protections flowing from national policy. In reality it is much easier to defend a pub from unwanted applications if there is a strong local policy for planners and objectors to utilise.

It must also be said that a Local Plan is only as good as the firm implementation of its policies by the LPA. CAMRA and other campaigners need to be eternally vigilant regarding the performance of Councils in adhering to their own policies.

Neighbourhood Plans

Introduced under the Localism Act, these empower local communities to make Plans concerned with the use and development of land in their areas. They can deal with matters like housing, employment, transport and community life but can also just focus on a few issues of particular local importance – like, for instance, pubs. They must be in ‘general conformity’ with the relevant Local Plan, of which they are formally a part. CAMRA has produced guidance on these plans, especially on their potential benefits for pubs.

Assets of Community Value

The Localism Act 2011 enabled anyone (in England) to apply to their Council to have a pub declared as an ACV. If this succeeds and the pub is later put up for sale, community groups are entitled to bid and a six-month moratorium kicks in to assist them to do so. Until May 2017, ACV-listed pubs were also exempt from permitted development rights but these were swept away altogether by the changes noted above.

However, LPAs may regard ACV status as a material consideration when considering a planning application. It demonstrates clearly that the pub is valued by local people and helps meet their day-to-day needs. A few Councils go so far as to recognise the importance of ACV registration in their Local Plans.

How CAMRA Campaigns – Nationally

At national level, we campaign for continued improvement in legislation relevant to pubs and have had much success in influencing decision makers. We lobbied hard and effectively for the NPPF to include pub-friendly policies even though this ran counter to the largely pro-development thrust of the document.

Our next major campaign, in which we were joined by other pro-pub groups, was to get permitted development rights scrapped. The initial breakthrough was government agreement in 2015 to abolish these rights where pubs had been registered as ACVs. This prompted a CAMRA campaign to nominate numerous pubs as ACVs and over 2000 attained this status in a short time. In turn this led to pressure to extend the same protection to all pubs and, to cut a long story short, the enabling legislation came into force in May 2017.

The focus of our national campaigning has now switched to Local Plans where, as noted, the helpfulness of policies to pubs is presently very varied. The best policies will typically require evidence, before change of use or demolition is allowed, that the pub:

- is not valued by local people and does not provide important community facilities;
- has been marketed effectively and at a reasonable price as a pub for at least 12 months and no buyer has come forward;
- is not likely to be a viable commercial proposition even in the hands of management committed to trying to make it a success.

We want to drive up the standard of Local Plan policies so that many more achieve this level of excellence and are therefore taking the following measures:

- ensuring that all draft Local Plans are scrutinised and appropriate comments submitted on pub-related policies;
- promulgating our Model Planning Policy which sets out the wording we would ideally wish to appear in all Plans;
- auditing existing Plans and rating them for pub-friendliness;

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- generally raising awareness of the importance of Local Plans in resisting unwanted planning applications affecting pubs.

How CAMRA Campaigns – Locally

At local level, campaigning is largely in the hands of our 200 Branches. On the pub protection side, most activity revolves around assisting people to object successfully to planning applications which would lead to the closure or ruination of their local pub.

We encourage campaigners to contact their local Branch who can provide advice and guidance on:

- how to gather information necessary to underpin a campaign;
- how the planning system works and the effects of relevant legislation;
- who to contact at an early stage – planning officers, Councillors, MPs, the pub's owner etc.;
- how to orchestrate an effective campaign;
- how best to object to a planning application;
- what might happen if the application is refused e.g. planning appeals.

We also have resources available at both regional and national level to supplement assistance from Branches. We have a number of experts who are happy to provide campaigners with information and help on individual cases e.g. scrutinising and commenting on draft objections, advising on relevant legislative issues. Contact paul.ainsworth@camra.org.uk in the first instance.

To assist all concerned, we have produced a detailed guidance document, '[Saving Your Local Pub](#)'. There is also much other relevant information on our website.

The issue of viability often crops up when change of use is being pursued. Owners will typically claim that the business is losing money and has no prospect of commercial success. To assist planners in assessing such claims, CAMRA has produced the [Public House Viability Test](#). This seeks to address the question 'what could this business achieve if it were run efficiently by management committed to maximising its success?'. The document has, over the years, gained significant credibility and is often referred to in planning appeal decisions.

Pub Success Stories

Many pubs threatened with closure because, according to their owners, they were in terminal decline have been saved by the efforts of community groups

or enlightened new owners – and are now thriving. We have catalogued the stories behind several of these successes and they make for inspiring reading. You can read them [here](#).

CAMRA's Policies on Pubs and Planning

1. We will not campaign to save every pub as a matter of course but we will always support and assist campaigns to save valued pubs from closure or unwanted changes;
2. We will seek to persuade Councils to adopt and then adhere to Local Plan policies which offer suitable levels of protection to pubs;
3. We will continue to press for changes to legislation which help guard against the loss of valued pubs;
4. We will provide detailed guidance for campaigners on how to protect and save pubs; we will supplement this with an advice service for campaigners, via email or phone.