

# Saving Your Local Pub

## A comprehensive toolkit for campaigners

Paul Ainsworth



## Contents

1	INTRODUCTION .....	2
2	THE CAMPAIGN TO SAVE YOUR PUB.....	3
2.1	Getting started – intelligence gathering .....	3
2.2	Gathering community support .....	4
2.3	Planning a strategy .....	4
2.4	Publicity.....	5
3	LIST AS AN ASSET OF COMMUNITY VALUE .....	7
4	PLANNING PERMISSION .....	8
4.1	Background.....	8
4.2	Different types of planning applications.....	8
4.3	Campaign Tactics.....	9
4.4	Objecting to a planning application.....	10
4.5	Arguments for objecting to a request for planning permission.....	11
5	ENFORCEMENT ACTION.....	14
6	AFTER THE PLANNING DECISION.....	15
6.1	Planning Permission granted.....	15
6.2	Planning Permission refused .....	15
6.3	What to do if the pub stays shut.....	16
6.4	Complaints from Neighbours.....	17
	APPENDICES.....	18
	Appendix A: The National Planning Policy Framework.....	18
	Appendix B: Local Plans.....	23
	Appendix C: Locating relevant local policies .....	24
	Appendix D: CAMRA Public House Viability Test.....	25
	Appendix E: Model Objection Letter (to total loss of pub).....	30
	Appendix F: Studies into the economic and social importance of pubs .....	32
	Appendix G: Demolition Without Planning Permission .....	33
	Appendix H: Partial loss (Trojan Horse’) planning applications.....	36
	Appendix I: Other CAMRA guidance documents .....	39

## 1 INTRODUCTION

- 1.1 If your local pub is threatened with closure or damaging alteration and you want to do something about it, we hope this guidance will help and inform you. It focuses on the practicalities of campaigning to save a pub and on how to use the planning system to combat unwanted changes.
- 1.2 In recent years, pub closures have escalated significantly. Up until 2020, a combination of factors such as falling footfall and soaring property prices led to many owners closing their pubs and seeking conversions to other uses. Then, along came the pandemic; most pub businesses managed to weather the storm but many were greatly weakened by the experience. At the time of writing pubs are facing a perfect storm of unwanted pressures - rapidly rising prices, especially for energy, reduced customer spending power because of the cost-of-living crisis and severe staffing recruitment difficulties. Already, many pubs have either closed for the time being or reduced their opening hours. The number of confirmed permanent closures is, so far, quite small but as time goes on, we can expect more than a few planning applications for change of use or demolition, some of which will be opportunistic in nature, most of which need to be resisted given that better times will return and we need the pubs to still be there when they do. The good news is that many successful campaigns have been fought to stave off closures. There are numerous thriving pubs up and down the country which would otherwise have been converted to private houses or heaps of rubble without the efforts of local campaigners.
- 1.3 Although this guide looks at how to fight attempted closures, the same basic approaches and tactics apply if the threats are of a lesser but still unwanted kind, such as proposals for major alterations which would spoil the pub's character.
- 1.4 Please note that what follows reflects planning law in England. The legislation in Scotland and Wales is broadly similar but there are differences in some areas. We have separate guidance for Scotland and Wales which can be found on the website.
- 1.5 CAMRA has also produced a number of other guidance and advice documents concerning aspects of pub protection. Some of these are mentioned in the main text which follows but a complete list can be found at [Appendix I](#)

## 2 THE CAMPAIGN TO SAVE YOUR PUB

### 2.1 Getting started – intelligence gathering

2.1.1 Once closure stories or rumours begin, intelligence gathering is the first step. You need to find out:

- Who owns the pub? Is it the licensee him/herself? A property developer? A pub company or brewer? If the last, then who within the company made the decision?
- Why is the pub closing? Is it because the pub (supposedly) isn't making money? Does the owner have another pub nearby and wants to reduce competition? Has a developer made a tempting offer? If the licensee is owner, are they retiring and looking to maximise their assets?
- What does the owner want to do? Finding out the intentions of the owners isn't always straightforward. You will need to find out whether planning permission is needed for their plans and, if so, take appropriate action for each.

2.1.2 If they are seeking planning permission for the changes then they will need to submit an application to the Council as the local planning authority. The Council is obliged to notify neighbours or post a notice in the site's vicinity. In the cases of Listed Buildings and Conservation Areas, they must both post a notice and place an advert in a local newspaper. The Council must also publish details of new applications on its website, including plans and other associated documents.

2.1.3 It's vital that you pick up on any planning applications as quickly as possible. As a rule you will only have 21 days to submit objections and you need to maximise the time to construct your case. Councils generally publish weekly lists of new applications on their website (see 4.4.1) so if an application is anticipated, someone should be tasked with checking the site weekly.

2.1.4 Alarm bells can start ringing about a pub's future even if no outright closure suggestions have surfaced. A sadly common scenario is where a pub starts closing early or keeping erratic hours, where food service is irregular or stops altogether, where the quality of drink and food diminishes and so on. Experience shows that such running down of a pub is often deliberate because the owner knows that obtaining planning permission for change of use will depend on convincing the Council that the business is not viable. Campaigners therefore need to keep careful, detailed records about what is going on so that any claims that the pub is intrinsically non-viable can be rebutted in due course. If you can show that the pub was once thriving when well-managed and that the failings are attributable to a rubbish customer offer, then you'll have a very strong case. Effectively, you need to start your campaign (in secret if need be) at the point where the way the pub is being run begins giving rise to concerns.

2.1.5 Pubs can also come under threat from public schemes such as comprehensive development plans or local authority highway proposals. In such cases you'll need to contact the local Council to find out more about how

you can register your protest, which may take the form of a public inquiry. Your tactics will to a large extent depend on the answers to these questions.

2.1.6 The key message is – be prepared.

## **2.2 Gathering community support**

2.2.1 Essential to the success of any campaign is the ability to demonstrate widespread local community support. Top priority is therefore identifying who will join you in your campaign. Often a group will form organically if the pub is well used and much loved. If the regulars are unwilling to take a stand, then a campaign will be up against it from the beginning. The local Councillor and/or MP could be a crucial ally.

2.2.2 A scenario can sometimes develop where a licensee has alienated the local community (possibly deliberately) to such an extent that hardly any local pub-goers remain. It is often the case that in the right hands such a pub would be a valued community asset. In these circumstances, the net needs to be spread wider to try to enlist support – you're aiming to reach the folk who would use the pub if it wasn't for the way it is currently run. You could also encourage people to talk to the landlord and try to achieve a change of attitude.

2.2.3 In these circumstances, it is worth identifying the reasons why this is the case and demonstrating that the pub would be of community value in the future under new ownership. One potentially effective way of testing local opinion is with a community questionnaire. You can ask questions such as: "How often would you visit a well-run local pub?", "How often would you buy meals if there was good food?", "What activities would you be interested in?", "Would you use a shop if it was part of the pub?"

2.2.4 Campaign groups are encouraged to contact the local CAMRA Branch as soon as they know that a pub is under threat (contact details can be found at <http://www.camra.org.uk/camra-near-you>). Our Branches are expected to resist any temptation to 'take over' the campaign – their role is to assist and enable.

## **2.3 Planning a strategy**

2.3.1 Planning a campaign carefully in advance will save a lot of time and effort in the long run. By now you should be clear about who owns the pub and why they want to close it. You may know what they want to do with the building and have a good idea of how much support you can rely on within the local community. Your next steps will depend to a large extent on whether or not planning permission is needed. In all cases, publicity is key.

2.3.2 Please be aware that planning can only play a part, often a small one, in keeping a pub open and cannot prevent the owner simply closing up. Campaigning should also focus on how the owner's attitude could be changed so that they end up wanting to keep the pub open.

## 2.4 Publicity

2.4.1 It is usually easy to get the local media interested in a “save our pub” campaign. Share with them a press release with all the pertinent facts plus a few strong quotes about why the pub needs to be saved. Some snappy sound-bites never go amiss – using language such as: *“this pub is the heart of our community”*, *“so-and-so has been coming here for 53 years – where will he go now?”*, *“five societies and six sports clubs use the pub as their HQ”* will go far. Make sure you identify a spokesperson for the campaign in advance and agree key messages for any and all interviews.

2.4.2 Remaining positive is the best approach. Directly criticising the current licensees is not helpful, but if you believe they are at the root of the problems then you can convey this in other ways. Something along the lines of: “I can remember when this place was really buzzing – there's no reason why it shouldn't be so again” conveys that the current under-use of the pub could change under the right ownership. Publicity needs very careful handling. If you want to persuade the owner to change their approach then you want to avoid alienating the licensee (if this is a different person e.g. a tenant) as they may well be on your side and want to keep the pub open. Pub companies, brewers and developers are fair game for criticism, especially if you feel they've deliberately run down the business or starved it of investment

2.4.3 **Marketing materials** - Postcards and flyers are effective ways to publicise a campaign and large quantities can be surprisingly cheap to produce. They should have a colourful, eye-catching image along with a simple message such as *“Save the Rose & Crown”*. Perhaps you can get an image while organising a photo call with the press outside the pub. The more people you can get along, the better.

2.4.4 On the back of the postcard or flyer you can set out in some detail the nature of the threat and what readers can do to help. If a planning application has gone in you can offer pointers on the postcard or other leaflets on how and why to object. (See section 4.4 for detailed advice on how best to frame objections). Ask people to write to their MP and local Councillors, provide contact details and indicate sources of further information, such as a website or Facebook page. Distribute the cards/ flyers in local pubs, shops, libraries – anywhere that will take them. You might also consider popping them through local letterboxes to get residents to back the campaign.

2.4.5 **Demonstrations** - A demonstration is always worth considering, especially if you need a new publicity angle. It could be timed to coincide with the planning meeting or you could use it to ‘up the ante’ in advance. However, there is nothing worse than an ill-attended demonstration, so be sure you will be able to secure a decent turn-out if you go down this route. It also helps to be visual for the benefit of the media – not just by using placards, but getting people dressed up or using other gimmicks (e.g. campaigners in one village opened *“Britain's smallest pub”* in the disused phone box outside their closed local). Any local celebrities or worthies you can persuade to turn up will be worth their weight in gold.

## Saving Your Local Pub

2.4.6 Getting the initial burst of publicity should be easy but sustaining media interest is more of a challenge. Try to develop relationships with particular journalists and provide them with regular updates and developments on the campaign.

## 3 LIST AS AN ASSET OF COMMUNITY VALUE

3.1 Whatever form your campaign takes you will need to demonstrate that the pub is valued by the local community, which can easily be done by nominating the pub as an Asset of Community Value (ACV). Ideally this should happen before the pub is even under threat.

3.2 Under the Localism Act 2011 you can apply to the Council to have the pub declared an ACV, which means that should the pub later be put up for sale then a community group is entitled to submit a bid, and a six-month moratorium kicks in giving the group time to raise the necessary funds.

3.3 Planning authorities may also regard ACV registration as what's called in the jargon a 'material consideration' when considering a planning application. What ACV status demonstrates very clearly is that the pub is valued by local people and helps meet their day-to-day needs. As we'll see later, such evidence can be most useful when framing your case for the retention of the pub – because both national and many local planning policies put great store on the importance of retaining valued community facilities. Full details of the process for making nominations and the help available can be found on our website: [Nominating a Pub as ACV – A CAMRA Guide](#).

3.4 At present, ACVs apply only in England.



## 4 PLANNING PERMISSION

### 4.1 Background

4.1.1 In May 2017, planning law was changed (following a long campaign by CAMRA and others) so that any demolition or change of use of a pub now needs planning permission. This means that you can raise objections to any such proposals and, hopefully, convince the Council to turn them down.

4.1.2 So far as pubs are concerned, the most common change of use is to one or more houses. Others include conversions to restaurants, shops, offices, hot food takeaways and industrial or warehousing uses. Also needing permission are:

- Extensions, such as new restaurant areas and conservatories
- Alterations (inside or out) to Listed Buildings
- Most new signs and advertisements
- Changes to the external appearance of the building such as new doors, windows or roof

Some developers have argued that partial demolition of a building does not require planning permission. This is incorrect. The definition of 'building' in this context is found at Section 336 of the Town and Country Planning Act 1990 which states: *'building' includes any structure or erection and any part of a building as so defined but does not include plant or machinery comprised in a building.* Having said that, some minor works will be regarded as De Minimis and not require consent.

4.1.3 **Early Warning Signs** – Beware, a planning application may not be what it seems. There have been instances of pub owners applying for extensions or alterations such as chiller units to pubs which, on close scrutiny, are clearly designed to make them a more attractive proposition to a new owner who has a shopping use in mind. Treat any application concerning your local - especially if it's owned by a pub company or brewery - with suspicion, until you are satisfied that the desired end result is in the long-term interests of the pub. Also be aware that in some cases the sale has already been agreed before the suspicious application was submitted.

### 4.2 Different types of planning applications

4.2.1 **Partial Loss** – Some planning applications seek changes which would reduce the size of a pub e.g. loss of a kitchen or meeting room, development on the car park or garden. Others aim to convert areas to non-public uses, such as offices or general residential (rather than licensee accommodation). There have also been applications that propose demolition of the pub with the caveat that it will be replaced on a smaller scale in the new development so that it is then compliant with policy.

4.2.2 All these tactics can threaten the viability of a pub and are often the thin end of the wedge to total loss – hence why they are sometimes referred to as

'Trojan Horse' applications. Objections to any such proposals should focus on the likely adverse impact on the long-term financial health of the business. Loss of licensee accommodation may well make the pub unattractive to potential future licensees, thereby causing recruitment problems. More information about such applications and advice about objecting to them can be found at [Appendix H](#).

**4.2.3 Demolition** – Since May 2017, planning permission has been required for the demolition (including partial demolition) of a pub – previously this applied only if it was ACV-nominated or registered, a Listed Building or in a Conservation Area. However, not all Councils seem to realise that is the case and there have been several instances of unauthorised demolitions going ahead because of Council ignorance or confusion. More information about unauthorised demolitions, and what can be done about them, at [Appendix G](#).

**4.2.4 Mixed Use Classes** – Where a building is being used for different purposes that fall into more than one Use Class, then the overall use of the building is regarded as 'mixed'. The exception to this is where it can be shown that there is a primary use for the building to which other uses are ancillary. Applicants have been known to claim that a pub is in 'mixed use' and that another of the uses (e.g. as a restaurant or hotel) is the primary one. This is invariably an attempt to circumvent planning policies that protect pubs but not the other use. In most cases it can easily be demonstrated that the pub use is the main one – but it's advisable to ask the Council to clarify the position as they see it at an early stage.

## **4.3 Campaign Tactics**

**4.3.1 Contact the owners** – Ideally, you will want to speak with whoever owns the pub to find out what, if any, efforts they have made to market the pub as a going concern and why it is no longer viable. You'll want an idea of timescales, such as will they wait until the planning position is clarified before closure or not? If they say they've tried to sell and have had no offers, you might tentatively want to enquire whether a sale to a local consortium would be entertained.

**4.3.2** It's always worth trying to negotiate a 'stay of execution' to try and keep the pub open as long as possible on the promise that your group will work with the pub and the local community to explore ways of drumming up trade and increasing the pub's viability.

**4.3.3 Contact the planners** – the Council's planners are key players here as they have to decide whether or not to approve (or recommend approval of) any application for change of use, demolition or alteration. In most cases, planners will base their decisions on the policies contained in the Local Development Plan (see [Appendix B](#) for more information) and in the National Planning Policy Framework (NPPF) (see [Appendix A](#) for more information). Many Local Plans have policies aimed at protecting essential community facilities, including pubs. Plans will often state, for instance, that any applications to change the use of the only pub in a community will normally be resisted. The NPPF also has some strong pro-pub policies by which all Councils are expected to abide.

4.3.4 An early action will be to contact the local planning department to find out:

- If an application has been submitted
- If yes, what is the closing date for objections (if no, then ask to be consulted as and when any application comes in)
- Whether the decision will be made by the planning committee or delegated to officers
- What decision or recommendation are the planners minded to make (they may or may not be willing to tell you)
- What are the relevant Local Plan policies?
- Whether the pub is a statutory Listed Building, a locally-listed building or is in a Conservation Area.

4.3.5 As with the media, you want to establish a relationship with the planners and, if necessary, try to convince them of the merits of your case. Their room for manoeuvre may be limited by the Local Plan, but it can be worth pursuing. As an example, one authority which had a 'protect the last pub' policy was going to approve a change of use because there was another pub in the village concerned. However, the locals pointed out that this other establishment operated essentially as a restaurant and the threatened pub was the only true community facility. The planners were persuaded, permission was refused and the pub is trading successfully under new ownership.

4.3.6 It's worth stressing that planners are often genuinely supportive of pub retention and preservation so you may well be pushing at an open door if you're trying to save a pub. They do, however, have to balance lots of issues as well as comply with local and national planning policies.

4.3.7 **Lobbying Councillors** – Try to get your local democratic representatives on board. You can hope and expect the local District/Borough Councillors will support your efforts. While about 90% of planning application decisions are delegated to officers, that doesn't prevent Councillors from becoming involved if they wish. In many Councils, if a ward Councillor raises objections to an application then it will be taken to Committee for decision. An advantage there is that most Councils permit objectors to address the meeting before the decision is made (see 4.6). As a minimum, the meeting will be open to the public.

4.3.8 Contact your Member of Parliament as well and ask them to endorse your campaign.

## 4.4 Objecting to a planning application

4.4.1 **Finding the application** - If a planning application has been lodged which may drastically affect a favourite local, your first step should be to have a look at it. You should be able to find it on the Council's website. On the home page there will be a 'Services' section and an A-Z as well – you're looking for "Planning". Here you should find a link to 'View Planning Applications' - you then just insert the property name or postcode. Basic details of any recent

application will pop up along with links to associated documents such as the application itself, detailed plans and the design and access statement. The closing date for objections will be given but beware that the time period can be short - often three weeks or so. This doesn't give you much time, so the more preparatory work you've been able to do (see 2.1 and 2.2) the better. As a fail-safe, it's advisable to quickly submit a 'holding' objection, stating briefly why you object to the application and that detailed reasons and evidence will follow.

**4.4.2 Objecting to the application** - Most Councils have a facility on their website to enable objections to be made electronically – again, there should be a link from the planning application. This is often titled “Make a Comment”. Some Councils require you to log on first and you will therefore need to register, but this is a simple process. You can also write a letter to the Chief Planning Officer if you prefer, in which case always include the address of the property and the Council's application reference number. Assuming your comments are submitted in time, they should be fully considered when the decision is made.

**4.4.3 Writing your objection** – You can write a detailed objection on behalf of an action group or as an individual. If you are writing as an action group, you should also encourage as many individuals as possible to submit personal objections. The more people object, the more likely it is that the Council will take notice. It's best to avoid standardised objections as they lack credibility and will often be overlooked. Petitions are also of dubious value, as signing one doesn't indicate any genuine degree of commitment to the cause plus Councils often count them as only a single objection. You can assist fellow objectors by setting out the key points and asking them to put them in their own words to send to the Council. Conveying the impact the loss of the pub would have on each individual objector, as well as the community as a whole, is important.

## **4.5 Arguments for objecting to a request for planning permission**

**4.5.1 The viability argument** – Applicants will often state that the business is no longer commercially viable and has no hope of ever again becoming a going concern. [The Public House Viability Test](#) (PHVT) created by CAMRA will help you put together evidence to counteract such claims. This is especially important where the applicant has commissioned experts to produce a study which proves that the pub isn't viable. The PHVT will help to disprove those conclusions and highlight some of the reasons for the current decline in trade. It may be that the current owner has run down the pub deliberately, and there is no reason why it couldn't be viable in the future. [Appendix D](#) is a “tick list” version of the PHVT that can be helpful in assembling the facts relevant to viability. You can also point out that many pubs previously written off by their owners are now thriving enterprises – see our list of [Pub Success Stories](#) where you may find a scenario similar to that at the pub you're trying to save.

**4.5.2** The expectation behind the PHVT is that Council officers would carry out the viability assessment themselves, gathering any information needed to enable them to do so. Some Councils have said that they lack either the necessary skills or capacity to do this themselves or want a third-party opinion before reaching a conclusion. If that is the case, they should be told or reminded

that the District Valuer Service, the property arm of the Valuation Office Agency, provides independent financial viability advice to local planning authorities; such advice is delivered nationally from their network of regional offices.

**4.5.3 Marketing of the pub** – Have the current owners made genuine efforts to sell the pub as a going concern? Has it been placed with an appropriate specialist agent and offered for sale at a realistic price for a pub as a going concern for a reasonable length of time? If not, you should suggest that this happens before planning permission is considered.

**4.5.4 The community angle** – This often has significant power with planners, and rightly so. Pubs are, by their very nature, a community asset. Use phrases like *“take away this pub and the local community will lose its heart”, “the community would be a much poorer place if this pub were lost”, “it’s a meeting place for all sections of the community”*. This community angle doesn't just apply in rural areas either - urban pubs can be equally important community facilities, both for particular areas of a town or city and for “communities within a community”. A recent study, Friends on Tap, showed that people with a local have more close friends, are more satisfied with their lives and feel more embedded in their local community.

**4.5.5 The policy angle** – When framing your reasons for objection, it's extremely useful to quote any relevant Local Plan policies (see [Appendices B](#) and [C](#)). If you can demonstrate that the proposal is clearly out of step with established planning policy, the Council ought to make its decision in line with that policy or give a very good reason not to. You can also quote relevant sections of the National Planning Policy Framework, which can be found at [Appendix A](#). Within Greater London, you can additionally quote from [Policy HC7 of the London Plan](#).

**4.5.6 The economic angle** - studies have shown that pubs inject an average of £80k into their local economy each year. Pubs tend to employ local people and will often buy in beer and food from local suppliers. They also make a disproportionate contribution to the public purse - every pint sold in a pub raises twice as much as one sold in the off-trade.

**4.5.7 Alternative facilities** – In urban areas and larger villages, applicants will invariably point out that there are other pubs or 'equivalents' such as clubs and hotels which local people could use. There are often, however, good arguments as to why these alternative facilities are no replacement for the pub in question. For example, they might be very food-oriented or aimed only at particular groups of people. Distance can also be a factor especially if a drive rather than a walk is needed.

**4.5.8 History/Heritage** – Some pub buildings are statutorily “Listed” as being of architectural or historic interest which protects both their interiors and exteriors. Also, CAMRA maintains an inventory of pubs recognised as having interiors of national or regional importance. Should your pub be in one or both of these categories then make the most of portraying any loss as the destruction of a rare heritage asset. You can see if a pub is on an inventory by visiting the

Pub Heritage website – [www.heritagepubs.org.uk](http://www.heritagepubs.org.uk). More information about statutory listing and how it helps protect listed buildings from unwanted changes can be found at [www.historicengland.org.uk/listing/what-is-designation/](http://www.historicengland.org.uk/listing/what-is-designation/). Here you can also find out about Local Designation - the powers which Councils have to designate conservation areas and to place buildings on Local Lists of heritage assets. Being on the latter doesn't give the building statutory protection but should be a material consideration in any planning application.

4.5.9 [Appendix E](#) is a **model objection letter** which you might find helpful. Not all of it will be relevant in every situation so it will be a matter of picking and choosing what is most appropriate for the application in question.

4.5.10. **Gathering support** – Encouraging other people or organisations to object can be very useful. The pub's regulars should be encouraged to write to the Council as individuals. If the pub is of some historic or architectural value, the local Civic, Village or Historical Society may be willing to lodge an objection as well.

4.5.11 There have been several studies into the economic and social importance of pubs, all of which contain useful material for campaigners. A list of them is at [Appendix F](#).

4.6 **The Decision** If you've made a good case, you can hope that planning permission will be refused. Contact the planning officer to find out if the application is being dealt with by a **planning committee**. If it is, you can attend the meeting. Increasingly, Councils are allowing objectors to speak at these meetings, though you generally need to book yourself a slot in advance – all the necessary information will be on the Council's website. The case officer's report to the committee ought to include reference to or summarise the contents of any objections received. Should yours not be properly covered, you have grounds for complaint.

Decisions are more often **delegated** to a senior planner; however the case officer's report must still consider all the relevant issues and objections and come to a reasoned conclusion. For instance, there must be a convincing justification for allowing something that specifically goes against a local or national planning policy. In addition, material representations (such as ACV registration) should be properly mentioned in the report.

## **5 ENFORCEMENT ACTION**

**5.1** What do you do if you think something is happening at your local that doesn't have the necessary permission? This could range from change of use to unauthorised extensions or alterations. It could, in particular, include continued residential occupation of a closed pub – see 6.3.3 and 6.3.4

**5.2** The first person to contact is the Enforcement Officer in the Council's Planning Department – their details should be on the Council website, or you can phone the Council offices and ask to be put through. The Officer should then check whether what has happened is or isn't above board. Officers have the right of entry to properties to check if there has been any breach of planning control and, if so, whether enforcement action should be taken. That action could include a demand that the unauthorised works be removed and the building restored to its former state. On the other hand, the Council might decide to grant retrospective permission for the work.

**5.3** The owner or occupier has a right of appeal to the Planning Inspectorate against an enforcement notice. It may be necessary to prove that the work has taken place, in which case photographic evidence is invaluable (the local CAMRA Branch might be able to help on this).

## 6 AFTER THE PLANNING DECISION

### 6.1 Planning Permission granted

6.1.1 If permission is granted, as a rule there's very little you can do. Should you feel that the Council did something wrong in the way it went about making its decision (e.g. they ignored a point of law or failed to follow their own procedure), then you should submit a formal complaint. Where the Council doesn't respond to your satisfaction and you've exhausted their complaints procedure, you can escalate the complaint to the Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk)) which will decide whether or not the Council was guilty of maladministration. However, even if the Ombudsman rules in your favour, it would be rare for them to recommend that the Council reconsiders its original decision, even if it was in a position to do so.

6.1.2 There is a process known as Judicial Review which could get a decision over-turned if it can be proven that the Council acted illegally in its decision. You would, however, need to be on extremely secure ground before pursuing this route, as it's potentially ruinously expensive. Getting expert legal advice is an essential first step.

### 6.2 Planning Permission refused

6.2.1 Hurray! The Council has refused the application, so all is well? Not necessarily so, unfortunately. Several unwanted developments could now take place.

6.2.2 **Appeals** – The applicant is entitled to appeal against the decision within six months of the decision notice date. You then have another battle to fight. Appeals are dealt with by the Government's Planning Inspectorate and an Inspector will be appointed to deal with the case. Objectors to the refused planning application should automatically be notified of any appeal, which will usually set out the grounds of appeal and explain how the appeal will be dealt with. This could be through exchange of written representations, or a semi-formal hearing or a full-blown inquiry – the last are increasingly uncommon.

6.2.3 You'll need to act quickly to get any views submitted as there is a six-week deadline from the Council receiving the appeal. Your original objection letter will be read by the Inspector and so, if you have nothing to add, don't bother sending another. Where viability is an issue, draw the Inspector's attention to the Public House Viability Test (see section 4.5.1) and suggest it be used to assess any continuing claims of non-viability.

6.2.4 Where an inquiry is to be held, the Council and appellant must exchange 'pre-inquiry statements' which set out the basis of their cases six weeks in advance. Should objectors have a comprehensive or complex case, they can be made a party to the appeal – in the jargon, they are then a 'Rule 6 Party'. They must produce a statement (known as a Proof of Evidence) and can potentially be cross-examined on it at the inquiry by the appellant or the appellant's barrister, so you will need to consider whether you want to take this



on. If you've only submitted comments, then you can't be cross-examined on those.

6.2.5 Four weeks before the inquiry the appellant, Council and (if a party) objector will exchange their Proofs of Evidence. Even if you're not a party yourself you can inspect these documents. Should you find anything in the appellant's case that you consider wrong or challengeable, either tell the Council (so that they can pick it up at the inquiry) or raise it yourself at the inquiry (in practice, Inspectors invariably let members of the public speak).

## 6.3 What to do if the pub stays shut

6.3.1 There's nothing to prevent the owner shutting the pub even if change of use is refused. Indeed, many owners close their pub in advance of an application being submitted or determined. Nobody is obliged to keep a pub open, though if they try to use the pub for something else that needs permission then the planners can take enforcement action against them (See Section 5). It's not unknown for owners to close a pub, strip it out then "sit" on the property in the hope that the planners will eventually give way and allow change of use rather than see a building go to rack and ruin.

6.3.2 One possible way forward when owners keep pubs closed is compulsory purchase. Councils have powers to make '**Compulsory Purchase Orders**' (CPOs) where there is 'a compelling case in the public interest' to do so – which might apply, for example, if an important community asset like a pub is being left to rot. In June 2011, the Government issued guidance to Councils on the use of CPO powers to save community assets. Councils are now obliged to take seriously all viable requests put to them by voluntary and community groups for the compulsory purchase of a threatened community asset. For example, in 2019, the Forest of Dean District Council made a CPO for a pub which had been closed for eight years, which secured its reuse as a community facility (details [here](#)). Councils must respond formally to such requests, outlining the reasons behind their decision on whether or not to use CPO powers. Historically, Councils have been reluctant to use such powers because of the cost implications, but there's nothing to lose in trying this route if your local has been left in limbo.

6.3.3 Another thing to look out for is any attempt to establish a case for a '**Lawful Development Certificate**'. This will be granted by the Council if certain things can be proved, including where the use of a building has been changed (without planning permission) to use as a single dwelling house and no enforcement action has been taken against that unauthorised use for four years since the use began. The Certificate means that the use becomes immune from enforcement action. So, even if permission for residential use of a pub was refused, if a person just goes ahead and uses it for that purpose, nobody objects and no enforcement action is taken, they can later apply for this illegal use to be legalised. Regular checking is therefore needed that no such unauthorised use of any part of the building for residential is taking place; any evidence that this might be happening must be reported to the Council who then ought to take enforcement action (see Section 5).

6.3.4 Many owners, and indeed Councils, are under the impression that they can continue to live in the former licensee accommodation when a pub closes for business. This is not true. The use of this accommodation is ancillary to the pub use so if that ceases so does the entitlement to residential use. However, should this unauthorised use go unchallenged then the owner can apply for it to be legalised. Any evidence of continuing residential occupation of a closed pub should therefore be reported to the Council's Enforcement Officer (See section 5.2). It will be reasonable for Councils to allow the licensees a period of grace (say six months) to find themselves new accommodation but after that, enforcement action should be taken.

6.3.5 Lawful Development Certificates are not relevant to situations where breaches of Listed Building or Conservation Area controls may be alleged.

6.3.6 More advice and guidance can be found in our document [When Pubs Stay Shut – a Campaigning Guide](#).

6.3.7 **Community Purchase** – An increasing number of communities are taking the seemingly drastic step of saving their pub by buying and running it themselves. The new scheme of registering pubs as Assets of Community Value has, in particular, encouraged communities to seriously consider whether the best way to turn around the fortunes of their local is to take direct control of it. There are obvious advantages to ensuring that the focus of the pub business is on meeting the needs of local people. The financial and emotional buy-in from those people can't be underestimated.

6.3.8 CAMRA has produced guidance on community purchase: [Community Owned Pubs – A CAMRA Guide](#), which includes contact details for various bodies that can offer practical advice and guidance; some case studies of successful purchases are also available.

## 6.4 Complaints from Neighbours

6.4.1 It sometimes happens that pubs are the source of complaints from neighbours on account of noise and other disturbance. Clearly if the amount of noise emanating from a pub is unreasonable then it is correct that action should be taken to mitigate the nuisance. Increasingly, though, we have seen new developments spring up close to existing pubs, following which the incoming residents complain about noise even where this is at the levels which could be expected from a pub, especially late at night.

6.4.2 The recent changes to the NPPF ([see Appendix A](#)) have tackled this situation by enshrining within the Framework the Agent of Change principle. This states that existing businesses and community facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Provided noise levels are reasonable therefore, no action against a pub can be taken - the onus is on the developer (the agent of change) to provide suitable mitigation before the development is completed.

## APPENDICES

### Appendix A: The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published in July 2021 and sets out the government's planning policies for England and how it expects these to be applied. This revised Framework replaces the original NPPF published in March 2012 and which was subsequently revised in 2018 and 2019.

#### Summary of policies relevant to pub protection

##### Overall purpose

Paragraph 1 states that *"The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced."*

##### The value of communities in supporting the concept of sustainable development

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of 'sustainable development', which is summarised as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs."* Paragraph 10 reinforces this by stating *"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development."*

Paragraph 8 explains that achieving sustainable development means the planning system has three overarching, interdependent objectives – economic, social and environmental. Of these, the social objective is the most relevant for pubs, the objective being:

*"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."*

##### Explicit support to retain community pubs

Paragraph 93 contains the most explicit and wide-ranging policies supporting the retention of community pubs:

*"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other*

- local services to **enhance the sustainability of communities** and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) **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;
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are **retained for the benefit of the community**; and
  - e) ensure an **integrated approach** to considering the location of housing, economic uses and community facilities and services."

Paragraph 91 offers further support, especially concerning the importance of enabling social interaction to take place:

*"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which..... promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages"*

## **Town centres**

Paragraph 93's community facility protections apply fully to town centres and their surrounding suburban areas. Paragraph 85 further states:

*"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*

- a) *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*
- b) *define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre"*

## **Rural areas**

In rural areas, paragraph 84 provides explicit support for pubs of tourism importance and local facilities in villages:

*"Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

## **Promotion of community uses in new developments**

Paragraph 72 states:

*“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the **necessary infrastructure and facilities.**”*

## **Green belt**

With regard to the expansion of established businesses (including pubs) within Green Belts, paragraph 145 states:

*“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- e) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

## **Agent of Change**

Paragraph 187 covers the agent of change principle, stating *“Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established”*. The requirement to provide suitable mitigation measures is placed on applicants. This has been an issue for pubs in the past with, for instance, residents of newly-built houses complaining about the noise from long-established pubs nearby.

## **Heritage Assets**

This topic is particularly relevant when a historic pub or hotel is under threat.

Paragraph 8(c) seeks, generally, to protect and enhance the natural, built and historic environment.

Paragraph 190 covers this in more detail, stating that Authorities should take account of:

- a) *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*

Additionally, in paragraph 203 the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 196 states *“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision.”* This is important in those all-too-common instances where owners allow a building to become run down then claim that planning permission should be granted because it is beyond repair or that restoration costs would make the previous use e.g. as a pub non-viable.

In this section, the term ‘heritage asset’ is defined as: “ a building... identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the Authority (including local listing).”

N.B. The definition does not exclude buildings which don’t appear on any list, local or otherwise.

Significance is defined as: “the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

## **Relationship with local plans**

Paragraph 218 states that:

*“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.”*

Paragraph 219 continues.

*“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

## Saving Your Local Pub

It can be inferred from this that, where a Local Plan is currently silent, as is often the case with policies on pub protection, then the NPPF policies will apply (and take precedence where existing Plans are in conflict).

## **Appendix B: Local Plans**

All Councils (which are also local planning authorities) will have a Local Plan which sets out the planning policies that the Council will apply when considering planning applications. Many of these plans contain specific policies aimed at protecting all or some pubs and other community facilities, but there is much variation across Councils.

The national framework within which these Plans are established has changed several times over the years, resulting in a rather confused overall picture. Different Councils have progressed at different rates so some still have Plans made years ago under old regimes whilst others are relatively up to date with the current system. Old policies do still apply until replaced by something else – unless they are inconsistent with the NPPF (see above) in which case the latter takes precedence.

As with planning law, the Local Plans system in Scotland and Wales differs somewhat from the English system described here.



## Appendix C: Locating relevant local policies

The Local Plan will be on the Council's website. It may have another title, such as the “Development Plan” or “Local Development Framework”, but in any event is likely to be in an area of the website titled Planning Policy or similar. These are, necessarily, long documents, written primarily for use by Planners themselves and are therefore not the most approachable of publications. Most will have a section titled something like ‘Community Facilities’ and it's here that you will most likely find policies relevant to pubs – the same policies often apply to other community facilities such as shops, post offices and churches.

Many policies use wording to the effect that developments resulting in the loss of such facilities will only be allowed if there is strong evidence that the facility is no longer needed by the community and/or no longer commercially viable. The better policies go on to explore these concepts further. On viability, for instance, evidence may be demanded of a sustained marketing campaign to sell the pub as a going concern and submission of trading accounts for at least three years. The best policies of all require the employment of CAMRA's [Public House Viability Test](#) (see 4.5) or similar.

A word of caution – in many Local Plans these policies apply only in rural areas, affording some protection to village pubs (especially the last one in a settlement) but not to those in towns and cities. The NPPF has redressed the balance to a significant extent.

CAMRA is making continued efforts at both local and national levels to persuade Councils to adopt local planning policies strongly protective of pubs, and we have developed a [model planning policy](#) within the Planning Policy Tool Kit which we ask Councils to consider using.

## Appendix D: CAMRA Public House Viability Test

### Case Preparation Checklist

Check sheet on (Date)

POPULATION DENSITY	ANSWER	FURTHER DETAILS
What is the location of the pub? (village, suburban etc)		
What is the catchment area?		
Approx. adult population within one mile radius?		
Approx. adult population within ten miles radius? (rural areas only)		
Future developments planned for the area? E.g. industrial, residential use		
Daytime working population?		

VISITOR POTENTIAL	ANSWER	FURTHER DETAILS
Is pub in well visited/popular/ picturesque location?		
Does the pub appeal to those who drive out to pubs?		
Is tourism encouraged in the area?		
Is or has pub been in tourist guide?		
Does pub act as focus for community activities? (sports, social, societies etc)		

# Saving Your Local Pub

COMPETITION	ANSWER	FURTHER DETAILS
In rural areas, how many pubs within one mile radius? Five mile radius?		
In urban areas, how many pubs within immediate vicinity?		
Do other nearby pubs also offer community facilities?		

FLEXIBILITY OF THE SITE	ANSWER	FURTHER DETAILS
What is customer profile? Does it differ from other local pubs?		
Are there unused rooms or outbuildings that could be better used?		
Could pub be extended?		
Have any planning applications been made to further develop the site?  Results?		
Additional adjacent land for use – e.g. camp site?		
Is the pub well maintained?		

PARKING	ANSWER	FURTHER DETAILS
Is there on-site car parking? Enough? Scope for expansion?		
PUBLIC TRANSPORT	ANSWER	FURTHER DETAILS

# Saving Your Local Pub

Bus stop near?		
Train near?		
Frequent and reliable public transport?		
Taxi – local and special terms?		

MULTIPLE USE	ANSWER	FURTHER DETAILS
What other community facilities are available locally?		
Could the pub provide another facility for the local community? Shop? Post office? Accommodation?		

COMPETITION CASE STUDIES	ANSWER	FURTHER DETAILS
Are there successful pubs in the neighbouring area?		
Why are they successful?		

THE BUSINESS AT PRESENT	ANSWER	FURTHER DETAILS
Is the business run by owner/tenant/manager?		
Does pub management have local support?		
Is the business being well run?		

# Saving Your Local Pub

Has the pub been well supported in the past? – Is there evidence to show this?		
Has the pub been “themed” or changed style recently?		
Is the pub operating optimum opening hours?		
Is there more food potential? Is it maximised?		
Could food be a saviour?		
Is pub owner’s rent/repair policy undermining viability?		
Does this pub promote itself effectively to potential customers, including through the use of the internet and social media?		
Are there any grants/relief/etc not claimed or over charged? e.g. Rates		

SALE (if relevant)	ANSWER	FURTHER DETAILS
Where and when and for how long was the pub advertised for sale?		
Offered as going concern?		

# Saving Your Local Pub

Sale price – reasonable/ market valued/licensed house valuer?		
Was the pub offered for sale for a minimum of 12 months?		
What offers/how many?		
Has pub been closed for any length of time?		
Does sale price reflect its recent trading?		

Additional Notes

## **Appendix E: Model Objection Letter (to total loss of pub)**

**Dear Sir/Madam,**

**The Jones Arms, Thomas Street, Evanstown - Application No. XXX**

I wish to object to this application on the grounds that the development would result in the loss of a community facility.

In general terms, I share the deep national concern about the loss of public houses, with closures now taking place at the rate of around eighteen each week. Pubs are valuable community assets for many reasons, including:

- Providing somewhere for people to meet and socialise
- Supporting the local economy through employment of staff and purchases from local businesses
- Offering meeting places for clubs, societies and charities

**Choose and expand on as many of the following points which apply to the pub**

- It is the last pub in the village/community/area
- The only other pub in the community/area is of a completely different type e.g. essentially a restaurant
- The next nearest pub is x miles away
- It serves a community of x people
- It is the only community facility in the village/area
- It acts as a meeting place for x clubs, sports groups etc
- It has scope to diversify e.g. adding a shop, post office
- It is in a tourism growth area

**If the pub is currently struggling or closed**

- Say (assuming it's true) that the pub has recently not been well run and / or has suffered from lack of investment and has therefore not been achieving its potential.
- Point out that it has been a thriving establishment in the past
- Highlight other, similar pubs in the area which are doing well

**If the Council has planning policies which are protective of pubs, make sure you refer to these.**

**Make use of the relevant policies in the National Planning Policy Framework:**

*Say something along the lines of "Section 93 of the NPPF requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs. I consider that the Jones Arms is a valued facility which does meet the needs of the local community. The application should therefore be refused on the grounds that it is contrary to national planning policy."*

## **Tackle the viability issue**

- In the right hands, there is no reason why the Jones Arms should not be commercially viable
- If the applicant claims it is not viable, then those claims should be tested using CAMRA's [Public House Viability Test](#) (see [section 4.5.1](#)) – the test should be carried out by the planners themselves so that they have an objective assessment as to whether, if properly run, the pub could be a viable business.
- As a minimum, the applicant should be required to submit trading accounts for the last three full years in which the pub was operating as a full-time business.

## **Marketing**

- Ask if there is clear evidence that the pub has been marketed as a going concern at a reasonable price and for a significant length of time
- Ask for details of where the pub was offered for sale and by whom e.g. specialist licensed trade agents
- If there is insufficient evidence of a comprehensive marketing campaign, state that the application should be refused and not be reconsidered before such a campaign has taken place.

## **Finally**

Ask how the application will be determined. If it is to go before Committee, ask to be notified of the date well in advance and clarify whether objectors will have the opportunity to speak.



## **Appendix F: Studies into the economic and social importance of pubs**

### **[Pubs and Places: The Social Value of Community Pubs](#)**

*Rick Muir, Institute for Public Policy Research, January 2012*

Assesses the social value of community pubs, showing why pubs matter and why there should be concern about the current state of the pub trade. Includes sections on pub closures and the economic contribution of pubs.

### **[Friends on Tap: The Role of Pubs at the Heart of the Community](#)**

*Professor Robin Dunbar, Oxford University, January 2016*

Examines the extent to which community pubs offer an enriching social environment

### **[Young Adults and the Decline of the Urban English Pub: Issues for Planning](#)**

*Marion Roberts and Tim Townshend for the Joseph Rowntree Foundation, in Planning Theory & Practice, 14:4, 2013, 455-469*

Concludes that the traditional pub is a site for restrained and responsible social interaction for young adults.

### **[Village Pubs as a Social Propellant in Rural Areas: an Econometric Study](#)**

*Ignazio Cabras and Carlo Reggiani, economists at Northumbria University and University of York*

Published in the Journal of Environmental Planning and Management, 2010  
Found that villages with a thriving pub are 40/50% more likely also to have community social events and activities. Pubs are more important to the social side of village life than ever before.

### **[Community Cohesion and Village Pubs in Northern England: an Econometric Study](#)**

*Matthew Mount and Ignazio Cabras, Regional Studies, 2015*

Using data from 715 rural parishes, showed the importance of pubs for maintaining rural areas in the region.

## **Appendix G: Demolition Without Planning Permission**

### **Background**

Since May 2017, planning permission has been required for the demolition of a pub - previously this applied only if the pub was ACV nominated or registered, a Listed Building or in a Conservation Area. Nevertheless, several reports have been received of pubs being demolished without planning permission having been granted or even sought.

Before May 2017, it was necessary for anyone seeking to demolish a building to submit a 'prior notification' application to the Council and this continues to be the case. The process enables the Council, if it wishes, to agree with the applicant how they intend to carry out the demolition and how they propose to restore the site afterwards. These notifications are typically dealt with not by planning officers but with other sections such as Building Control which has led to some confusion. In at least one instance, the officer receiving such a notification gave 'permission' for the demolition of a pub to go ahead, ignorant of the fact that planning permission was also needed and without notifying planning colleagues.

Even worse, instances have arisen where the planning officers themselves did not know that the law had changed and therefore took no steps to advise developers that they had to apply for permission before demolishing a pub despite being aware of the developer's intention to do so. CAMRA wrote to all Councils in 2018 reminding them of the changes and asking them to ensure that all relevant staff received the necessary information and training. However, ignorance is clearly still a problem.

### **Unauthorised Demolitions**

There have also been instances of developers not abiding by the law, flagrantly or otherwise, and demolishing pubs without obtaining the necessary consents. The usual response by Councils, when they become aware of this, is to invite a retrospective planning application. Sometimes, it's clear that permission would have been given anyway if due process had been followed but, equally, granting such permission could be seen as an 'easy way out' for all concerned. Should this happen to a pub you care about, please be sure to object if you would have resisted any pre-demolition application and please kick up a fuss if the Council seems to be working on the 'make it go away' principle and not applying the same rigour which would be expected with a normal application.

In objecting, it should be pointed out that, unless the intention is to replace with another pub, the proposed demolition will be part of a process for change of use away from the sui generis use class to which pubs belong and so would also need planning permission - therefore it would be better for both applications to be considered at the same time or incorporated into a single application (i.e. the demolition application should be deferred). The application would also need to justify why the loss would be acceptable in the light of the

policies relating to retention of community facilities in the National Planning Policy Framework and any local planning policies.

Should a Council refuse a retrospective application (or if the developer declines to submit one) then there are actions they can (and should) take. At one level, they could invite the developer to submit a further application which re-provides a pub, either as a single entity or as an integral part of a wider development. In such instances, objectors need to assure themselves that what is proposed is an acceptable substitute for what has been lost and that the long-term prospects of the pub are not compromised by any aspect of the design or location. The regulations apply to part-demolitions as well as full ones.

Councils can also take enforcement action requiring the unauthorised action to be remedied – which, in most cases, would necessitate rebuilding the pub on a like-for-like basis. Such action was taken by Westminster City Council in the case study below.

The key message in all of this is that Councils should be strongly encouraged to adopt a firm stance in these situations and not allow developers to ride roughshod over the planning laws.

## **Case Study**

The Carlton Arms in Kilburn, London NW6 was summarily demolished in 2015. The action was evidently prompted by the owner becoming aware that English Heritage (now Historic England) was on the point of giving the building Grade II-listed status for its well-preserved 1920s architecture and interior. A planning application to redevelop the site for housing had previously been refused by Westminster City Council.

Back in 2015, planning permission wasn't required to demolish an unlisted pub. However, it was necessary to obtain prior approval from the Council of the demolition method to be used. In the absence of this, the Council decided to issue an Enforcement Notice alleging a breach of planning control and requiring the pub to be rebuilt within 18 months *“in facsimile as it stood immediately prior to its demolition in conformity with the detailed architectural descriptions as to building materials, plan form, exterior and interior, attached to the notice and in conformity with the photographs attached for the purposes of illustration.”*

After demolition, the site was nominated and then listed as an Asset of Community Value and at the subsequent appeal inquiry the planning inspector agreed that this was a material consideration in the appeal. He accepted that *“the historical association, past usage, layout of the spaces, character and appearance of the previous building had considerable importance for the community.”*

The inquiry was held in May 2016 following the owner's appeal against the Enforcement Notice. The inspector accepted that the requirement to reconstruct the building, in order to remedy the breach of planning control, was not unreasonable given that the demolition had caused harm to amenity. He

## Saving Your Local Pub

therefore rejected the appeal although he did extend the compliance period to 24 months.

The pub has now been rebuilt and is thriving.

## **Appendix H: Partial loss (Trojan Horse') planning applications**

### **Introduction**

Planning applications are regularly submitted that retain a pub use on a site but involve either a loss/reduction in facilities (e.g. car park, meeting room) or a reduced trading area. The term Trojan Horse is much used for such applications because of the suspicion that an adverse impact on trade would actually be welcomed by the applicants who can then claim the business is not viable and full change of use is therefore justified. These applications often represent a thin end of a wedge.

Where facilities are lost or reduced, objectors can usually make a justifiable claim that the outcome will be a less attractive pub which in turn will muster fewer customers. Typical scenarios are:

- loss of all or part of the car park and/or garden to enable housing to be built on them. Sometimes there genuinely is surplus or underused land surrounding a pub but more often than not the development would have a negative impact on the business;
- conversion of upper floors to residential use. In some cases this concerns the licensee accommodation, meaning the premises becomes a 'lock up' with the licensee living off-site which can make the pub a much less attractive option when it comes to licensee recruitment. Other instances involve loss of what are claimed to be underused public spaces like meeting and concert rooms. Of course, that underusage may be a result of management decisions not to make the rooms available or to put on events; in other hands, they might well be used regularly and add greatly to the pub's appeal.

### **The Challenges for Campaigners**

With a proposal of this nature, the key question is whether it will have, now or in the future, a detrimental impact on the operations and, therefore, the viability of the pub business. A smaller car park, for instance, might suffice to cope with present trade levels, but the latter might be depressed because of how the pub is run and prove inadequate for one that is better managed and therefore more popular. Similarly, the reason why few people use the garden might be its uninspiring or run down nature.

If the proposed development would result in a smaller trading area, then campaigners should examine whether it would be big enough to be viable. Many of the overheads will stay the same, so a reduction in size doesn't automatically mean significantly lower outgoings. At busy times, would the pub be able to accommodate comfortably all who want to use it? If the scheme led to loss of a room or rooms, would this render it unattractive to some customers?

The claim is often made that income from the desired development is crucial for survival of the business. However, an alternative reason why the pub is struggling could be that it isn't fulfilling its potential because of how it's run. The question that must always be asked is 'what could this business achieve if it were run efficiently by management committed to maximising its success?'. A well-managed pub would probably not have to resort to the asset stripping activities that most of these developments entail.

## Case Examples

In the cases that follow, planners were persuaded that the proposals would significantly damage a valued community facility and therefore planning approval should be refused. Each case then went to appeal and the Planning Inspector upheld the Council's decision.

Pensbury Arms, London SW8 The proposal was to convert the family-sized licensee accommodation and to build extensions so as to provide three self-contained flats. Although there would be a one bedroom licensee flat, the Inspector felt this would reduce attractiveness to any publican. Loss of some outdoor seating to the extensions would reduce attractiveness to customers. He concluded that the proposal was likely to render the pub unviable.

Jubilee, York The first and second floors would be converted to apartments meaning that the function room with its separate bar would go. Part of the ground floor would also be lost. The Inspector noted that 'a usable floor space for functions, socially connected sports teams or meetings for local groups can act as a focal point for a community otherwise bereft of such provision and a good quality outdoor space would be beneficial to the business in the summer months.' The scheme would therefore result in the unacceptable loss of community facilities.

Red Cow, Harpenden The scheme involved building houses on land formerly used (but not for some years) for car parking by the pub's users. The Inspector found the remaining parking area very constrained and also remarked on the close historical and functional links between the appeal site and the pub. He concluded that insufficient evidence had been provided to show that losing the car park site would not have a detrimental impact on the pub's viability.

Hornsey Tavern, Hornsey, N8 The proposals here would have actually increased the pub's floorspace. However, this would be achieved by constructing a basement bar and around half the ground level floorspace would be lost. The Inspector felt that the reduced street level bar space and loss of natural light would diminish customer appeal. The proposals would jeopardise the long term viability of the pub.

Blue Bell Inn, Sidmouth, Devon Three houses would be built on part of the car park, reducing it from 82 to 53 spaces. Given the large size of the pub, the

## Saving Your Local Pub

Inspector considered the reduction unacceptable, with particular regard to the viability of the pub.

Chelsfield, Orpington Here the plan was to demolish the existing pub and build a new one which would actually have a 13% greater trading area. However, there would be a considerable reduction in outdoor space. The current provision, the Inspector felt, 'adds a sense of vitality and activity to the frontage'. The new pub 'could result in the failure to retain, or diminish the operation of, the existing social infrastructure offered by the Chelsfield'.

White Swan, Hunmanby, North Yorkshire Proposed development would have seen the loss of both the car park and beer garden along with outbuildings, all said to be under-used. The Inspector considered that all of them had potential to assist in the development of the pub for the benefit of the community. Their loss would remove the potential they offer.

More information about any of the above cases can be obtained by emailing [paul.ainsworth@camra.org.uk](mailto:paul.ainsworth@camra.org.uk)

## **Appendix I: Other CAMRA guidance documents**

### **[Pubs and Planning – an Overview for Campaigners](#)**

Offers an overview of planning law and practice as they impact on pubs and how they can be protected.

### **[Dealing with Planning Applications](#)**

A summary of the detailed guidance on how to respond to a planning application affecting a pub.

### **[Public House Viability Test](#)**

An objective test aimed at assisting decision makers to reach fair, open and informed judgments on the question of whether or not a pub is financially viable

### **[Planning Appeal Issues](#)**

A summary of important planning appeal decisions, categorised in terms of the key issues arising in the appeals concerned.

### **[Pub Success Stories](#)**

Examples of pubs that have not only been saved but have gone on to be successful.

### **[When Pubs Stay Shut – a Campaigning Guide](#)**

Guidance on situations where a pub has closed and the owners are unwilling to enter into meaningful dialogue about its future.

### **[Local Plans Guidance](#)**

Aimed primarily at CAMRA's own Branches, this explains what Local Plans are and how they can be influenced to help pubs.

### **[Neighbourhood Plans and Pubs](#)**

Explains the procedural background to these Plans and how they can be helpful in protecting pubs.

### **[Model Planning Policy](#)**

A robust model planning policy concerning community facilities like pubs which we encourage Councils to adopt as part of their Local Plan.

### **[Comparison of the Planning Systems in the Four UK Countries](#)**

Sets out the key differences in planning laws as they affect pubs.