

Subordinate Legislation Consolidation and
Review: Consolidation of the Town and
Country Planning (Use Classes) Order 1987
and Town and Country Planning (General
Permitted Development) Order 1995
Response

Campaign for Real Ale

September 2018



Wales Use Classes Submission

1. **Introduction**

- 1.1. Thank you for the opportunity to respond to this consultation.
- 1.2. CAMRA, the Campaign for Real Ale, is a consumer group which acts as the independent voice for real ale drinkers and pub goers. Our vision is to have quality real ale and thriving pubs in every community. CAMRA has nearly 4,500 members in Wales.
- 1.3. Our response to the consultation will focus on the economic contribution of pubs, their positive impact on wellbeing, and then answering the relevant questions to highlight why it is vital that pubs are explicitly protected within the planning system.

2. **Executive summary**

- The beer and pub industry contributes £952.9m (Gross Value Added) to the Welsh economy and pays £963.4m in tax annually¹.
- Pubs in Wales are closing at a rate of one per week.
- Public houses have a significant positive impact on their community. Therefore any change to a pub should be subject to a full planning application. The existing permitted development rights that allow pubs to be converted into other uses without local communities having a say should be removed.
- Pubs and restaurants serve different roles in the community with pubs offering a more informal setting and a space for the community to meet.
- Pubs in city centres, suburbs, and surrounding housing estates are as vital to their community as rural pubs and, in many cases, just as at risk.
- The demolition or change of use of a public house should always require planning permission. This is an important step in safeguarding public houses and allows for the community to object via the planning process should proposals for demolition come forward.

3. **Economic contribution of the beer and pub sector**

- 3.1. The beer and pub industry contributes £952.9m to the Welsh economy and pays £963.4m in tax annually. ²Additionally it has been estimated that on average, a pub injects £80,000 into the local economy each year.³ Further to this, the industry provides almost 42,000 jobs in Wales.⁴ This makes it a significant provider of jobs which is vital in light of the 4.9% unemployment rate in Wales - crucially the majority

¹ Oxford Economics/BBPA

² Ibid

³ 'Pubs and Place', Rick Muir for IPPR, 2012

⁴ Oxford Economics/BBPA

of these jobs (47%) are filled by those under 25, making the sector a leading driver of youth employment.⁵

4. **Societal and personal wellbeing benefits of pub going**

- 4.1. Pubs have been found to have a beneficial effect on individual wellbeing and are important to fostering community cohesion and combating social isolation and loneliness. These factors mean that the role that pubs play in community life contributes to wider Government objectives and initiatives.
- 4.2. CAMRA commissioned the 'Friends on Tap' report from Oxford University; the report found that people who identify as having a 'local' pub have more close friends and feel more engaged with their local community. On average those who had a local pub had 7.2 close friends compared to 6.0 for those who did not have a local pub and didn't regularly visit pubs. The number of social connections and close friends that people have has a large, positive impact on experiences of loneliness, therefore the sense of community which pubs provide is vital in preventing social isolation.⁶ Research by the Campaign to End Loneliness found that 52% of over 65s surveyed stated that having someone to sit with helped to ease feelings of loneliness, while 35% said that eating with someone helped.⁷
- 4.3. The Well-being of Future Generations Act⁸ sets goals for a healthier Wales and cohesive communities. Pubs contribute strongly to the goals of community wellbeing, cohesiveness and sustainability. Pubs are increasingly important community facilities and are often left as the last place in an area where local people can meet and socialise.
- 4.4. CAMRA maintains that pubs are the best place in which to drink, as both the sale and consumption of alcohol is regulated in a social setting. This is in stark contrast to alcohol bought in the off trade which is much more likely to be consumed alone at home. A YouGov survey carried out for CAMRA in July 2017 found that 54% of people agree that drinking alcohol in moderation in the company of others is good for wellbeing.⁹
- 4.5. Taking Wales Forward¹⁰, as part of its United and Connected cross-cutting strategy, advocates a positive approach to pubs. It undertakes to "work with local communities to protect local facilities that bring people together, including pubs" and "introduce

⁵ Oxford Economics/BBPA

⁶ 'Friends on Tap', Oxford University, 2015

⁷ <https://www.morningadvertiser.co.uk/Article/2016/12/02/CAMRA-pubs-play-huge-role-in-preventing-social-isolation>

⁸ <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

⁹ YouGov for CAMRA, 2017

¹⁰ <http://dera.ioe.ac.uk/27564/1/160920-taking-wales-forward-en.pdf>

measures to prevent unnecessary closures” while the Strategic Integrated Appraisal acknowledges that “our pubs... can provide focal points for the community to come together and deliver benefits for the whole community”. The Friends on Tap report strongly supports this, and recommends action from government to seek to prevent pub closures because of it.

- 4.6. In order to continue to reap the societal benefits of pub going, more must be done to prevent the unnecessary loss of pubs - currently at a rate of one per week in Wales.¹¹ Yet in Wales, the pub has less protection within the planning system than in any other part of Great Britain.
- 4.7. Unless statutorily listed or in a conservation area, pubs in Wales can currently be turned into shops or offices (including betting shops and payday loan shops) or demolished without any requirement for planning permission. This means that important community facilities can be lost without the local authority or community being able to have any say, even if the Local Development Plan contains policies for the retention of pubs. Where a local pub comes under threat, it is reasonable for those affected and their democratically elected representatives to have an opportunity to contribute to the debate, which is lacking in the current system.
- 4.8. In 2017, planning law in England was amended to require developers to seek planning permission to either convert or demolish a pub. Furthermore the English Use Class system distinguishes between drinking establishments (A4) and restaurants (A3). The common situation where drinking establishments also serve food has been addressed in England with a new class of permitted development allowing the change of use from A4 to a mixed use falling within A4 and A3 referred to as “drinking establishments with expanded food provision”.
- 4.9. In Scotland, change of use for a pub has always required planning permission, however in some cases it is possible for developers to demolish a pub without planning permission. This a loophole that CAMRA is working to close and has recently submitted an amendment to the Planning (Scotland) Bill.
- 4.10. In Wales, the current system is allowing pubs to close at an unprecedented rate - for example, in 2016 The Waterloo Arms in Abermule was converted from a public house to offices without the requirement for planning permission. Had planning permission been required, The Waterloo Arms may not have been converted, and may also have been taken on by interested buyers who planned to continue its use as a pub and community meeting space.
- 4.11. Other pubs converted or demolished without planning permission include:
 - *Three Salmons, Rogerstone* - converted to restaurant use
 - *Admiral, Cadoxton* - converted to retail use
 - *Bells, Cadoxton* - converted to retail use
 - *Grand Slam, Pentwyn* - converted to retail use

¹¹ CAMRA PubWatch 2018

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- *Ship and Castle, Portmadog* - converted to cafe use
- *White Hart, Cardiff* - converted to restaurant use
- *Wharf, Cardiff* – demolished

4.12. It is therefore vital that the Welsh Government implements changes to the Use Classes and Permitted Development Orders to make sure that any change of use or demolition of a public house requires full planning permission. This must equally apply to pubs in urban areas as to those in rural areas.

5. **Question responses**

5.1. *Question 3: Do you agree hot food takeaways should be placed in their own use class?*

5.1.1. CAMRA supports hot food takeaways being placed in their own use class. They are very different in character to both pubs and restaurants; their customers frequently only stay for a very short amount of time, therefore increase traffic around the area. This is exacerbated when delivery drivers from hot food takeaways are accounted for. Whereas, public houses are community spaces where people are expected to stay for a period of time often to socialise - there is less turnover of customers and people are less likely to travel by private transport. This means it has less of an impact on the traffic in the surrounding area as opposed to a hot food takeaway.

5.1.2. Furthermore, a public house has a much smaller impact on the local environment compared to a hot food takeaway - in a pub, people are expected to consume their purchases, whether food or drink, on the premises, whilst hot food takeaways can often lead to an increase in traffic from delivery and/or collection vehicles and an increase in litter.

5.1.3. Hot food takeaways are often solely open at night, and this leads to closed storefronts during the day which are detrimental to the high street. Whilst public houses are an essential feature of the night-time economy, they are generally open throughout the day providing a place for people and community groups to meet and many also provide affordable meals. Pubs therefore have a much more diverse range of uses and clientele than a hot food takeaway. Pubs and hot food takeaways are so different in character that the current Use Class definitely needs separating.

5.1.4. The need for reform of the A3 Use Class is something that is also widely supported by the University of West England planning review, where the majority of respondents stated a view that the A3 Use Class is not fit for purpose.

5.2. *Question 5 and question 6: Do you agree with the proposal to place drinking establishments and restaurants in the same use class? If you answered no to Q5, how should the UCO be amended to protect public houses in Wales?*

5.2.1. Whilst we welcome the move to safeguard pubs within the planning system, which is a significant improvement on the current situation, and believe that establishing a use class for both restaurants and drinking establishments goes some way towards

achieving this, we maintain that pubs should have their own use class. Pubs and restaurants serve different roles in the community with pubs offering a more informal setting and a space for the community to meet. Equally, pubs are a uniquely British phenomenon whereas restaurants can be found in similar formats across the globe, as an essential aspect of British culture it is important that pubs are specifically protected.

5.2.2. One of the recommendations from the Friends on Tap report was that:

“Planning authorities should examine very carefully planning applications that seek to redevelop existing pub sites, and should explicitly consider the social consequences of losing ‘locals’ ”

This is only possible in a context where all changes of use or demolition are subject to a planning application to allow scrutiny by planning officers, with regard to policies contained within the Local Development Plan and applicable national planning guidance.

5.2.3. For the purposes of a new use class, CAMRA would suggest that drinking establishments/pubs can be defined as establishments where drinks can be purchased without a requirement also to purchase food.

5.2.4. CAMRA is concerned that the consultation implies that only rural pubs are at considerable risk and in need of protection and fulfil a vital community role – in city centres, inner suburbs, and surrounding housing estates, pubs are just as vital to those who live around them and, in many cases, just as much at risk. The key is not the location but the function of the pub as a centre for social interaction, promoting community cohesion and the wellbeing of local residents. This must be recognised in the outcome of the consultation, and action must be taken to better protect all pubs in planning law. Regardless, the consultation document states at paragraph 3.58 that the only mechanism available to afford pubs protection in the planning system would be to withdraw all permitted development rights.

5.2.5. The danger of not protecting urban pubs can be seen in Cardiff and the approach taken by S A Brain & Co, the Cardiff brewers and property company, towards its tied estate. Brains pubs were formerly very heavily concentrated within the city of Cardiff, but a programme of mass closures over the last two decades has substantially reduced their numbers. Little thought seems to have been given to the detrimental impact that pub closures have on urban communities.

5.2.6. Notable pubs closed by Brains have included the Westgate, a substantial corner property on the edge of the city centre which is still empty despite its prominent position on the western approach to the city centre; the Gower, a very large heritage-listed pub in Cathays which has been converted into residential accommodation; and the Duke of Clarence, a community local in Canton which boasted many sports teams and other social activities.

- 5.2.7. Whole suburbs now have very much reduced opportunities for socialising in local pubs: in Splott the Cardiff Arms, the Canadian, the Splottlands and the Grosvenor have been closed; in Riverside the Mitre, the last pub in the area, was shut down over a decade ago; and in Grangetown the Baroness Windsor is closed and the nearby Grange was discarded by Brains but rescued by local entrepreneurs and is now thriving as a free house.
- 5.2.8. The problems are just as acute in other urban locations too. In the South Wales Valleys, the Royal Hotel in Trealaw and the Wattstown Hotel, classic Rhondda pubs included in *Real Heritage Pubs of Wales* for their outstanding interiors, have both been lost – the former turned into housing and the latter derelict. In Newport, the Engineers Arms has also been converted into residential accommodation, while in nearby Usk the iconic Royal Hotel is unused. Furthermore, in east Cardiff the Good Companions in Llanrumney and the Carpenters Arms in Rumney have both been converted to supermarkets. While not all these pubs have been converted under permitted development, this serves to show that valued community pubs are closing or under threat in all areas, and not just in rural areas. A change to the Use Classes and Permitted Development Orders will help to address this and combat the loss of community pubs.
- 5.2.9. It is vital that all changes of use require full planning permission; CAMRA would prefer to see this carried out through the creation of an individual use class solely for public houses, with all associated permitted development rights for change of use and demolition removed.
- 5.2.10. However, CAMRA believes that the proposed approach represents a very considerable improvement to the current situation and, in the absence of our desired approach, we would strongly support its adoption.
6. *Question 27: Do you agree that there should be no permitted changes of use from the new use class A4 (drinking establishments and restaurants)?*
- 6.1. Whilst we maintain that public houses should have their own use class, if a use class that encapsulates both drinking establishments and restaurants is established, then CAMRA would support the proposal that there should be no permitted change of use from the new class A4. It is vital that permitted development rights are withdrawn from all public houses. This would help retain viable pubs as essential community assets.
- 6.2. It is importantly not just rural pubs which are at considerable risk, or which are considerable community assets – in city centres, inner suburbs, and surrounding housing estates, pubs are just as vital to those who live around them and, in many cases, just as much at risk. The key is not the location but the function of the pub as a centre for social interaction, promoting community cohesion and the wellbeing of local residents.

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7. *Question 46: Do you agree that the demolition of a public house should require planning permission in order for the LPA to consider the impacts resulting from the loss of the use?*

7.1. CAMRA are strongly in support of the proposal that demolition of a public house should require planning permission

7.2. If demolition does not require a planning application, a public house could be demolished under permitted development rights and the developer could then apply to build something else thereby evading the restrictions on change of use. This is unacceptable and would often be detrimental to the local community, it is therefore essential that demolition of a public house must require planning permission.

8. **Contact**

If you have any questions, please don't hesitate to get in touch.

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