

8: Pubs and Permitted Development

Until 2017 the permitted development regime presented owners and developers with a set of loopholes which they often eagerly exploited. Pubs could be demolished or have their use changed without planning permission being needed. After many years of CAMRA campaigning, Parliament made the Town & Country Planning (General Permitted Development) (England) (Amendment) [\(No 2\) Order 2017](#) which came into force in May 2017.

SPOTLIGHT ON:

Carlton Tavern, Kilburn

This famous case pre-dates the 2017 changes in the permitted development regime but illustrates what a determined Council can achieve in the face of unauthorised activity.

The pub was demolished in 2015. The action was 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.

After demolition, the site was nominated and then listed as an Asset of Community Value. 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. The pub has since reopened, to the delight of local residents.

Since then, planning permission has been required for any demolition of a pub and for any change of use. The original Order did include a new permitted development right to allow pubs to change from AA to A4 and vice-versa without planning permission. While both these classes are now sui generis, all previous protections remain intact, with both 'food-led' and 'wet-led' pubs protected as community facilities.

The 2017 changes seem to have made a difference with the rate of pub losses. Indeed, just prior to the pandemic, the numbers of pubs in the UK had shown a small increase for the first time in 15 years.

Having said that, we have encountered instances of LPAs being unaware of the changes and allowing development to happen in the apparent belief that permitted development rights still applied. Demolition seems to be a particular problem area – please see the case studies [here](#). Sometimes the difficulties appear to arise through different departments being

involved e.g. developers contacting Building Control and officers there being unaware that demolition now needs planning permission as well as prior approval.

CAMRA is in little doubt that the majority of LPAs are fully clued up on the current permitted development rules and are applying them consistently. We would, though, ask please that all LPAs double-check that this is the case and, in particular, that all relevant parts of the organisation are properly informed.

All previous newsletters are available [here](#) on the CAMRA website, along with other [resources for Councils](#).

If there are topics that are not covered in these newsletters, or you and your colleagues have any questions, then please get in touch at paul.ainsworth@camra.org.uk

