



**FORUM** of  
**PRIVATE BUSINESS**

For our members, not for profit

# Protecting your pub

**A guide prepared by CAMRA  
& The Forum of Private Business**

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# Notes

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## INTRODUCTION

**In 1989, some legislation came into effect called the beer orders, which was designed to challenge the monopoly of the large regional brewers. This legislation was not met with joy by the brewing industry who challenged its relevance and after some considerable lobbying the new laws were watered down, resulting in what was effectively a property swap, in which breweries were taken over by what were effectively property companies.**

The majority of those breweries operated a business model called the “tie”, whereby the pubs they owned were run by individuals who, as part of their agreement rented the pub but were forced to buy the brewery’s products. The brewery’s increased their prices, but were supposed to offer some type of support in return.

Over 30 years, these pub companies or Pubcos grew larger as they swallowed more and more breweries, mostly through borrowing. When, in 2008, the property market crashed, they were left as zombie like businesses, in so much debt that the banks were unable to take the loss, that liquidating them would result in.

As a result of that situation, these businesses have spent the last decade, selling large groups of Pubs off, to either other similar Pubco’s or to new businesses whose sole purpose has been the development of the estate for alternative use.

As a result of that history, the Forum of Private Business in collaboration with The Campaign for Real Ale have put together this guidance, to help communities avoid the loss of their local pub.

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.

In recent years, pub closures have escalated dramatically with latest figures showing 21 pubs closing each week, for reasons we have explained. Whilst it is true that issues such as, falling footfall and soaring property prices is leading to many owners shutting down their pubs and converting the buildings to another use, quite often it is the tied business model that contributes to the failure of the pub. However, 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.

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.

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 which can be found on the website.



# THE CAMPAIGN TO SAVE YOUR PUB

## Getting started – intelligence gathering

**If your Pub is owned by one of the big six, they must be considered at risk, even if they have traded satisfactorily for years. Heineken, Admiral Taverns, Greene King, Marston's, Punch and EI Group (formerly Enterprise Inn's) are all companies that sell community pubs to fund the move into Managed operations.**

However, even if your pub is owned by a smaller regional or family brewer, it could be at risk. Certain companies have been created, for the sole purpose of redeveloping pubs, such as Hawthorne Leisure and New River Retail. Some of these big pub companies carry huge debts in some cases, billions of pounds and as their main asset is the properties they own if they are to fund these debts they are likely to sell off perfectly viable pubs.

Many pubs have a higher value if the pub and land were developed for other use rather than its value as a pub, so be aware does your local pub, have a big car park, bowling green or other land attached if so the pub company will know it has more value with housing, retail units or a care home on it. Further signs to look out for are a high turnover of licensees, with periods of closure or a general lack of investment. Don't always assume that because the licensees have failed, they are not particularly good – they are often operating a model, in which is not designed to be successful, but designed to exploit.

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.

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 consult with neighbours and, in the cases of Listed Building Consent and Conservation Areas, would also need to post a notice about the developments physically on the pub. The council will also publish details of new applications on its website, including plans and other associated documents.

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.

## Gather community support

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.

Often there is lack of understanding as to why the pub is under threat or why it is not being used. On these occasions either Forum representatives or CAMRA branch members could present to local residents, explain the background and history to the issue.

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.

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?"

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 [www.camra.org.uk/camra-near-you](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.

## Planning a strategy

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.

Remember that, if the pub is owned by a Pubco or a brewer it is worth considerably more to them as land with planning permission than a pub – they will therefore be resistant to your attempts to stop this process and will move quickly.

## Publicity

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.

It can be difficult sometimes to get journalists to understand the background to the reasons for a pub owner wanting to sell it – to that end a simple briefing document with the key points is always useful.

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. 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.

### **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 of the pub. The more people you can get along, the better.

On the back of the post-card 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. 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.

### **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. If the pub does music, it’s worth considering if anyone was “discovered” at the pub.

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.

As we have described, the Pubco and Brewer is not your friend and will act without telling you what they are doing. Therefore, it is always worth considering, “direct action”.

A group of residents from a village called Aston Clinton, recently descended on the Head Quarters of Punch Taverns in Burton on Trent, to demonstrate at the planned sale of their pub to a housing developer.

This demonstration was especially effective in highlighting the type of tactics that Punch employed and was covered not just locally, but in the trade press.

[www.morningadvertiser.co.uk/Article/2019/08/22/The-Rothschild-Arms-Aston-Clinton-protest](http://www.morningadvertiser.co.uk/Article/2019/08/22/The-Rothschild-Arms-Aston-Clinton-protest)

[www.derbytelegraph.co.uk/burton/live-punch-taverns-protest-3233126](http://www.derbytelegraph.co.uk/burton/live-punch-taverns-protest-3233126)



Don't forget to lobby your MP – Getting your MP on board is vital but again, don't expect them to fully understand the issue. However, if they are politically compromised, encourage the locals to lobby direct.

## LIST AS AN ASSET OF COMMUNITY VALUE

**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.**

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.

Until recently, ACV-listed pubs enjoyed increased protection under the planning system because the 'permitted development rights' to demolish them or change their use did not apply to nominated pubs. Happily, these rights have now been withdrawn for all pubs so that reason for pursuing listing no longer applies. However, planning authorities may regard ACV registration as what's called in the jargon a 'material consideration' when considering a planning application. What ACV status does demonstrate 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 at [www.camra.org.uk/listyourlocal](http://www.camra.org.uk/listyourlocal)

At present, ACVs only apply in England.

## PLANNING PERMISSION

### Background

**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.**

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
- Demolition of all or part of a Listed Building or a building in a Conservation Area
- 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

### **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.

## Different types of planning applications

### **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 which 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.

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.

### **Demolition**

Since May 2017, planning permission has been required for the demolition of a pub – previously this applied only if it was ACV-nominated or registered, a listed building or in a conservation area.

### **Mixed Use Classes**

Where a building is being used for different purposes which 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 which 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.

## Campaign Tactics

### **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.

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.

### **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 which all Councils are expected to abide by.

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.

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.

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.

### **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. As a minimum, the meeting will be open to the public. Contact your Member of Parliament as well and ask them to endorse your campaign.



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 which specifically goes against a local or national planning policy. In addition, material considerations (such as ACV registration) should be properly mentioned in the report.

## Objecting to a planning application

### 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.

### 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.

### 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.

## Arguments for objecting to a request for planning permission

### 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 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 Public House Viability Test 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 Public House Viability Test which 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.

Engaging with a pub expert from The Forum is extremely helpful in cases where the question of viability is raised.

### **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 reasonable length of time? If not, you should suggest that this happens before planning permission is considered.

### **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 was 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.

### **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.

### **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.

### **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.

History / Heritage – Some pub buildings are "Listed" as being of architectural or historic interest. 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.

**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.

### 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.

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**.

## ENFORCEMENT ACTION

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.

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.

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).

## AFTER THE PLANNING DECISION

### Planning Permission granted

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 procedures), 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.

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.

## Planning Permission refused

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

### 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.

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 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 the viability argument on page 12) and suggest it be used to assess any continuing claims of non-viability.

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.

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).

## What to do if the pub stays shut

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 which 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.

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. 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.

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 that use has gone unenforced for at least four years. So, even if permission for residential use as a pub was refused, if a person just goes ahead and uses it for that purpose, and nobody objects, they can later apply for this illegal use to be legalised. Regular checking is therefore needed that no such unauthorised use of the pub 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.

### **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 under-estimated.

CAMRA has produced guidance on community purchase, which can be found at [www.camra.org.uk/community-right-to-buy](http://www.camra.org.uk/community-right-to-buy). This includes contact details for various bodies that can offer practical advice and guidance; some case studies of successful purchases are also available.

The Forum of private business can offer further support and help and their website can be found on [www.forum.org](http://www.forum.org), or e mail [dave.mountford@fpb.org](mailto:dave.mountford@fpb.org)

One of the key organisations that supports the purchase and support of community pubs is The Plunkett Foundation. For further information, please visit [www.plunkett.co.uk](http://www.plunkett.co.uk)



# APPENDICES

## Appendix A: The National Planning Policy Framework

### **Summary of policies relating to pub protection**

Paragraph 13: states that it:

“constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.”

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

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

But paragraph 7 states that:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, [including] ...a social role - supporting strong, vibrant and healthy communities, by ...creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being...”

Additionally, paragraph 17 ‘Core Planning Principles’ contains text that gives support to the provision of local facilities and optimising transport needs:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles [include]: planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.”

Finally, paragraph 37 states that:

“Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.”

### **Explicit support to retain community pubs**

Paragraph 70 contains the most explicit and wide-ranging policies supporting the retention of community pubs:

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:



1. Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
2. 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;
3. Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
4. Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Paragraph 69 offers further support and introduces the concept of 'shared vision' which suggests local support is important. But it supports the creation of meeting places for the community:

"The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity."

### **Town centres**

Paragraph 70's community facility protections apply fully to town centres and their surrounding suburban areas. Paragraph 23 further states:

"Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

1. Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
2. Promote competitive town centres that provide customer choice and a diverse retail offer, and which reflect the individuality of town centres."

### **Rural areas**

In rural areas, paragraph 28 provides explicit support for pubs of tourism importance and local facilities in villages:

"To promote a strong rural economy, local and neighbourhood plans should... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors... this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship."

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

Paragraph 38 states:

“For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.”

### **Green belt**

With regard to the expansion of established businesses (including pubs) within Green Belts, paragraph 89:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

### **Article 4 Directions**

There is potential for councils to use Article 4 Directions to remove national permitted development rights. Paragraph 200 of the NPPF states that this should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area:

“This could include the use of... directions to require planning permission for the demolition of local facilities.”

It also suggests that planning conditions could be used to restrict national permitted development rights if there is clear justification to do so.

Furthermore, paragraph 152 states that:

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three.”

CAMRA believes that Article 4 Directions and planning conditions could also be used to prevent the permitted change of use from A4 pubs to other uses - A1 to A3 - if there is particular justification in an area.

### **Heritage Assets**

Paragraph 17 seeks, generally, to conserve heritage assets in a manner appropriate to their significance.

Paragraph 131 covers this in more detail, stating that authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

Additionally, in paragraph 135 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.

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 212 states that:

“Policies contained in the NPPF are material considerations which Authorities should take into account from the day of its publication.”

Paragraph 213 notes, therefore that local plans may need to be revised to take account of the policies in the NPPF.

Paragraph 214 says that for the 12 months to the end of March 2013, decisions can continue to give “full weight to relevant local policies adopted since 2004, even where there is a limited degree of conflict with the NPPF”.

Paragraph 215 continues “In other cases, and after 12 months, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.”

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 since March 2013 the NPPF policies will apply (and take precedence where existing Plans are in conflict).

The Planning Officers' Society recommended to its members that policy “gaps” be filled over the period to March 2013 by bringing forward single issue Development Plan Documents which cover the policy changes necessary to make the existing Local Plan compliant with the NPPF. However, most Councils failed to do this and the “catching up” exercise is continuing.

## **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 5.5) 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 model policy within the Planning Policy Tool Kit which we ask Councils to consider using.



## Appendix D: CAMRA Public House Viability Test

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)		

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?		

<b>Flexibility of site</b>	<b>Answer</b>	<b>Further details</b>
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?		

<b>Parking</b>	<b>Answer</b>	<b>Further details</b>
Is there on-site car parking? Enough? Scope for expansion?		

<b>Public transport</b>	<b>Answer</b>	<b>Further details</b>
Bus stop near?		
Train near?		
Frequent and reliable public transport?		
Taxi – local and special terms?		

<b>Multiple use</b>	<b>Answer</b>	<b>Further details</b>
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?		
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?		
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Offered as going concern?		
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**

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

Dear Sirs

The Cameron Arms, Corbyn Street, Sturgeon - 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 more than twenty 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 70 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 Cameron 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 Cameron 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 16) – 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, 2013***

**Published in *Planning Theory & Practice*, 14:4, 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**

***I Cabras and C 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.





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