

# Saving Your Local Pub (Wales) – a comprehensive toolkit for campaigners

Paul Ainsworth



# Saving Your Local Pub (Wales)

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## 1 INTRODUCTION

- 1.1 If you think your local pub may be 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 Although the rate of pub closures has slowed in recent years it remains at a worryingly high level, with traditional community pubs being particularly vulnerable. A combination of factors, such as falling footfall and soaring property prices is leading to many owners shutting down their pubs and converting the buildings to another use. 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 Wales and is current as drafted in February 2020. The legislation in Scotland and England is broadly similar but there are differences in some areas. We have separate guidance for Scotland and England which can be found on the website.
- 1.5 At the time of writing (August 2020), the COVID-19 crisis was continuing. Subject to local lockdowns, pubs had been permitted to reopen and many had done so. However, most reported trade significantly down and the short to medium term future for many pubs was unpredictable. CAMRA is concerned that some pub owners and developers will see this as an opportunity to press their case with planners for allowing change of use to pubs they now claim to be not viable. We have written to all Councils asking them to be wary of such claims as, in most cases, we would expect the longer-term prospects for these pubs to be positive. We have also emphasised the difference between the business running a pub (such as a tenant, freeholder or pub company) and the pub itself. The former may well run into difficulties, even at the best of times, but this does not mean that, in other hands, the pub could not thrive. If your local pub is under threat because of circumstances such as these, do please contact your local CAMRA Branch or CAMRA centrally at [paul.ainsworth@camra.org.uk](mailto:paul.ainsworth@camra.org.uk) for advice and guidance.

## 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 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. Speed can be of the essence as usually only 21 days is allowed for comments and objections.

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

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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 Gather 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 Welsh Assembly Member or M.P. 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 or revitalised 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 should not be expected 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.

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

2.4.4 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. (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

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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.

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 WHERE PLANNING PERMISSION IS NOT REQUIRED

### 3.1 Background

3.1.1 Current planning law in Wales is sadly inadequate when it comes to protecting pubs from unwanted development. Planning permission is not required to change a pub into the following uses:

- a restaurant, cafe or take-away;
- an ordinary shop or supermarket;
- offices for financial and professional services e.g. estate agents and building societies;
- a betting shop or payday loan establishment.

3.1.2 Pubs are in the same Use Class (A3 – Food & Drink) as restaurants, cafes and take-aways, hence why planning permission to change from one to the other is not needed. The other changes are allowed as a result of what is known as ‘permitted development rights’. The only way these can be withdrawn is by means of an Article 4 Direction made by the Council ([see Section 3.3](#)).

3.1.3 In most cases, demolishing a pub does not need planning permission. The only instances where this right is withdrawn is if the pub is a Listed Building or it is in a Conservation Area. In both the latter cases, the Council can only consider the ‘amenity’ aspects of demolition and are not under a duty to consider any loss of a community asset (more on demolition in [Section 4.2.3](#))

3.1.4 In England, permitted development rights for change of use and demolition of pubs were withdrawn in 2017; CAMRA is pressing both for the same changes in the law to be implemented in Wales and for pubs to be in a separate Use Class, as they are in England.

### 3.2 Campaign Tactics

3.2.1 Mounting a campaign where the key threats to a pub lie beyond the immediate control of the planning system is certainly challenging but still well worth doing. There are some levers which campaigners can employ. For instance, if the planned change is to a convenience store or supermarket then, in most cases, planning consent will be necessary for various “ancillary” matters – car parking, access arrangements, refrigeration equipment, rear extensions for storage and so on – and objections can be submitted to these applications. As most of these matters are relatively minor, finding reasonable grounds for objection can be tricky but the planning authorities may be sympathetic, given their inability, like it or not, to control the change of use itself. Objections on traffic grounds have proven to be the most successful – a supermarket means an inevitable increase in traffic so if the road is busy or egress from the car park not easy then objections on highway grounds might be sustained. You might want to talk to the Planning Aid Service run by the



Royal Town Planning Institute who can get you free professional planning advice – [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk). The developers might appeal against a refusal or submit revised plans but they might move on to easier targets instead.

3.2.2 The other tactic which has had success in this area revolves around naming and shaming. The supermarket giants are very image conscious and prefer not to come across as the profit-obsessed megaliths they actually are. Campaigners can position themselves as the David to their Goliath. All the publicity methods set out in [Section 2.4](#) can come into play, with the main angles centring on the development as an unwanted imposition on the neighbourhood, the effects on local business and, of course, the loss of a community focal point. The developers will argue that people like and use supermarkets but, invariably, you can show that there's already one not far away so people aren't to be deprived. Worth a look is the TescoPoly website – [www.tescopoly.org](http://www.tescopoly.org) – whose objectives are self-explanatory. The site includes a couple of excellent planning guides.

### 3.3 Article 4 Directions

3.3.1 The most effective barrier which can be erected against this kind of development is an Article 4 Direction. Councils can make these to remove permitted development rights ([see 3.1.1](#)) so making it necessary to obtain planning permission for any change of use or demolition. Unfortunately, Councils are notoriously reluctant to go down this route because they may be liable to pay compensation to those whose permitted development rights have been withdrawn if they go on to refuse planning consent. We've been advised by a senior Planning Inspector that if the threatened building is covered by a local planning policy (e.g. a pub is classified as an important community facility) then serving Article 4 Directions shouldn't give rise to compensation claims – but it has proved impossible to obtain a definitive ruling from the powers-that-be. It's certainly worth asking Councils to consider this strategy in appropriate circumstances and a few have bitten the bullet, without so far running into difficulty.

## 4. WHERE PLANNING PERMISSION IS REQUIRED

### 4.1 Background

4.1.1 Planning permission is required for changes of use to a pub other than those specified in Section 3. This means 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. 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

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 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.

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.

**4.2.3 Demolition**– Planning permission will be required for the demolition of a pub if it is a listed building or in a Conservation Area. In most other cases, permission is not needed – but **will** be necessary for any development of the vacant site, so Councils should be encouraged to stand firm when attempts are made to circumvent the planning system in this way. They should only allow appropriate alternative development on the site, even if that means that it stays vacant. Otherwise, the message to developers is knock it down first and sort out the planning later, as they often take the view that it will be much easier to obtain planning permission where there is a cleared site.

**4.2.4 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 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.

### **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 Planning Policy Wales ([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.

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

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- 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. As a minimum, the meeting will be open to the public. Contact your Assembly Member as well and ask them to endorse your campaign.

4.3.8 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 should be properly mentioned in the report.

## 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 only three weeks. 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 which can be helpful in

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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 the Council officers will carry out the assessment themselves, gathering any necessary information to enable them to do so. Some Councils have said that they lack either the capacity or the necessary skills to do this themselves or they want a third party opinion before reaching a conclusion, If this is the case, they should be told or reminded that DVS, the property arm of the Valuation Office Agency, provides independent financial viability advice to any planning authority which requests it.

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 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 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. You might also want to mention the Well-being of Future Generations (Wales) act 2015 which, inter alia, sets goals around community well-being, cohesiveness and sustainability. This in turn links to Taking Wales Forward (the five year plan) where, under the United and Connected cross-cutting strategy (page 13) , the government undertakes to ‘work with communities to protect local facilities that bring local people together, including pubs...’ and ‘to introduce measures to prevent unnecessary closures...’. The theme is also picked up in the Strategic Integrated Appraisal which states ‘our pubs...can provide focal points for the community to come together and deliver benefits for the whole community’.

4.5.5 **The policy angle** – When framing your reasons for objection, it's important to quote any relevant Local Plan policies (see Appendices [B](#) and [C](#)). Councils are required to decide planning applications in accordance with the relevant local (and national) planning policies. Only if there are strong planning reasons for departing from those policies can they do otherwise. In other words, planners will not recommend refusal simply because there have been many objections; however, if there is a policy which the proposed development clearly offends, then there is a good chance of success. It is

therefore very important to cross-reference objections to any relevant policies and provide evidence as to why the proposal is contrary to policy.

**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 “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.

**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](#).

## 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.

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 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.

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 things could now happen.

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 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 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.

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 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.

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

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

6.3.6 **Community Purchase** – An increasing number of communities are taking the seemingly drastic step of saving their pub by buying and running it themselves. 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.

6.3.7 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.

## APPENDICES

### APPENDICES

#### Appendix A: Planning Policy Wales

Planning Policy Wales is the overall land use planning policy for Wales and should be taken into account when preparing Local Development Plans (Appendix B). The latest version (Edition 10, Dec. 2018) can be found at:

<https://gov.wales/sites/default/files/publications/2019-02/planning-policy-wales-edition-10.pdf>

The document is an improvement on its predecessor in terms of offering protection to pubs, though the emphasis is firmly on rural pubs with little or no recognition given to the importance for community life of many urban pubs.

*Section 4.3.40 states 'Local and village shops and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.' Section 4.3.41 goes on to say 'The economic and social function of local shops, village*

*shops and public houses should be taken into account when considering applications for a change of use into residential and other uses.....A positive approach should also be taken, subject to amenity considerations, to re-establishing public houses in villages which have lost such provision'.*

*Section 4.3.43 states 'Retail and community centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs....' This is followed up in 4.3.45 with 'The important role that retail and community centres have in creating diverse and creative places and the wider benefits these bring in stimulating wider regeneration should be recognised by planning authorities'.*



## Appendix B: Local Development Plans

All Councils (which are also local planning authorities) will have a Local Development 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.

Information about how Councils prepare, consult on and implement Plans can be found at:

<https://gweddill.gov.wales/docs/desh/publications/060719ldpguideen.pdf>

Councils must review their Plans at least every four years. The first stage in preparing a new Plan is to compile a main issues report, based on discussions with local communities and businesses on ways in which the area could change. The Council then prepares a Proposed Plan for consultation and comment. The issues raised will be discussed at an Examination held by a Government-appointed Inspector. Councils must take note of the findings of the Examination before adopting the final version of the Plan.

All Plans must be set within the framework of national planning policy laid down in Planning Policy Wales ([Appendix A](#)).

Technical Advice Note 6, Planning for Sustainable Rural Communities, section 5.1.3, states *“Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility and community values of existing services and facilities, including public houses, that play an important part in sustaining rural communities. They should support the retention and expansion of these local facilities and should set out in the development plan the criteria they will apply when considering planning applications that will result in the loss of important village services.”* In other words, Councils should have pub etc. protection policies in their local plans, at least in rural areas.

## Appendix C: Locating relevant local policies

The Local Development Plan will be on the Council's website. It may have another title, such as the 'Local 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 4.5.1](#)) 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.

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 policy which we ask Councils to consider using.

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## 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)		



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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 (Wales)

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 (Wales)

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?		

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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 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 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

# Saving Your Local Pub (Wales)

- 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.**

## **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 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, 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: 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.