

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

Paul Ainsworth



## Contents

1. INTRODUCTION.....	2
2. THE CAMPAIGN TO SAVE YOUR PUB.....	3
2.1 Getting started – intelligence gathering .....	3
2.2 Gather community support.....	4
2.3 Planning a strategy .....	4
2.4 Publicity .....	5
3. WHERE PLANNING PERMISSION HAS BEEN SOUGHT .....	6
3.1 Background.....	6
3.2 Different types of planning applications .....	6
3.3 Campaign Tactics .....	8
3.4 Objecting to a planning application .....	9
4. ENFORCEMENT ACTION .....	13
5. POST-PLANNING DECISION.....	14
5.1 Planning Permission granted.....	14
5.2. Planning Permission refused .....	15
5.3. What to do if the pub stays shut.....	15
APPENDICES.....	17
Appendix A: Local Development Plans.....	17
Appendix B: Locating relevant local policies.....	18
Appendix C: Planning Policy tool kit extract.....	19
Appendix D: CAMRA Public House Viability Test.....	20
Appendix E: Model Objection Letter (to total loss of pub).....	26
Appendix F: Studies into the economic and social importance of pubs .....	28

# Saving Your Local Pub (Scotland)

## 1. INTRODUCTION

- 1.1 If your local pub is threatened with closure or damaging alteration and you want to do something about it, we hope this guidance will help and inform you. It focuses on the practicalities of campaigning to save a pub and on how to use the planning system to combat unwanted changes.
- 1.2 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 The full guidance included in this document is by necessity quite long and detailed and reflects the many quirks of the planning system. It is available to download from [CAMRA's website](#).
- 1.5 Please note that what follows reflects planning law in Scotland. The legislation in England and Wales is broadly similar but there are differences in some areas.
- 1.6 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 – they will need to submit an application to the Council as well as the local planning authority. The local authority is obliged to consult with neighbours and, in the cases of Listed Building Consent and Conservation Areas, the Council would 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.

2.1.3 If they are not seeking planning permission - the owner might be keeping the plans to themselves with not even the licensee (if a manager or a tenant) being told what's going on. Many of the large pub companies, for instance, make deals with supermarket chains behind closed doors and sell the pub before anything becomes public. In any event, it is much more difficult (but certainly not impossible) to campaign against a closure if the changes can go ahead without the need for planning permission.

2.1.4 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.

2.1.5 Your tactics will to a large extent depend on the answers to these questions.

## 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.

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.

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

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

## 2.3 Planning a strategy

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

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

## 2.4 Publicity

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

2.4.2 Remaining positive is the best approach. Directly criticising the current licensees is not helpful, but if you believe they are at the root of the problems then you can convey this in other ways. Something along the lines of: “I can remember when this place was really buzzing – there's no reason why it shouldn't be so again” conveys that the current under-use of the pub could change under the right ownership. 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 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 3.4](#) for more detail on how to frame objections). Ask people to write to their MP and local Councillors, provide contact details and indicate sources of further information, such as a website or Facebook page. Distribute the cards/flyers in local pubs, shops, libraries – anywhere that will take them. You might also consider popping them through local letterboxes to get residents to back the campaign.

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

phone box outside their closed local). Any local celebrities or worthies you can persuade to turn up will be worth their weight in gold.

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 HAS BEEN SOUGHT

### 3.1 Background

3.1.1 In Scotland, planning permission is required to convert a pub to another use. Unlike the rest of Britain, pubs fall into the “sui generis” use class, meaning a class of its own.

3.1.2 So far as pubs are concerned, the most common conversion 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, roof

3.1.3 **Early Warning Signs** – Beware, a planning application may not be what it seems. There have been several instances of pub owners applying for extensions or alterations 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.

### 3.2 Different types of planning applications

3.2.1 **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).

## Saving Your Local Pub (Scotland)

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.

3.2.2 All these tactics 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.

3.2.3 **Demolition** – Planning permission will be required for the demolition of a pub if it is a listed building or in a Conservation Area.

3.2.4 Please note that in most other cases planning permission is not required for demolition. The only exception is where a development is categorised as requiring an environmental impact assessment, which is highly unlikely where a pub is concerned.

3.2.5 Planning permission **will** be needed for any development on the vacant site and 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 it stays empty. Otherwise, the message to developers is to knock it down first and sort out the planning later.

3.2.6 Unfortunately, it has now been established that once a building has been demolished that the former use is extinguished, so this does make it difficult for Councils to insist on any new development being in the same or similar Use Class. CAMRA is campaigning for planning law to be changed so that full planning permission is needed for demolition of community facilities like pubs.

3.2.7 **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.

## 3.3 Campaign Tactics

3.3.1 **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.

3.3.2 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.

3.3.3 **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 A](#) for more information) and in the national planning policies, the Spatial Planning Policy and the National Planning Framework for Scotland. 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.

- 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.

3.3.4 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

# Saving Your Local Pub (Scotland)

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.

3.3.5 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.

3.3.6 **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 MSP and MP as well and ask them to endorse your campaign.

3.3.7 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.

## 3.4 Objecting to a planning application

3.4.1 **Finding the application** - If a planning application has been lodged which may drastically affect a favourite local, your first step should be to have a look at it. You should be able to find it on the Council's website. On the home page there will be a 'Services' section and an A-Z as well – you're looking for 'Planning'. Here you should find a link to 'View Planning Applications' - you then just insert the property name or postcode. Basic details of any recent application will pop up along with links to associated documents such as the application itself, detailed plans and the design and access statement. The closing date for objections will be given but beware that the time period can be short - often three weeks or so. This doesn't give you much time so the more preparatory work you've been able to do (see [2.1](#) and [2.2](#)) the better.

3.4.2 **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.

**3.4.3 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. You can assist fellow objectors by setting out the key points and asking them to put them in their own words to write 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.

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

**3.5.1 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](#) 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.

**3.5.2 [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.

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

## Saving Your Local Pub (Scotland)

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

**3.5.4 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.

**3.5.5 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.

**3.5.6 The Policy Angle** - When framing your reasons for objection, it's extremely useful to quote any relevant Local Plan policies (see Appendices [A](#) and [B](#)). 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.

**3.5.7 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.

**3.5.8 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.

**3.5.9 History/Heritage** – Some pub buildings are “Listed” as being of architectural or historic interest. CAMRA maintains an inventory of pubs recognised as having interiors of national or regional importance. Should your

## Saving Your Local Pub (Scotland)

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)

3.5.10 [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.

3.5.11 **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.

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

## **4. ENFORCEMENT ACTION**

4.1 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.

4.2 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.

4.3 The owner or occupier has a right of appeal to Scottish Ministers against an enforcement notice, though there are limited grounds for appeal. 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).

## 5. POST-PLANNING DECISION

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

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

### 5.1 Planning Permission granted

5.1.1 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 Scottish Public Services Ombudsman ([www.spsso.org.uk](http://www.spsso.org.uk)) which will decide whether or not the Council was guilty of mal-administration. 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.

5.1.2 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.

5.1.3 Councils can include a condition within a planning permission that requires part of a building to only be used for pub purposes. This is most likely to arise where an application is made to extend and/or refurbish a pub with the intention that it operates primarily as a restaurant. As we've seen, permission is needed for significant alterations to the structure which gives planners the opportunity to insert a condition about continuing pub use. Typical wording could be *“Notwithstanding the provisions of the Permitted*

*Development Order 1992, the area annotated as 'bar' on drawing x shall not be used for any purpose other than as a public house". The reason given could be "To ensure that the premises contribute to the social amenity of the local population by providing a range of social facilities available to residents in the locality in accordance with (insert relevant local planning policy)". If you become aware of a proposal to change a pub into a restaurant, but the works require planning permission, try to persuade the Council to insert a condition like this into it.*

## 5.2. Planning Permission refused

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

5.2.2 **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. Applicants can appeal in two ways. The first is to a Scottish Minister but they tend to get involved only with larger-scale developments. More likely will be a request for a review by the Council's Local Review Body, made up of three elected members. Those who objected to the original application will be invited to provide additional comments at the appeal stage.

## 5.3. What to do if the pub stays shut

5.3.1 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. 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.

5.3.2 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 2011, the Scottish Government noted that *"Compulsory purchase can play a vital role. It can help deliver urban and rural regeneration, revitalising communities, creating jobs and promoting business."* 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.

## Saving Your Local Pub (Scotland)

5.3.3 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.

5.3.4 **Community Right to Buy** – Communities with a population of less than 10,000 can apply to register an interest in land and have an opportunity to buy that land when it comes up for sale. Details can be found at: [www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/Community](http://www.gov.scot/Topics/farmingrural/Rural/rural-land/right-to-buy/Community).

5.3.5 Villagers in Tweedsmuir have used these powers to buy their historic local pub, the Crook Inn. You can read about how they did it on their website here: <https://tweedsmuircommunitycompany.org.uk>.

5.5.6 The Community Empowerment Scotland Bill (2015) extends the community right to buy to all communities and all registrable land.

5.5.7 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**

### **Appendix A: 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.

Councils must prepare Plans at least every five 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.

## Appendix B: 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](#).

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

## Appendix C: Planning Policy tool kit extract

### Model Planning Policy

From evidence gathered we consider the following policy to be sound and robust. We encourage authorities to use this model policy as an example of good practice.

Planning permission will not be granted for the change of use of a public house unless the Council is satisfied that there is not a defined need for it. A defined need can be demonstrated (in no particular order of importance) by:

- the pub being statutorily listed
- the pub being a non-designated heritage asset
- the pub having other local contextual significance
- there being sustained and documented local objection to the loss of the pub
- the pub being used for a variety of ancillary uses such as functions, social events and other community activities.

Even where the Council is satisfied that there is not a defined need for the pub, it must be satisfied that:

- the loss of the pub would not result in a shortfall of local pub provision of this type; and
- any proposed development would not have a detrimental impact on the design, character and heritage of the existing pub building and/or the wider streetscape; and
- the pub is no longer economically viable when considered against CAMRA's Public House Viability Test; and
- the pub has been marketed as a pub, at market rate, for a consistent period of 12/24/36 months (length of time to be determined by the Council).

# Saving Your Local Pub (Scotland)

## Appendix D: CAMRA Public House Viability Test

### Case Preparation Checklist

Check sheet on \_\_\_\_\_ (Date)

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

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

## Saving Your Local Pub (Scotland)

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?		

## Saving Your Local Pub (Scotland)

PUBLIC TRANSPORT	ANSWER	FURTHER DETAILS
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 (Scotland)

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?		
Sale price – reasonable/market valued/licensed house valuer?		
Was the pub offered for sale for a minimum of 12 months?		
What offers/how many?		

## Saving Your Local Pub (Scotland)

Has pub been closed for any length of time?		
Does sale price reflect its recent trading?		

# Saving Your Local Pub (Scotland)

Additional Notes

--

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

Dear Sir/Madam,

### **The Cameron Arms, Clegg Street, Miliband- 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 (Scotland)

- 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.