

Draft National Planning Policy Framework Consultation



**CAMPAIGN
FOR
REAL ALE**

**Response from CAMRA,
the Campaign for Real Ale**

October 2011

A Introduction

1. CAMRA, the Campaign for Real Ale, is an independent consumer organisation which campaigns for real ale, community pubs and consumer rights. Membership is open to all individuals and our membership is over 130,000.
2. Community pubs are an essential part of our communities, promoting responsible drinking and providing a safe and sociable environment for people to enjoy a drink responsibly. It is therefore vital that the retention and protection of community pubs is a cornerstone of the planning regime. CAMRA strongly supports the proposals in the draft National Planning Policy Framework (NPPF) which will extend planning protection for pubs, such as the inclusion of the provision of leisure development and community facilities (including pubs) as strategic priorities for local planning authorities.
3. Currently, local planning authorities are regularly unable to intervene in support of local community assets, because planning policies are inadequate and options available to supplement them such as implementing Article 4 Directions are cumbersome and have risks attached. CAMRA strongly supports the principle that a community amenity as valuable as a pub should not be permanently lost to another use without giving the local community a chance to have a say and without the pub being offered for sale as a going concern at a fair market value for a pub business. Pubs can currently be demolished or changed into betting shops, restaurants, pay-day loan stores and supermarket metro stores without planning permission or community consultation. Even a strong and positive NPPF will be inadequate in protecting pubs if change of use and demolition loopholes are not dealt with first.
4. The NPPF will simplify the planning system for local community groups which want greater influence in development in their neighbourhoods. The current planning system is overly-bureaucratic and inaccessible for communities. Among the community groups who would seek greater involvement in the planning system are CAMRA's 200 local branches, which are regularly frustrated when attempts to save wanted and viable pubs fail due to inadequacies of current national policy. The NPPF also provides a useful backstop for local communities and local councils to protect their pubs if local plans are out of date or inconsistent¹.

B Specific CAMRA comments on the draft NPPF

1. Delivering Sustainable Development

- 1.1. The presumption in point 14 in favour of permitting sustainable development "unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits" places too high a burden on local authorities to demonstrate the potential adverse impacts of development. This seems to be at odds with calls elsewhere (particularly point 126) to protect important community facilities and could in fact leave

¹ Draft NPPF Point 26

community facilities less protected as local planning authorities may approve planning applications due to fear of the risk of appeal from developers.

- 1.2. The requirement in point 14 for local planning authorities to “grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date” seems to be at odds with point 26 which states that “in the absence of an up-to-date and consistent plan, planning applications should be determined in accord with this Framework”. CAMRA therefore believes that point 14 is redundant and should be deleted.

2. Plan-making

- 2.1. CAMRA warmly welcomes the advice provided in this section for local planning authorities in producing their local plans. In particular, we support the clear guidance in point 23 that provision of leisure development and community facilities should be strategic priorities for local planning authorities. Pubs have multiple leisure and community roles, encouraging safe and sociable drinking, and often providing important additional local services or offering meeting space to local groups.
- 2.2. CAMRA strongly believes that communities should have the right to amend permitted development rights within their neighbourhoods, to protect the local facilities which matter to them. We therefore support point 24 which states that Local Plans should “identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation”, and we believe this should include limits to permitted development. There are many circumstances where this power to limit the freedom to change the use of buildings is necessary. For example, in certain areas of London it would be beneficial to prevent the further proliferation of betting shops by classifying them as sui generis, thus ensuring any new betting shops would require planning permission². Currently, demolition and change of use loopholes mean that pubs can be turned into betting shops overnight and communities and local planning authorities have a limited ability to protect them.
- 2.3. The advice in point 24 that “Local Plans should... identify land which is genuinely important to protect from development, for instance because of its environmental or historic value” could potentially have a positive impact. However, to ensure that this advice has the practical effects intended, we urge the Government to strongly recommend to local planning authorities that they compile lists of local heritage assets to protect from development.

3. Development Management

- 3.1. CAMRA welcomes the support for the use of Article 4 Directions in “situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of article 4 directions to require planning permission for the

² For more information on the proliferation of betting shops in London please see [http://www.davidlammy.co.uk/No More Gambling With Our Community](http://www.davidlammy.co.uk/No_More_Gambling_With_Our_Community)

demolition of local facilities)” (point 64). While we very much welcome this acknowledgement that Article 4s can be used to protect local facilities such as pubs from demolition or change of use, we believe that the Government should go further by removing the many barriers faced by Councils wishing to use Article 4 powers.

3.2. Article 4 Directions are not currently an effective tool for widespread use by local planning authorities in the protection of local assets³. Local planning authorities are reluctant to impose Article 4 Directions because of the risks of accompanying compensation liabilities⁴. CAMRA believes that in order for the intentions of the NPPF in relation to Article 4 Directions to be met, the Government must implement the following:

- The removal of unnecessary bureaucracy and red tape from the process of issuing an Article 4 Direction
- A review of compensation liabilities to provide greater certainty for Local Authorities
- Advice from the Chief Planning Officer encouraging Local Authorities to utilise Article 4 powers to protect community assets

3.3. Point 64 also calls on local planning authorities to “consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable”. CAMRA believes that the NPPF should provide clearer and more detailed guidance as what is an “acceptable” impact of relaxing planning controls for particular areas or categories of development, with particular reference to the importance of maintaining a diverse range of local facilities including protection for community pubs.

4. Planning for Prosperity

4.1. CAMRA warmly welcomes the “Business and Economic Development” section in “Planning for Prosperity”. In particular, we support:

- The requirement in point 73 for local planning authorities to ensure that they “support existing business sectors”. Community pubs must be seen as a vital existing small business sector: pubs contribute an estimated £80,000 each into their local economy every year, supporting other local businesses including local food producers and small and regional breweries which sell 76% of their beer through pubs.⁵

³ One example of where a local planning authority has refused to implement an Article 4 Direction despite calls to do so from a local community group is in relation to the Harvest Home pub in Whitchurch, Hampshire. Full details can be found at <http://whitchurch.org.uk/2011/07/town-council-concerned-for-the-character-of-whitchurch/> and <http://whitchurch.org.uk/2011/06/breaking-news-demolition-delayed-on-harvest-home/>.

⁴ This was acknowledged by DCLG in a recent issues paper on How Change of Use is Handled in the Planning System, available online at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1930771.pdf>, P5

⁵ Rick Muir, Pubs and Places: The Social Value of Community Pubs, ippr Report 2009, available online at:

<http://www.camra.org.uk/media/attachments/301837/ippr-Report-Pubs-and-Places.pdf>, p32

- The requirement in point 73 for local planning authorities to “recognise town centres as the heart of their communities and pursue policies to support the viability and vitality of town centres”. This should include ensuring that there is adequate provision of pubs in town centres; both in relation to protecting existing pubs, and allowing for the development of new pubs. We further welcome the recognition in this point that it is important to provide a wide range of services and facilities. The viability of many pubs depends absolutely on the prosperity and footfall generated by other local businesses: people visiting an area to shop or use other local services are likely to incorporate a visit to the pub. However, the diversity of our town centres is currently under threat from the prevalence of big companies, which affects the viability of small independent businesses. This was demonstrated in the New Economics Foundation’s “Clone Town Britain” Report, which states:

“Real local shops have been replaced by swathes of identikit chain stores that seem to spread like economic weeds, making high streets up and down the country virtually indistinguishable from one another. Retail spaces once filled with a thriving mix of independent butchers, newsagents, tobacconists, pubs, bookshops, greengrocers and family-owned general stores are becoming filled with faceless supermarket retailers, fast-food chains, and global fashion outlets.”⁶

- 4.2. The “Support the rural economy” section raises the key point of supporting the sustainable growth of rural businesses. In implementing this, councils should be encouraged to support and promote initiatives by Pub is the Hub and others to allow rural pubs to diversify and provide a wider range of services, thus ensuring that they remain viable⁷.

5. Planning for People

- 5.1. CAMRA welcomes the references in point 124 to “strong, vibrant, healthy communities... with accessible local services that reflect community needs”.
- 5.2. The references in point 125 to “facilitating social interaction and creating inclusive communities” are fundamental. The planning system has a key role to play in promoting “opportunities for meetings between members of the community who might not otherwise come into contact with each other”. Local planning authorities must recognise the role of pubs in bringing communities together. The Institute of Public Policy Research (ippr) found that pubs support both the strengthening of existing social networks and the development of new networks, allowing people to interact with others from different backgrounds in a safe and sociable environment⁸.

⁶ New Economic Foundation, “Clone Town Britain”, 2004, p1, available online at: <http://www.neweconomics.org/publications/clone-town-britain>

⁷ <http://www.pubisthehub.org.uk/>

⁸ Rick Muir, Pubs and Places: The Social Value of Community Pubs, ippr Report 2009, available online at: <http://www.camra.org.uk/media/attachments/301837/ippr-Report-Pubs-and-Places.pdf>, p 29

5.3. Point 126 represents a significant improvement in current planning policy in relation to the protection of pubs. This point makes specific mention of public houses as community facilities which can enhance the sustainability of communities and residential environments. CAMRA's research has demonstrated that well-run community pubs are indeed vital local facilities, as important to community life as a post office, local shop or community centre⁹. If implemented effectively, this section could have a powerful impact in improving the ability of local planning authorities to safeguard local facilities.

5.4. CAMRA endorses the reference in point 126 to "planning decisions", which will allow local planning authorities to fill any gap in local policies resulting from absent or incomplete local plans.

5.5. Point 126 also strengthens current policy by recognising that all pubs warrant protection. This is a crucial step forward from current policy (Planning Policy Statement 4) which supports pubs in local centres only:

"Local planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice by... supporting shops, services and other important small scale economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages"¹⁰.

5.6. The Impact Assessment accompanying the draft NPPF further underlines that the NPPF will strengthen the current policies in PPS 4 by asking local councils to "consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss"¹¹.

5.7. The strengthening of these policies will empower local councils to reject applications to convert pubs in all areas into residential use where this could have a detrimental impact on the local community. CAMRA's research indicates that 34% of pubs which are permanently lost are converted to uses which require planning permission (i.e. mainly residential uses)¹².

5.8. However, the fact remains that in the majority of cases where a pub is permanently lost, planning permission is not required. CAMRA's research has indicated that 21% of pubs which are permanently lost are demolished, and 45% are converted to a shop, café, restaurant or financial services use – all of which are classed as "permitted development" and so no planning permission is necessary¹³.

⁹ CAMRA Tracking Omnibus Survey, June 2010. 69% of respondents agreed

¹⁰ Planning Policy Statement 4, available online at

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>, p19

¹¹ Impact Assessment, p69

¹² CAMRA's Pub Watch Survey of over 21,000 pubs, 2009

¹³ CAMRA's Pub Watch Survey of over 21,000 pubs, 2009

5.9. CAMRA therefore believes the following are essential to complement the excellent steps proposed by the NPPF:

- Designating pubs as sui generis, to ensure that planning permission is required prior to any change of use of a pub.
- Removing permitted development rights in relation to demolition and change of use of pubs, thus ensuring that planning permission is required so that communities have an opportunity to oppose the permanent loss of a wanted and viable community asset.

5.10. CAMRA supports the exceptions put forward in point 144 to the guidance that development is inappropriate on the green belt. These exceptions may support the viability of struggling pubs in green belts, by allowing pubs the flexibility to extend and develop. However, we believe that the exception for “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”, and “the replacement of a building, provided the new building is not materially larger than the one it replaces” should be limited to development where the use of the property remains the same.

C Conclusion

1. CAMRA welcomes the draft NPPF. If implemented fully by local planning authorities and backed up by robust Local Plans, the NPPF could enhance the planning protection available for pubs and empower communities to protect the pubs which matter to them. We particularly welcome the extension of the guidance so that local planning authorities should protect all pubs rather than just pubs in local centres.
2. However, as the Framework is by its nature less detailed and prescriptive than the previous national planning policies, CAMRA believes the NPPF should be accompanied by non-statutory advice from the Government to local planning authorities on how the NPPF can best be implemented. The advice should include:
 - Information on safeguarding existing community facilities, such as through more and better use of Article 4 Directions
 - Best practice guidance for producing robust local plans, with protecting local services at their heart; and encouraging local planning authorities to regularly update their local plans to reflect local needs.

Need more information?

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