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23<sup>rd</sup> April 2002

Dear Iain,

**Use Classes Order: Consultation on possible changes to the Use Classes Order and Temporary Uses Provision.**

**Executive Summary**

Public houses should be made sui generis so that any change of use is subject to planning permission.

We support the proposal to make fast food take aways sui generis as it will put an end to viable pubs being converted into fast food restaurants without proper planning scrutiny.

We strongly oppose the proposal to allow public houses to become nightclubs without the need for planning permission. Pubs are a facility for the whole community in a way that nightclubs are not.

**1.0 Introduction**

- 1.1 The conversion of a public house to another use means the permanent loss of an important community amenity. We therefore believe that any change of use to a public house should be subject to planning permission.

- 1.2 We note the concerns raised with researchers regarding the problems of noise and disturbance caused by pubs and bars. However it is our belief that the vast majority of these problems relate solely to the growth of large themed “super pubs” which target a younger age group and encourage heavy drinking by only providing very limited seating facilities.
- 1.3 We are concerned that the problems associated with large themed “superpubs” do not lead to a set of Use Classes that fail to provide adequate protection for Britains more traditional community pubs which provide an amenity for all regardless of age.
- 1.4 We have repeatedly expressed concerns about public houses being targeted for conversion into fast food takeaways in order to avoid planning scrutiny. Many of the pubs that have been converted were lively community pubs. We therefore strongly welcome the proposal that fast food takeaways should be made sui generis.
- 1.5 Public Houses unlike nightclubs are an amenity for the whole community and are less likely to produce serious noise or disturbance. On these grounds we strongly oppose any proposals which would allow pubs to become nightclubs without the need for planning permission.
- 1.6 In the absence of pubs being made sui generis we support the proposal to make it easier for smaller pubs or bars to secure planning consent by including them in a mixed class use. We believe this measure could be particularly useful in the 52% of rural settlements, which currently have no pub.<sup>1</sup> In many rural areas without an existing public house the establishment of new smaller and viable pub may be the solution.

## **2.0 Public Houses**

- 2.1 We believe that public houses are an important community amenity and are part of our collective heritage. Pubs are integral to the vitality and viability of both urban and rural centres and their loss should not be taken lightly.
- 2.2 Public Houses in Scotland, defined as premises, whose primary purpose is the sale of alcohol for consumption on the premises, are excluded from the Scottish Use Classes.<sup>2</sup> We see no reason why public houses in England and Wales should be given less protection than Public Houses in Scotland.
- 2.3 We believe that in terms of public amenity public houses are unique. A traditional community public house provides a meeting place and facility for the whole community.
- 2.4 In rural areas pubs are increasingly offering additional services. We would draw attention to the Pub is the Hub initiative which has seen many rural pubs

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<sup>1</sup> The Countryside Agency – Rural Services in 2000

<sup>2</sup> Article 5(3) - The **Town and Country Planning (Use Classes)** (Scotland) **Order 1997** (1997 No. 3061)

extend their services to include community facilities, distribution points, community care, encouraging local enterprise and financial services.<sup>3</sup> Pubs in rural areas have the potential to assume a greater role in business and community life.

- 2.5 Our position is that public houses should not be part of the use class orders and should be made sui generis to ensure that all changes of use to a public house are subject to planning permission.

### **3.0 Fast Food Takeaways**

- 3.1 The Evening Standard reported in March 2000 that 37 communities have lost their local pub to fast food takeaways, with more marked for conversion.
- 3.2 The current use classes mean that converting an existing pub into a fast food operation is a particularly attractive option for property developers because they do not require planning permission.
- 3.3 The impact of fast food takeaways can be immense in terms of litter, noise, and traffic generation. By purchasing pubs with an existing A3 use class developers are able to bypass the planning control system.
- 3.4 We are concerned that moves by local authorities to restrict the growth of fast food take aways make viable public houses a target for property developers and therefore support the proposal to remove fast food takeaways from the A3 Use Class

### **4.0 Nightclubs**

- 4.1 We strongly oppose the proposal to allow public houses to become nightclubs without the need for planning permission. Under the Government's proposals to liberalise opening hours the licensing process cannot be relied upon as an alternative to the planning process. In particular the conversion of a public house into a nightclub potentially means the loss of public amenity and the undermining of the daytime vitality in the town centre.

### **5.0 Size threshold for Smaller Public Houses**

- 5.1 In the absence of public houses being made sui generis we are generally supportive of the proposal to include public houses with a GLA of below 100sq metre in a new Mixed Retail use class.
- 5.2 In rural settlements which no longer have a public house (52% of rural settlements)<sup>4</sup> we believe this change could encourage the establishment of smaller, more viable public houses.
- 5.3 In town and city centres we would expect such a change to lead to an increase in the number of small public houses being opened which would increase the

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<sup>3</sup> Countryside Agency – The Pub is the Hub (December 2001).

<sup>4</sup> The Countryside Agency – Rural Services in 2000

diversity of town centres and provide a counter balance to large super pubs that are coming to dominate some town centres.

- 5.4 We have not conducted any research into what would be a suitable limit however we would suggest that it should be higher than 100 sq metres of GLA for it to have a reasonable impact.

## **6.0 Local Flexibility**

- 6.1 We believe that Local Authorities must be given sufficient flexibility to tackle specific problems with the Use Class Orders that may emerge in the future.
- 6.2 We therefore support the continued use of planning conditions to restrict the uses into which a building could change within its class. We would also support the introduction of local orders.

## **7.0 Conclusion**

- 7.1 We believe that it is inappropriate to include public houses in the Use Class Orders. Public Houses are a community amenity and contribute to both the vitality and viability of our city, town and district centres. In rural areas public houses are often the only remaining focal point for the whole community and have the potential to deliver a range of services.
- 7.2 In summary we believe that any change of use to a public house should require planning permission and we regret that this is not an option in the current consultation.

If you have any queries about any of the points we have raised or would like any further information please contact us.

Yours Sincerely

Jonathan Mail  
Public Affairs Manager