

# Converting a pub?

## It may be more difficult than you think

'The planning system can only do so much: planning rules cannot keep pubs open which are not making money', so said Kris Hopkins [1] in his Written Statement on 26 January.

Without doubt, this is an unavoidable truth, but the Government is trying to give local communities as much opportunity as possible to save what are recognised as 'valuable local hubs that strengthen community relationships and encourage wider social interaction'. The latest move sees the bringing forward of secondary legislation, the effect of which will be to remove national permitted development rights for the change of use or demolition of pubs which local communities have successfully had listed as Assets of Community Value.

The recent announcement consolidates a series of measures taken by the Government to try to help community pubs survive, ranging from scrapping beer and alcohol duty escalators to giving publicans tied to pub companies new rights. But what difference will it really make to someone who wants to change the use of a pub?

### The Community Right to Bid

The Community Right to Bid [2] does not give the right of first refusal to community organisations to buy an Asset of Community Value (ACV) but what it does do is give them the right to nominate land and buildings as ACVs and the time to put together the funding necessary to bid to buy the asset on the open market. This won't change; so in this respect, developers are no worse off than they were before. The impact will be seen through the removal of permitted development rights.

### Permitted development rights

These rights are a national grant of planning permission which allows certain building works and changes of use to be carried out without having to make a planning application.

Permitted development rights are set out in The Town and Country Planning (General Permitted Development) Order 1995 [3] but for the purposes of change of use or demolition of pubs, the changes mean that developers will have to submit a planning application if they want to undertake either of these projects, instead of going ahead in reliance on permitted development provisions. Not only does this give the local community an opportunity to input into the process and the LPA to take into account the local plan, any neighbouring plan or national policy but the LPA can take the listing into account as a material consideration. The resulting expense and delay may well make a project less attractive.

### What does the industry think?

Generally - not impressed at all. Referring to the point of permitted development rights giving flexibility where existing use is not profitable, the British Property Federation says that the 'announcement seems to run contrary to this objective. Many pubs that are listed as ACVs are simply not making ends meet, so it is perhaps unhelpful to make it more difficult for developers to return them to use' [4].

It may well be an unpopular move, but what is without question is that if you want to convert or demolish a pub which is listed as an ACV, you won't be able to do it in a hurry.

[1] Parliamentary Under Secretary of State for Communities and Local Government.

[2] Introduced under the Localism Act 2011.

[3] The General Permitted Development Order has been amended many times since it was first consolidated in 1995, so it is important to ensure that you are referencing the most recent version.

[4] Ghislaine Halpenny, assistant director (planning and regeneration).



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If you would like to discuss any of the issues raised in this update, please contact:



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