

Welsh Government consultation

# Permitted Development

Amendments to the Town and Country  
Planning (General Permitted  
Development) Order 1995

CAMRA, the Campaign for Real Ale



# Welsh Government consultation: permitted development

The Campaign for Real Ale is a consumer group that campaigns for quality beer and thriving pubs in every community in Wales and across the UK.

We are happy for our response to be published, and to be contacted about the contents of our response.

If you have questions about our response, please contact

[REDACTED]

[REDACTED]

## **Recovery Permitted Development Rights**

### **Additional Temporary Use of Land**

**Q.1: Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?**

CAMRA supports the proposal to grant additional days on the basis that allowing festivals, fairs and community events is likely to provide additional opportunities for Welsh breweries and cider producers to sell their products directly to the public at such events. This will increase choice of high quality, local produce for consumers, and benefit the local economy. In addition, allowing for additional days would increase footfall for neighbouring pubs and social clubs.

**Q.2: Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.**

Additional number of days for temporary uses sees benefits of increased trade for neighbouring hospitality businesses where events and markets are held attracting people to communities who otherwise wouldn't have been in that locality.

**Q.3: Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.**

N/A.

### **Holding of a market**

**Q4: Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?**

CAMRA would welcome additional flexibility for the holding of markets, outdoor festivals and food and drink fayres to assist smaller, local and independent producers of Welsh beer, cider and perry to find routes to market and showcase their produce.

**Q.5: Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?**

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Local authorities, in consultation with local communities and businesses, should be given the ability to operate outdoor markets and fayres over and above 14 days per year should they wish to do so.

## Temporary uses (town centres)

**Q.6: Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.**

The planning system in Wales, and the lack of measures to ensure that all proposals to demolish or change the use of a public house require planning permission, mean that pubs in Wales have the lowest levels of protection within the planning system than anywhere else in the UK.

CAMRA recognises the Welsh Government's rationale for allowing greater flexibility for changes to help sustain vibrant town centres across the country. However, it is unacceptable for the Welsh government to consider further relaxations in the planning rules relating to pubs. Rather than consider a permanent relaxation in the already weak rules, we believe that the proposal should be amended to better protect public houses from demolition or change of use without planning permission.

Temporary relaxation of planning controls in town centres must be reversed to prevent pubs permanently being converted into other uses and lost to communities for good.

We do not believe that allowing a public house to be converted to another use in perpetuity under this proposal is fair or reasonable, and fear that this would lead to further closures of pubs without local communities being able to have a say over their future.

As well as being key to increasing footfall and have a positive impact on shops, services and the local economy in town centres across the country, pubs are a vital part of our social fabric.

Public houses have a significant positive impact on their community. Pubs in town centres and urban settings are just as vital to their communities as rural pubs and in many cases just as at risk.

The Welsh Government's 2018 *Subordinate Legislation Consolidation and Review* consultation acknowledges the importance of community pubs and trends of permanent pub closures in recent years. In addition, the Welsh Government's loneliness strategy also recognises that the closure of

community spaces like pubs make it difficult for people to develop and maintain social networks<sup>1</sup>.

We therefore believe that change of use should not be permitted if the proposed A3 use is for a public house.

In order to safeguard public houses, CAMRA would like to see the Welsh Government make a slight alteration to exempt public houses from the permitted changes of use within town centres on a permanent basis in addition to the provisions for hot food for consumption off the premises and uses within Class B1(c) of Schedule 1 to the Use Classes Order.

Any change to a pub should always be subject to a full planning application. This is an important step in safeguarding public houses and allows for the community to object via the planning process should proposals for change of use come forward.

This would bring planning policy in Wales in line with other nations where protections are in place to require planning permission before a public house is allowed to be converted to another use, giving communities a chance to have their say through the planning process.

## Hospitality uses – outdoor serving provision

**Q.7: Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.**

We agree with the Welsh Government that making this change permanent would boost hospitality businesses, allowing them to more easily use outdoor space for seating which in turn will improve capacity and viability for community pubs and social clubs which are a vital part of our social fabric.

**Q.8: If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?**

Individual licencees are best placed to make decisions about the safe, responsible and considerate use of outdoor seating, working together with local communities, residents and the local authority.

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<sup>1</sup> Connected Communities: A strategy for tackling loneliness and social isolation and building stronger social connections (Welsh Government, 2020).

## Hospitality uses – Awnings

**Q.9: Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.**

Yes, we agree that planning permission should not be required for the installation of such awnings at hospitality premises subject to the existing limitations and conditions.

## **COVID-19: Emergency Permitted Development Rights**

CAMRA does not wish to respond to questions 10 and 11.

## **Houses of multiple occupation**

CAMRA does not wish to respond to question 12.

## **Hard surfacing**

CAMRA does not wish to respond to question 13.

## **Electric Vehicle Charging**

CAMRA does not wish to respond to question 14.

## **Avian influenza**

CAMRA does not wish to respond to question 15.

## **Article 4 directions**

**Q.16: Do you agree with the proposals for amending Article 4 Directions?**

In the absence of planning protections for pubs across Wales, CAMRA agrees with the proposal to remove the need for approval of the Welsh Ministers for Article 4 Directions made by local planning authorities.

Article 4 Directions can be a tool to help local communities to be able to have their say through the planning process if a public house is facing change of use or demolition.

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CAMRA agrees with the intention to allow Immediate Directions to be used to withdraw permitted development rights in relation to change of use, temporary buildings and uses, and demolition of buildings.

However, we remain concerned that Article 4 directions are not a substitute for improved protections for community pubs in the planning system in Wales, as discussed elsewhere in this consultation response.

The Welsh Government should extend the ability for local planning authorities to issue Article 4 directions in relation to any public house or houses in their authority area, and not just in conservation areas, in order to offer some additional protections against the conversion or demolition of pubs as vital community assets.

## **Welsh language considerations**

CAMRA does not have a view on question 17.

## **General considerations**

**Q. 18: We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.**

*Pubs and permitted development rights:*

Pubs are vital to both the Welsh economy, to our culture, enhance the personal and social wellbeing of those who use them, and play a unique role in our communities, both urban and rural.

We remain extremely concerned that current planning law in Wales offers less protection than in any other part of Great Britain when it comes to protecting pubs from unwanted development and stemming the tide of unnecessary pub closures.

Planning loopholes are systematically exploited by developers leading to the loss of community pubs. These pubs are often bought by companies looking to convert them into housing, other uses such as supermarkets and take-aways, or seeking to demolish them altogether and develop the land for another use.

It is vital that the existing permitted development rights that allow pubs to be converted into other uses or demolished without local communities having a say through the planning process are removed.

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The demolition or change of use of a public house should always require planning permission. This is an important step in safeguarding public houses and allows for the community to object via the planning process.

CAMRA agreed with the proposals contained with the 2018 *Subordinate Legislation Consolidation and Review* consultation on proposals to consolidate and amend the General Permitted Development Order to change permitted development rights to afford greater protection to public houses in communities where their loss would unacceptably affect local amenity.

We would urge the Welsh Government to take forward these proposals as part of the changes to Permitted Development Rights as a result of this consultation.

Given the threats to the future of community pubs, both urban and rural, by speculative developers as the industry recovers from the COVID-19 pandemic, we believe that now is the correct time to introduce measures to require planning permission to be sought in every instance where a public house is facing a change of use or demolition.

It is important to mention that it is not just rural pubs which are at considerable risk, or which are considerable community assets – in city and town centres, inner suburbs, and surrounding housing estates, pubs are just as vital to those who live around them and, in many cases, just as much at risk. The key is not the location but the function of the pub as a centre for social interaction, promoting community cohesion and the wellbeing of local residents

## *Use Class Orders:*

Amending the Town and Country Planning (Use Classes) Order 1987 to recognise pubs as a unique (*sui generis*) use would allow for greater protections and safeguards to be applied to public houses over and above the current A3 (food and drink) classification.

Pubs and restaurants or other food and drink establishments serve different roles in the community with pubs offering a more informal setting and a space for the community to meet. Equally, pubs are a uniquely British phenomenon whereas restaurants can be found in similar formats across the globe, as an essential aspect of British culture it is important that pubs are specifically protected.

If an amendment to the Use Classes Order to recognise pubs as a unique use is not taken forward, then the new class A4 (drinking establishments and restaurants) with no permitted change of use from this use class – as proposed in the 2018 consultation – would be an improvement to the current situation.

## *Assets of Community Value:*

CAMRA would also like to see the Welsh Government reconsider its position on the introduction of an Asset of Community Value programme, similar to that operating in England. We are aware of some communities in Wales having taken pubs into community ownership, however a lack of enabling listing system and support schemes mean that the process is significantly more challenging than in England and Scotland.

Introducing an Asset of Community Value programme could help communities to be able to list their local pubs, demonstrating the importance of a pub to their area and offering an additional layer of protections for local pubs and social clubs. We would like to see the Welsh Government support a more robust and effective route to community ownership of Assets through a genuine 'Community Right to Buy' rather than a 'Community Right to Bid'.