

PUBS AND CHANGE OF USE IN PLANNING REGULATIONS

In order to stem the tide of pub closures, CAMRA is lobbying to get a change in the way pubs are classified in the planning system. Planning permission is required in a number of cases where structural alterations to buildings are made (eg extensions, annexes, new buildings etc, and if the use to which a building is put changed (eg from a residential property to retail outlet or vice versa. But not all changes of use require planning permission.....Confused? Well have a look at the definition below taken from the Planning Portal website.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'.

The following list gives an indication of the types of use which may fall within each use class. *(Please note that this is a guide only and it's for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into.*

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A2 Financial and professional services** - *Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.*
- **A3 Restaurants and cafés** - *For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.*
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.

- **B1 Business** - *Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.*
- **B2 General industrial** - *Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).*
- **B8 Storage or distribution** - This class includes open air storage.

- **C1 Hotels** - *Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).*
- **C2 Residential institutions** - *Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.*
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

•**C3 Dwellings** - this class is formed of 3 parts:

•**C3(a)** covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

•**C3(b)**: up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

•**C3(c)** allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

•**C4 Houses in multiple occupation** - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

•**D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.

•**D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

•**Sui Generis** - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: theatres, houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order says that a change of class is permitted to another specified class (see table below and associated text under 'Additional change of use permitted development rights applying from 30 May 2013').

For example, a greengrocer's shop could be changed to a shoe shop without permission as these uses fall within the same 'class'. Equally, a pub can be changed into a restaurant without planning permission.

More controversially a pub can be changed to a shop as the Use Class Order allows this type of change to occur without requiring planning permission, however most external building work associated with a change of use is likely to require planning permission.

A list of permitted usage changes can be found below:

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B2 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space))	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

Additionally, a planning application is not required for change of use in the following circumstances:

- from A1 or A2 to A1 plus up to two flats above;
- from A2 to A2 plus up to two flats above.

These changes are reversible without an application only if the part that is now a flat was, respectively, in either A1 or A2 use immediately before it became a flat.

Additional change of use permitted development rights applying from 30 May 2013:

Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.

Premises in B1, C1, C2, C2A and D2 use classes can change use permanently to a state-funded school, subject to prior approval covering highways and transport impacts and noise.

Premises in B1(a) office use can change to C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.

Thresholds for business change of use. Thresholds increased on May 2013 from 235 square metres to 500 square metres for permitted development for change of use from B1 or B2 to B8 and from B2 or B8 to B1.

(Some of the new breed of 'micro-pub' may have been helped by these changes).

Changes of use requiring a planning application

Other than for the permitted changes of use listed above and changes where both uses fall within the same use class, planning permission is generally required for a material change of use. And of course most external building work associated with a change of use is likely to require planning permission.

So a change of use from pub to residential use WILL need planning permission.

The changing threat to pubs (in the Bristol context)

A few years ago the biggest threat to local pubs was conversion into flats or houses. This was largely driven by the booming house market which made this very profitable for the pubcos. In Bristol we saw several changes like this eg Don John's Cross in St. George, Wedlocks in Bedminster etc. At this time PubCos were also putting restrictive covenants on sales to ensure their buildings would not remain as pubs.

A number of factors changed this, firstly the housing market stalled, and in cities which had seen a rapid growth in flat developments (like Bristol) banks were reluctant to lend money to small to medium developers for flat conversions. At around the same time the 'buy-to-let' market almost collapsed, also due to the 'credit crunch'. A further factor was local councils reacting to concerns about the loss of pubs and community facilities, and some tried to restrict such changes in their local plan core strategies (like Bristol with the BCS12 policy).

However one area of the economy that continued to prosper in 2008-13 was the supermarket trade. In the UK the big supermarket chains work on a 6% profit margin on a vast turnover, (as opposed to 2-3% for budget chains like Lidl and Aldi). Tesco and Sainsburys in particular went into two untapped markets, online shopping & delivery, and convenience stores (Sainsbury's extra, and Tesco metro etc). Initially these made use of existing shops (eg on Gloucester Road, or were attached to petrol stations as in Tesco Whitchurch). Usually the convenience stores charged higher prices than the larger supermarkets, but the purchasing power of these big chains has meant they can price goods at lower prices when they come into an area, and take trade away from existing small stores.

PubCos wanting to offload pubs from their property portfolio could sell to a retail chain who would pay a premium price and could change the use without the need for a planning application. In some cases the existing buildings were adapted (as in The Fellowship in Knowle, and the Friendship in Horfield), in others there was a demolition (eg the Lord Rodney in St George, or the Wayfarer in Southmead).

We are now in a dangerous situation where pubcos like Enterprise and Punch can dispose of premises and damage local communities, often in more ways than one. For example in Knowle, Tesco's bought the Friendship, leaving a large area without a pub, and also resulting in the existing convenience store across the road being forced to close.

Only a change in the use class orders will stop pubs being lost to shop conversions.

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