

# DM6: Public Houses Practice Note

October 2022



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# 1. Introduction

## 1.1 Purpose and scope

The Public Houses Planning Practice Note provides further guidance on the implementation of policy DM6: Public Houses.

Policy DM6 seeks to ensure that the loss of a public house only arises where they are demonstrably unviable or where alternative provision is genuinely sufficient to meet the collective needs and expectations of the community. The protection of public houses is a policy goal supported by the National Planning Policy Framework.<sup>1</sup>

This guidance clarifies what development proposals are expected to provide to demonstrate compliance with policy DM6. It also refers to Policy BCS2 which is relevant to proposals in Bristol city centre.

## 1.2 Status of the document

The Public Houses Planning Practice Note should be used alongside relevant Local Plan policies to support the assessment of all applications for the change of use, demolition or redevelopment of an existing public house within the local planning authority area.

## 1.3 Public houses in Bristol

Bristol's public houses serve the community and make an important contribution to the diversity and vitality of the city and the wider region. There are around 300 public houses in Bristol, meaning that there is an average provision of 6.5 public houses per 10,000 residents – higher than the national average of 5.8.<sup>2</sup> This level of provision is reflective of the wider role Bristol plays as a regional centre of economic activity, culture and leisure.

As well as important components of the local economy, public houses are vital spaces for socialisation, community activities and cultural exchange and are often host to community meetings, evening classes, sport and social clubs or social activities like quizzes, skittles, live music and entertainment.

Policy DM6 acknowledges this important social role, as well as the contributions public houses make to the local economy and cultural scene. In recognition of this value, the policy is intended to protect these valuable assets and prevent the loss of public houses to other forms of land use.

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<sup>1</sup> NPPF paragraph 93 states that local planning authorities should 'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments' and requires them to 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.'

<sup>2</sup> Office of National Statistics, *Economies of ale: changes in the UK pubs and bars sector 2001-2019*, (2020).

## 2. Policy DM6: Public houses

### 2.1 Planning policy context

Public houses are recognised as community facilities in the NPPF and as such, it appropriate for the planning process to ensure that sufficient provision is available to meet the needs of the community.

Policy DM6: Public houses reflects this understanding and builds on the general approach to the protection of community facilities established in BCS12.<sup>3</sup>

Policy BCS2: Bristol City Centre is also relevant to the consideration of pubs within the city centre boundary as defined on the Policies Map. That policy indicates that facilities and services, including those of a small scale, which contribute to the diversity and vitality of the city centre will encouraged and retained. This policy is applicable to public houses within the city centre. The Bristol Central Area Plan also refers to the importance of retaining or replacing public houses, particularly in the Hotwells and Redcliffe areas.<sup>4</sup>

### 2.2 Policy wording: two tests

Policy DM6: Public houses aims to prevent the inappropriate loss of pubs by stating that:

*‘Proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:*

- i. The public house is no longer economically viable; or*
- ii. A diverse range of public house provision exists within the locality.*

*Where development is permitted any extensions or alterations should not harm the identity or architectural character of the public house.’*

The policy establishes two tests to determine the acceptability of an application involving the loss of a public house - the ‘viability’ and ‘diverse range of public house provision’ tests. In order to be successful in their application for the loss of a public house, applicants will need to demonstrate that one of these tests has been met in accordance with the details set out below.

## 3. Viability

Applicants attempting to meet the viability test will need to provide the planning authority with a viability statement that includes the information set out below.

### 3.1 CAMRA Public House Viability Test

Applicants are expected to use the Campaign for Real Ale (CAMRA) Public House Viability Test as the method for demonstrating that a public house is no longer viable. The test has been adapted to better reflect the situation in Bristol and appended to this document in Appendix I. The test provides a rigorous assessment of the trade potential of a public house and takes account of a wide range of

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<sup>3</sup> Policy DM5: Protection of Community Facilities, although mentioning public houses, should not be applied when dealing with applications concerning the change of use or loss of a public house.

<sup>4</sup> BCAP41: The Approach to Harbourside and BCAP47: The Approach to Redcliffe.

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factors associated with the operation of a public house that must be considered when evidencing unviability. These include:

- i. Local trade
- ii. Customer potential
- iii. Competition
- iv. Flexibility of the site
- v. Parking
- vi. Public transport
- vii. Multiple use
- viii. Partial loss
- ix. Competition case studies
- x. The business – past and present
- xi. The sale (marketing)

Applicants will be expected to respond to the various questions associated with these factors in the test and how their answers demonstrate unviability.

Applicants will be expected to provide at least the last three trading years of audited accounts. Regard must be given to the impact of the Covid-19 pandemic and any closures associated with lockdowns will not be seen as constituting part of the period of normal trading. Accounts for the financial year 2020-2021 will not be viewed as evidence of unviability.

The applicant will need to demonstrate that all reasonable measures to improve the viability of the public house have been pursued. This includes diversification of market offer, such as:

- Serving food.
- Providing sports TV.
- Offering darts, games, pool, skittles or snooker facilities.
- Events like pub quizzes, comedy, craft fairs or live music.
- Renting out space for meetings, classes or community events.
- Providing bed and breakfast accommodation.

Changes to the premises itself should also be considered, such as:

- Improving the external appearance of the public house and its signage.
- Developing underused car parking for alternative use or additional facilities like outdoor seating or smoking shelters.
- Conducting regular maintenance and cleaning.
- Improving facilities such as by developing a kitchen.
- Taking steps to lower running costs such as energy-efficiency improvements such as insulation of the building or internal systems (hot water pipes etc.), low-energy light bulbs and replacing energy-inefficient equipment such as fridges or heating systems.

Evidence to show these measures have been considered, attempted and implemented should be provided.

Applicants will be expected to demonstrate that the public house has been operated positively and not run with a view to closure.

### **3.2 Marketing**

Applicants will be expected to demonstrate that the public house has been marketed for a period of at least 18 months. This marketing should be cross platform<sup>5</sup> and include:

- i. A 'for sale/rent/lease' sign at the premises.
- ii. Listings in local press and appropriate trade publications (online and in print).
- iii. Listings with specialist licensed national estate agents.
- iv. Listings with local licensed estate agents.
- v. Targeted mailings or emails to potential purchasers (local, regional and national public house operators e.g. brewers, pub operating companies etc.)

The applicant will be expected to provide the details and evidence of having met all the above requirements. The applicant will also need to provide details of all offers received and reasons for their refusal.

Where a public house is designated as an Assets of Community Value (ACV) under the Localism Act (2011), an eligible community group can choose to notify the council of their intention to bid to buy a designated ACV. In such cases, an additional 6-month moratorium period on the sale of the public house will be applied. Only following this 6-month period can the applicant begin marketing the premises more broadly. Further information on community right to bid can be found [here](#).

A public house being vacant or closed is not evidence that renewed use as a public house could not be viable under new management. Where a pub is closed or vacant, the applicant will still be required to demonstrate that they have marketed the facility in full accordance with the requirements set out above.

### **3.3 Valuation**

The valuations used in marketing the public house should be produced by an independent, accredited RICS valuer. Additionally, any valuation will be made based on the public house continuing operations as a public house and cannot include speculation as to the potential value of the property considering change of use to other land use or residential conversion which may undermine its marketability. Valuations and attempts to sell the business should be for its entirety so as not to prejudice future viability of the public house.

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<sup>5</sup> 'Cross platform' in this instance means it should utilise a variety of outlets and forms of media, such as the internet and print publications, to ensure the best possible chance of the marketing of the premises to be successful.

### 3.4 Viability validation

The council will submit the applicant's viability statement for independent validation with any reasonable costs for the validation process met by the applicant.

## 4. Diverse range of public house provision

The second test of Policy DM6 requires applicants to demonstrate that there is a sufficiently diverse range of public house provision in the locality that can 'collectively continue to meet the needs and expectations of the whole community.' There are two components of this test to clarify: what is deemed to be 'within the locality' and what constitutes a 'diverse range of public house provision' capable of 'meeting the collective needs and expectations of the whole community.'

Applicants attempting to meet the diverse range of public house provision test should provide a planning statement which responds to the factors set out below.

### 4.1 Within the locality

The explanation text of policy DM6 clarifies that when assessing the range of public houses within the locality, applicants will need to demonstrate that there is sufficient alternative provision within a reasonable walking distance of the site. For the purposes of this policy, a walking distance of 800m, roughly equivalent to 10 minutes walking, should be used when mapping alternative provision. This should be measured according to on-the-ground walking distance rather than a radius from the application site.

Additionally, regard should be had to factors such as barriers to movement such as parks and undeveloped areas, rivers, canals, large roads and railway lines, underpasses or pedestrian overpasses and particularly steep gradients. Alternative provision that is beyond barriers like this may not be considered to be within a reasonable walking distance.

### 4.2 Alternative provision

Public houses come in many forms and cater to a wide variety of groups, tastes, wants and needs. As such, one or more public houses may not serve to replace another. When considering whether there is a sufficiently 'diverse range of public house provision' to meet 'the collective needs and expectations of the whole community', applicants will need to consider the application site and its characteristics and how they compare to any identified alternative provision. They will need to demonstrate that alternative provision can account for any losses in facilities/characteristics.

There are many characteristics of public houses which should be considered when assessing if the loss of a public house will result in a deficit of provision. These include, but are not limited to:

- Does the public house serve food? Are there alternative public houses that accommodate dining and drinking?
- Does the public house cater predominantly to local residents, city-wide clients or tourists? Will the loss of the public house mean that there is inadequate provision for one or more groups?
- Does the public house serve as a venue for music, comedy, cultural or sporting event (skittles, darts etc)? Are there other public houses with similar facilities in the area?

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- Does the public house cater to or presently accommodate a specific group such as sports teams, LGBTQ+ groups, elderly people, families or students? Are there other suitable locations nearby where these groups would feel comfortable or be/are already accommodated?
- Does the public house have a garden, children’s play area or other outdoor space?
- Does the public house serve some specialist food or drink offer, for example cider or real ale?
- Does the public house have any prominent views or vistas which others in the area do not?
- Is the public house of a particular size? Would other public houses in the area be able to accommodate similar sized groups?
- Does the public house have different opening hours to others? Is it the only facility open during the day?

This is not an exhaustive list and is intended to provide a start point for characteristics to be used when considering public house provision in an area. Applicants will be expected to demonstrate that there is alternative provision with the same or similar characteristics to that being lost by the proposed development.

In areas such as the city, town and district centres identified in policy BCS7: Centres and Retailing there is a need to consider the greater demand present for public houses due to a higher density of residents. Consideration should also be given to the need to maintain these uses in such centres due to the role they play in the long-term sustainability of Bristol’s evening and night-time economy.

Policy BCS2 is also relevant in areas of the city centre which are expected to have a greater level of provision both in terms of quantity and diversity. In these areas, Policy BCS2 will be applied in a manner that supports the retention of public houses so that they may continue to contribute to the centre’s vibrancy and the sustainability of the evening and night-time economy.

## 5. Recommended application information

To demonstrate compliance with the policy’s tests, the following information is recommended for submission with the planning application:

Viability test:

- A completed version of the adapted CAMRA viability test available in Appendix I.
- Accounts for the last three years of active trading, excluding the financial year 2020-2021 due to the impact of the Covid-19 Pandemic.
- Evidence of efforts to diversify offer or the wider premises and of positive management as described in section 3.1.
- Evidence of having completed a marketing campaign in accordance with this practice note.

Diverse range of alternative public house provision test:

- A map or schedule, noting the location of all public houses within approximately 10-minute walking distance and any barriers such as those identified in section 4.1.



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- A characterisation of the application public house addressing, but not limited to, the characteristics noted in section 4.2.
- A comparison of the application public house against the alternative provision identified. This should compare the various characteristics of the public houses and identify any deficit in alternative provision in the area.

## Appendix I: Viability considerations: (based on CAMRA Viability Test)

Subject	Question	Response
Local Trade	What is the location of the pub? Is it in a residential area, suburban area, town centre or area of visitor attractions? Is it in an identified centre in Policy BCS7: Centres and retailing?	
	What is the catchment area of the pub?	
	How many adults live within a 1,600-metre radius?	
	Are there any developments planned for the area? Industrial, residential, mixed-use, commercial or strategic projects?	
	Is there a daytime working population?	
Customer potential	Does the pub act as a focus for community activities? Sports teams, social groups, local societies, community meetings etc?	
	Is the pub in a well visited/popular location?	
	Does the pub appeal to those who regularly visit other locations to go to pubs?	
	Is tourism encouraged in the area?	
	Has the pub ever been included in any visitor or tourist guides?	
Competition	How many pubs are there within a reasonable walking distance (~800m).	
	Bearing in mind that people like to have choices, does the pub, by its character, location, design, potentially cater to different groups of people from those of its nearest competitor(s)?	

	If not, could the pub be developed to cater for different groups?	
Flexibility of the site	Does the pub have unused rooms or outbuildings that could be brought into use? Function rooms, storerooms, residential space etc?	
	Is the site large enough to allow for building extensions?	
	Have planning applications ever been submitted to extend/develop the pub building? If yes, when and what was the outcome?	
	If planning consent was not available for building work, is any adjoining land suitable for any other use? A pub garden, play area etc.	
	Has the pub been well maintained?	
	Has the applicant made efforts to diversify the pub's offer as detailed in section 3.1 of the DM6: Public Houses Practice Note? (Provide details).	
Parking	Does the pub have parking and attract patrons who drive to it?	
	Is there access to appropriate numbers of car parking spaces?	
Public transport	Is there a bus stop outside or near the pub and/or a railway station within easy walking distance?	
	How frequent and reliable is public transport in the area?	
	Has the pub made actual/potential customers aware of any public transport services available to/from it?	

	Are there taxi firms in the locality?	
	If yes, has the pub entered any favourable agreements with a local taxi firm?	
Multiple use	Could the pub be diversified to combine its function with that of a shop, event space, post office or other commercial activity such as bed and breakfast accommodation? Could it utilise mixed-use?	
Partial loss	These questions come into play if the application seeks changes which would reduce the size of the pub or convert non-public areas, such as licensee accommodation, to other uses.	
	How would the proposals impact on the long-term financial health of the business? Would a smaller pub still be able to attract sufficient trade? Would the smaller size make it less attractive to customers e.g., because there were reduced facilities such as no meeting room, less parking, smaller garden?	
	Would any loss of licensee accommodation make the pub less attractive to potential future publicans?	
Competition case studies?	Are there any successful pubs in neighbouring areas of similar population density?	
	What factors contribute to their success?	
The business – past and present	Having built up a picture of the business potential of the pub, it may be relevant to question why the pub is not thriving and why the owners are seeking change of use.	
	If the pub is vacant or has been closed for some time, what were the circumstances that led to this? Was the pub closed	

	because of financial difficulty, the retirement of the publican, or other reason? What evidence is there that the pub could not viable under new management?	
	Does the pub management team have local support? Has the team taken steps in the last year or so to try engaging with the local community and has the dialogue affected the way the pub operates?	
	Has the pub been managed better in the past? Is there any evidence to support this? Are trading figures available for the last four years and/or from previous management regimes?	
	Have there been recent efforts to ensure viability? E.g., has the pub opened regularly and at convenient hours? Conversely, have hours/facilities been reduced?	
	Has the focus/theme of the pub changed recently?	
	Is the pub taking advantage of the income opportunities offered by serving food? How many times a day is food served? How many times a week? Are catering facilities being optimised?	
	Has the rent/repair policy of the owner undermined the viability of the pub?	
	Does the pub offer a distinctive or specialist drink offer?	
	Are there any possible unclaimed reliefs? E.g., where rate abatement is not granted automatically but has to be claimed?	
The sale	Has the applicant met the marketing conditions set out in section 3.2-3.3 of the DM6: Public Houses Practice note?	