

Examination of Hyndburn's Development Management Development Plan Document (DM DPD)

Council's Response to Inspector's Matters, Issues and Questions (MIQs)

Matter 4: Community Infrastructure

Issue 4a: Are the proposed assessment criteria set out within policy DM8 regarding the proposed loss of Public houses justified?

24. Would the definition of a shortfall in provision be effective for proposals in all areas, for example rural locations?

The Council recognises that in some instances criteria b) of Policy DM8 referring to the assessment of the loss of a pub in relation to a shortfall of local provision may not be applicable. It is specifically for this reason that the policy is worded so that criteria a) (relating to adequate marketing of a property) applies in all instances, then either b) or c) (CAMRA's Public House Viability Test) should be addressed to be compliant with the policy.

The Council considers that the structure of Policy DM8 (requiring criteria a) to be met and either criteria b) or c)) is therefore sufficient to address this point. Further to this, footnote 46 provides a definition of the term 'shortfall' in the context of Policy DM8 (clarifying that the 10mins or 800m guideline will vary depending upon local circumstances). To some extent this acknowledges the issue raised here. Whilst the last pub in a very isolated village rural location could not demonstrate any other facilities in a 'reasonable walking distance', a more peripheral rural location may be able to do so when considered in their local context. In Hyndburn this is likely to be a more typical scenario due to the geography of the Borough.

The Council therefore considers the policy to be effective in its policy aims of ensuring that Public Houses are not lost too easily to other uses.

25. Why does policy DM8 specifically refer to the CAMRA Public House Viability Test? Is this justified?

The Council sees the effective protection of pubs as an important part of retaining sustainable communities as they are seen as valued community amenities, particularly in more rural areas. The Council recognises that there are a number of threats/factors relevant to the reduction in pub numbers (which have averaged 4 per year in Hyndburn over the last 3 years). These include rising costs for landlords, changes in drinking habits, and competition from alternative leisure pursuits.

It is not the intention of the Council to prevent the loss of pubs where they are no longer viable, hence inclusion in the policy of a viability test. However it is a requirement, stated in paragraph 28 of the NPPF, that LAs *'promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship'* where possible.

The specific reference to the CAMRA Public House Viability Test (PHVT) in Policy DM8 is made as the Council considers that it provides an objective test of the issues of relevance to decision makers. It is considered an important supporting tool to help them make fair, open and informed judgements on the questions of viability. The PHVT sets out a number of appeal case studies where viability has been acknowledged as a key issue of concern in the loss of public houses. The PHVT has been in use since 2000 and *'has been widely used both by local authority planners and by government inspectors'*¹. It was produced by CAMRA's Planning Advisory Group comprised of qualified planners.

Considerations set out in the PHVT are mainly land-use based matters. They include issues around local trade, visitor potential, competition, the flexibility of the site, parking provision and public transport. Specification of these issues could be made within the supporting text of Policy DM8 should that be considered necessary to justify the approach. The Local Government Information Unit (LGIU) and CAMRA produced a joint research publication in 2014, titled *'Public Houses: How Councils and communities can save pubs'* which also refers to viability. In this regard the Council is following what it considers to be best practice in this policy area and that the approach is fully justified.

¹ As stated in Paragraph 3 of the Public House Viability Test version 3 (31/3/14)