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Current trends in the UK property market for pubs, bars and restaurants

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Abstract

This paper explores issues connected with the UK Government's plans to reform the land-use planning system, and highlights some concerns that currently exist. It outlines some of the changes proposed, and focuses on the proposed reforms to the Use Classes Order (UCO) as they affect retail and food and drink outlets. In particular it takes as a case study the City of Westminster in London, where changes to local planning policies, aimed at resolving conflict between restaurant and pub operators and local residents, have led instead to market distortion and conflict between operators, developers and the local authority. The paper concludes that reforms are to be welcomed but that a considered approach is required to ensure that land-use planning is seen as only part of the measures required to ensure that conflict between city-centre users is minimised.

INTRODUCTION

Within the UK, central government is in the process of introducing legislation to overhaul the land-use planning legislative framework. The current legislation, which was first introduced on a comprehensive basis in 1947 and has remained largely unchanged ever since, is considered to be in need of reform.¹ It is viewed as outdated and inappropriate to meet 21st century needs.

The framework for planning comprises the development of two tiers of plans (a structure plan and a more detailed local plan), produced after democratic consultation. There is a statutory requirement on owners and developers to obtain consent from local planning authorities to carry out work or make changes in the use of land or buildings in compliance with the approved development plan. As an 'overlay' a series of planning policy guidance notes (PPGs) are issued by central government to direct local authorities in both the development and interpretation of their published plans. While PPGs do not have statutory force, their impact has been to effect large-scale changes in attitudes towards what is, or is not, regarded as acceptable.

One of the greatest weaknesses of the current system has been its perceived lack of flexibility, with the planning application and appeal process sometimes taking years rather than months to

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resolve. Another issue has been its failure to accommodate changing social patterns, and particularly the rise in leisure markets. Put simply there has been conflict between the drivers of the leisure property market and the policies developed by local authorities, often as a response to central government views.

In order to bring about radical change, the government is currently developing legislation. As with any major changes to legislation this is normally a three-stage process:

Changing legislation

- a green paper providing aims and objectives and a general outline as a consultation draft
- a white paper outlining in more detail the proposal and taking account of the consultations
- a Bill to Parliament.

It is not necessary for government to go through all three stages, however, and if a green paper is well received it is possible to proceed direct to a Bill without the publication of an intermediate white paper.

This paper outlines and discusses the initial thinking by government, as expressed in the green paper and developed for the subsequent Bill, in respect of the possible implications of the legislation on the market for pubs and bars. It details firstly some aspects of the changes, notably those to the UCO and the appeals system. It then considers the situation in London's West End, the so-called 'Westminster problem' in which the issues and frustrations of the current situation are clearly demonstrated. It concludes by making some recommendations for future legislation.

THE PLANNING GREEN PAPER

December 2001 saw the publication by the Department of Transport, Local Government and the Regions (DTLR) of the Planning green paper, which outlined a root-and-branch reform of the planning system in England and Wales.² In addition to the main green paper, a series of separate sub-papers were published, each dealing with specific aspects of the planning process. Of relevance to this paper are those concerned with the UCO and s.106 agreements. The former categorises some land uses in order to allow certain freedom to change uses without the need to obtain express consent, and the latter deals with payments by developers for infrastructure and other works as a condition of the grant of consent.

Areas for reform

The two areas in which the greatest reforms were proposed were as follows.

- The promise to cut red tape in the planning system, speed up decision making, streamline compulsory purchase and reduce the number of legal challenges on decisions.
- In terms of strategic planning, the green paper proposes to end

the system of structure plans, currently delivered at a sub-regional level, and recommends that local plans are less prescriptive, prepared more quickly and updated more regularly. Within the new plans, local authorities will be encouraged to identify 'business zones' where planning permission for new development will not be required for proposals that meet designated criteria.

As a subsidiary issue, changes were proposed to the system of use classes.

Since the publication of the green paper the Planning and Compulsory Purchase Bill (PCPB) has been fast tracked by the Office of the Deputy Prime Minister (ODPM). Announced in the Queen's Speech in November 2002, the Bill had its first and second readings in December and, assuming Royal Assent in summer 2003, the operational date for the new Act is expected to be early 2004.

THE RELEVANCE OF THE PLANNING REFORMS TO THE LICENSED PREMISES PROPERTY MARKET

The most relevant proposed changes to the pub, bar and restaurant market are the proposed changes to the UCO, but the more sweeping changes also potentially affect the licensed property market.

'Twin tracking'

One significant area that the PCPB proposes to reform would see the abolition of 'twin tracking', where two identical applications are submitted at the same time, one of which is appealed on grounds of non-determination after eight weeks. It is also proposed that an authority could refuse to entertain an application of a similar nature to one currently under consideration, recently refused and not appealed or recently dismissed at appeal.

In support of this it is argued that larger developers use a twin-track application simply as a negotiating tactic, which wastes local authority and Planning Inspectorate resources. Instead the PCPB proposes revised eight-week targets and delivery contracts for major applications, which would be referred directly to the Planning Inspectorate on a fast-track basis if either party failed to reach a decision or provide information within an agreed time limit.

Certainly delivery contracts sound like a positive introduction but, for non-major applications where local authorities are extremely slow to register and/or consider applications, a twin-track application can be one of the few points of leverage that a developer has. Until a quick and efficient planning system has been achieved in practice, there must be an inherent danger in a proposal that gives authorities the power to refuse to accept applications in this way.

Reasons for approval

In determining planning applications authorities would be expected to provide reasons for approval, in the way that reasons for refusal are currently set out, with the aim of making the system more transparent. Similarly, planning obligations are also proposed

Third party rights of appeal

to be made more transparent with public records of payments and undertakings made as part of planning approvals.

This could work not only to ease the minds of suspicious members of the public, but also in favour of developers, who face regular requests for s.106 contributions, often with little or no clear justification or formula behind them. A public register would be a step towards regularising planning authorities' demands and would help clear up this often-murky area of the planning system.

One area that will concern landowners is the proposal to cut the length of time that planning consents are valid for, from five years to three years. Similarly, it is also proposed to reduce the time in which an applicant can appeal after the refusal of planning permission from six months to three months. The PCPB also puts a stronger emphasis upon mediation to reach agreement after the refusal of planning permission, although how this would work in light of the proposals to allow local authorities not to entertain similar applications to ones already refused is not clear.

A final area that will be of particular interest to the pub, bar and restaurant industry will be third party rights of appeal. Applications for proposals in the A3 use class are often subject to strong opposition from local residents, but the green paper was dismissive of arguments in favour of third party rights on the grounds that they would make the system more uncertain and legalistic, and the PCPB contains no further reference to them.

The response to the PCPB has been mixed. However, critics claim that what was heralded as a radical reform of the planning system is in reality little more than tinkering at the edges.

PROPOSED REFORM OF THE USE CLASSES ORDER

The current UCO for England and Wales was introduced in 1987 and is now under review as part of the overall reforms. One of the main premises behind the UCO was that there should be a degree of flexibility within use classes to allow business to respond to changes in the market. The current round of consultations on revisions to the UCO has once again opened up debate on how uses should be classified and where pubs, bars and restaurants fit into the equation. This issue was examined and debated by the Leisure Property Forum (LPF) in 2001³ in advance of the green paper, and commentary has been published.⁴ The findings of this research pointed to the need for change and highlighted disquiet at the current classifications.

Movement between use classes has been raised as a major issue for review. Under the current system, retail units are listed as A class, to which there are three sub-categories:

Changes to the A3 use class

- A1: General retail
- A2: Financial and professional services
- A3: Food and drink.

Proposals a 'disaster'

Food and drink outlets that are contained within other premises, for example theatres and leisure centres, are not included in A class, but are considered ancillary to the primary use of the premises.

At present planning permission is not required to change from A3 (food and drink) to A2 (financial and professional services) or A1 (retail), or from A2 to A1, but consent is required to change in the other direction.

Concurrent with the issue of the main green paper the DTLR published a revised consultation document giving various options for proposed changes to the UCO.⁵

The first option, which was the only one previously put forward by the steering group, is as shown in Table 1. This proposal raised a number of comments during the steering group's initial consultation stage, with a number of local authorities hailing it as a disaster likely to devastate small retailers. Some leisure and retail experts also expressed strong opposition to the proposal, concerned that traditional retail could be driven out of some town centres and worried about its practical implications on valuation. However, many welcomed the increased flexibility to the market that the proposed changes would bring.

In response, the final released consultation document included four alternative options, which proposed varying degrees of flexibility into the system (Tables 2, 3 and 4).

A further option, Option 5, would include any permutation of Options 1–4 but with take-away restaurants retained within the relevant 'hot food' category, rather than removed to a *sui generis* category.

Also proposed is the movement of nightclubs, either into the new use class (Ac) with pubs and bars in Option 1, or as either being

Table 1: Option 1 changes to use classes

Use class	Use	Whether change permitted
Aa 'Mixed retail' uses	Sale or provision of goods and services to visiting members of the public, including: <ul style="list-style-type: none"> • sale of goods and cold food, including through warehouse clubs • financial and professional services (including the sale of access to Internet services), excluding health and medical services • sale of food and drink for consumption on the premises, including sandwich shops and coffee shops, subject to a maximum gross lettable area (GLA) of 100m² 	Change to Aa plus single flat allowed
Ab Restaurants and cafés	Sale of food and drink primarily for consumption on the premises, but including sandwich shops and coffee shops, where the GLA of the enclosed floorspace is greater than 100m ²	Change to Aa allowed
Ac Public houses, bars and nightclubs	Sale of drink and food for consumption on the premises where the primary purpose is the sale and consumption of alcoholic drink, where the GLA of the enclosed floorspace is greater than 100m ²	Change to Aa and Ab allowed
Sui generis	Shops for the sale of hot food to be taken away (including drive-through restaurants) Shops selling or displaying motor vehicles for sale, launderettes, taxi businesses, car hire businesses, filling stations, scrapyards	Change to Aa and Ab allowed No change of use allowed

Table 2: Option 2 changes to use classes

Use class	Use	Whether change permitted
Aa 'Mixed retail' uses	Sale or provision of goods and services to visiting members of the public, including: <ul style="list-style-type: none"> ● sale of goods and cold food ● financial and professional services (including the sale of access to Internet services), excluding health and medical services 	Change to Aa plus single flat allowed
Ab Restaurants and cafés	Sale of food and drink primarily for consumption on the premises, but including sandwich shops and coffee shops	Change to Aa allowed
Ac Public houses and bars	Sale of drink and food for consumption on the premises where the primary purpose is the sale and consumption of alcoholic drink	Change to Aa and Ab allowed
Sui generis	Shops for the sale of hot food to be taken away (including drive-through restaurants)	Change to Aa and Ab allowed

Table 3: Option 3 changes to use classes

Use class	Use	Whether change permitted
Aa 'Mixed retail' uses (including restaurants and cafés)	Sale or provision of goods and services to visiting members of the public, including: <ul style="list-style-type: none"> ● sale of goods and cold food ● financial and professional services (including the sale of access to Internet services), excluding health and medical services ● sale of food and drink primarily for consumption on the premises 	Change to Aa plus single flat allowed
Ab Public houses and bars	Sale of drink and food for consumption on the premises where the primary purpose is the sale and consumption of alcoholic drink	Change to Aa allowed
Sui generis	Shops for the sale of hot food to be taken away (including drive-through restaurants)	Change to Aa allowed
	Shops selling or displaying motor vehicles for sale, launderettes, warehouse clubs, taxi businesses, car hire businesses, filling stations, scrapyards	No change of use allowed

Table 4: Option 4 changes to use classes

Use class	Use	Whether change permitted
Aa 'Mixed retail' uses (including restaurants and cafés)	Sale or provision of goods and services to visiting members of the public, including: <ul style="list-style-type: none"> ● sale of goods and cold food ● financial and professional services (including the sale of access to Internet services), excluding health and medical services ● sale of food and drink primarily for consumption on the premises 	Change to Aa plus single flat allowed
Ab Public houses and bars	Sale of drink and food for consumption on the premises where the primary purpose is the sale and consumption of alcoholic drink	Change to Aa allowed
Sui generis	Shops for the sale of hot food to be taken away (including drive-through restaurants)	Change to Aa allowed
	Shops selling or displaying motor vehicles for sale, launderettes, warehouse clubs, taxi businesses, car hire businesses, filling stations, scrapyards	No change of use allowed

retained within D1, put into a new combined D1 and D2 use class, or removed altogether to be classified as a *sui generis* use.

The thrust of the recently published Planning green paper is towards increased flexibility, and the proposed changes largely reflect this. However, many local authorities are continuing to express strong opposition to proposals which would see them relinquish any control over uses that are currently within the A3 use class.

Take-aways left out

It is possible that any of the proposed options could be adopted, but it looks likely that take-aways will be moved into a *sui generis* category. This has been the case in Scotland for a number of years. Reports on the effectiveness of this move suggest that it has been popular not only with local authorities, which are able to distinguish between cafés/restaurants and take-aways, but also with A3 operators, who are able to apply for development without attracting the kind of objections associated with take-aways.

The consultation period for revisions to the UCO ended on 24 April 2002, but seems to have been put on the back burner while the PCPB is being progressed. Consequently, the results of the many representations by interested parties are still awaited.

CURRENT TRENDS IN PLANNING APPEALS

A3 appeal decisions

In order to assess trends across England and Wales, continued research and analysis has been undertaken on planning appeal decisions. The information has been provided by Compass' Appeal Search Database and relates to appeals involving changes of use from Class A1 (retail) to Class A3 (food and drink), dating back to 1996 and going up to March 2002. The analysis is focused on cases that were either determined by public inquiry or informal hearing, and those that dealt with designated primary/core shopping frontage policies.

The results are shown in Figures 1–5, and continue to be encouraging for operators and their consultants with the proportion of successful A3 appeals in primary frontages maintaining a steady 56 per cent. This compares with a national average of 35 per cent for all appeals determined in 2001.

Figure 1: A3 appeals in primary frontages — February 1996 to March 2002

Figure 2: A3 appeals in primary frontages by use breakdown

Figure 3: Café/bar appeals in primary frontages

Figure 4: Pub appeals in primary frontages

Figure 5: Restaurant appeals in primary frontages

Café/bars still popular

The most successful A3 proposal at appeal continues to be café/bars, with a 70 per cent success rate, with pubs and restaurants close behind on 67 per cent and 62 per cent, respectively. However, take-aways and open A3 applications, which make up nearly half of

A3 contributes to town centres

all of the appeals surveyed, are significantly less successful at 48 per cent and 40 per cent, respectively.

The results continue to show a clear pattern of desirability within the A3 use class, with planning inspectors willing to accept arguments relating to the positive contribution that café/bars, pubs and restaurants make towards town-centre vitality and viability, a point that supports the LPF research.⁶ Operational changes have gone some way towards achieving this, with the introduction of more shopper-friendly hours and attractive frontages, and it is now becoming generally accepted that such uses will often increase footfall in retail areas and help town centres to reinvent their social role.

Take-away restaurants, on the other hand, continue to be viewed as a greater cause for concern, with issues of noise, disturbance, litter and traffic making them less acceptable in primary shopping frontages. Inspectors also tend not to view them as providing a genuinely 'complementary' function to the retail character of shopping areas, particularly where a delivery service is involved.

The appeal process

The statistics contained in Figures 1–5 relate only to applications which were determined either at a public inquiry or an informal hearing. The Planning Inspectorate does not record appeals by the categories or issues involved, but their figures released for all appeals for 2000/2001 indicate that, although an average of 49 per cent of inquiries are allowed, other methods of appeal are less successful. Hearings average only a 39 per cent success rate, while only 33 per cent of appeals by written representation are approved.

Inquiries most successful

It may be true that appellants who do not view their chances of success highly and do not, therefore, wish to go through an expensive inquiry might favour the less involved written representation or hearing approach if they feel it is 'worth a shot'. However, as with other forms of litigation, it is clearly arguable that the more an appellant is prepared to spend on their case the greater their chances of success.

The latest changes to the inquiry procedure rules took effect on 1 August 2000, and introduced tighter timetables for exchanging documentation and reversed the 'running order' at the inquiry, allowing the local authority to present its case first and, consequently, to close the proceedings. The anecdotal evidence is that, as a consequence, hearing dates are coming forward more quickly than before. The Planning Inspectorate is also noticeably less flexible than it has been in the past, particularly when it comes to the late submission of evidence (which can be returned, unread by the inspector) and to postponing inquiry dates.

The Planning Inspectorate is heralding its revised procedures as a great success, in line with the government's aim of streamlining the planning process. However, one factor which does not appear to have been taken into account is that of the cycle of production for

statutory plans. Currently, there is little activity in this field of work and, as the cycle of plan inquiries has moved on, there are presently more experienced inspectors available to hear inquiry appeals. The real test for the Planning Inspectorate will be whether appeals will be heard as quickly when the next round of statutory plan inquiries begins.

A CASE STUDY ON THE NEED FOR PLANNING REFORM: WESTMINSTER'S A3 POLICIES

London's West End contains many of the UK's best-known and most frequented theatres, bars and restaurants; additionally it contains some of the most important retail locations, such as Oxford Street, Regent Street and speciality retail areas such as Covent Garden and Soho. However, it also has a small but significant resident population, which has resulted in conflict between some residents and the entertainment industry.

Westminster's A3 policies

Powerful residents increase restrictions

In June 2000 Westminster City Council brought into effect a raft of new planning policies aimed at clamping down on pubs, bars and restaurants in the West End. At the time their introduction was seen as a victory for Westminster's powerful residents' groups, who had successfully lobbied councillors for further restrictions.

These new policies have meant a presumption against granting planning permission for all new A3 uses in Soho and Covent Garden, and for extensions to existing premises or to hours of operation. Westminster has specifically targeted 'large' A3 uses, which it defines as premises with a floorspace of over 500m² (5,380 square feet) or a capacity for over 200 people. In practice this would include any pub or bar with a gross floor area exceeding 150m² (1,614 square feet).

1am shut down

The council also introduced 'terminal hours', in conjunction with its licensing regime, which seeks to prevent A3 uses operating beyond 1am in the West End, and either midnight or 11pm in the rest of Westminster.

The justification given for the introduction of the policies related to the negative impact that A3 uses were having on the residents of Soho and Covent Garden, in terms of noise and disturbance, and their impact on the local environment. For this reason, further consents were deemed inappropriate.

Whatever happened to the 24-hour city?

In terms of planning policy the basic principle behind the 24-hour city is to achieve a balance of uses within central areas which allows business, leisure and entertainment activity to extend beyond the adopted standard of 7am to 11pm. This recognises the fact that a large proportion of the population are no longer bound by nine-to-five jobs but have varied work patterns, at odds with restrictions imposed by planning and licensing regulations.

Residents in the West End

However, achieving this balance of uses does not mean that homogeneity across the whole of the city centre must be imposed. Rather, entertainment and leisure uses should be encouraged in some areas and given the opportunity to expand, with hours of operation to match demand, leaving other areas to be more predominantly the domain of quieter evening use.

It is recognised that existing residents in the West End have the right to certain levels of amenity. However, it is argued that it is unrealistic for them to expect the same degree of peace and quiet as they would if they lived in the suburbs. New residential accommodation in these areas must either be accepted as being for those happy to live in a lively area or discouraged and directed towards locations outside the Central Activities Zone (CAZ). The more intractable problem concerns not new housing, but the need to reconcile new leisure demands with the opposition of those residents whose residency pre-dates the growth in the 24-hour city, despite its historic character as an entertainment district.

Residents' concerns

Time and again residents of Soho and Covent Garden identify their problems not just as noise but also as:

- street crime
- public disorder
- drugs
- sex industry
- street fouling
- refuse and littering
- unlicensed minicabs.

These problems are very real, but operators and consultants would argue that they are not caused by well-managed A3 operations but are primarily issues of crime and public order. Nonetheless, Westminster has targeted A3 uses as being one of their principal causes and has clamped down on them accordingly. However, the planning system is land-use based, and it is therefore surely not within its remit to seek to close bars at certain times in an attempt to combat unlicensed minicabs in the West End.

Pubs: Not the cause of crime

Opposition to the policies

The revised local policies went out to public consultation as part of the review of Westminster's unitary development plan (UDP) in the autumn of 2000 and received a barrage of objections from the industry. (For major conurbations a UDP is prepared instead of the two-tier structure and local plan found in most local government areas.) The main issues raised can be summarised as follows.

- The policies are regarded as too restrictive and negative. The objectors maintained that the needs and demands of society are

Conflict with government guidance

- for a flexible approach. A blanket restriction was thus viewed as inappropriate.
- The aim of central government, as expressed through their stated planning policy (PPG6), is to concentrate retail activity in town centres, as the previous explosion of development in out-of-town locations is viewed as unacceptable on transport grounds. Hence the new policies were seen to be inconsistent with central government policy.
 - There was opposition to the imposition of restrictions on A3 uses, which would inevitably lead to a slowing down of further A3 development.
 - The policies introduced the concept of 'stress areas', covering most of the West End and beyond, in which applications for new A3 uses and extensions to existing premises would be refused. Critics argued that the stress areas were arbitrary in their definition and that insufficient justification has been given for their introduction, or for the identification of their boundaries.
 - There was a general opposition to the introduction of 'blanket' and early terminal hours. Many people have argued that staggered closing times are beneficial in promoting orderly behaviour. Blanket closing times were viewed as potentially exacerbating the law and order problems.

In light of the number and range of objections to the A3 policies, planning officers recommended that the council might wish to reconsider them. In particular it was suggested that some of the policies might be too restrictive and/or conflict with national planning guidance. However, the council took little notice of their officers' recommendations and agreed the first deposit draft with only a few minor alterations.

Successes on appeal

Appeal decisions within the new Westminster framework

Since Westminster introduced the new A3 policies for development control purposes the council has lost numerous high-profile appeals, in which all of the policies have been tested and found wanting by the appeal inspectors. New A3 premises have been granted planning permission, both inside and outside the stress areas, they have been allowed opposite and below residential dwellings, hours of operation have been extended beyond 1am and restrictive conditions have been quashed.

The planning system works on the basis that each application is judged on its own merits. Residential amenity is always an important consideration, as are issues of design, local character and function and highway safety. However, these are the issues on which applications have always been judged. Planning permission is not granted if the appeal inspector is not satisfied that the proposal is acceptable on all of these points.

The appeal decisions demonstrate that it is not sufficient simply

to adopt a ‘blanket ban’ approach in an attempt to restrict A3 uses. Decisions must be based upon the impact of the proposal and not solely upon abstract policies.

Impacts

Despite the success of many appellants, there still exists an effective moratorium on A3 consents in the West End and further restrictions on hours through licensing restrictions. The effect of this is resulting in a series of detrimental market impacts:

Loss of restaurants

- increased rents, as demand has continued to outstrip a restricted supply
- delays in the supply chain caused by the necessity to go to planning appeal and the consequential costs incurred by so doing
- the increase in rental levels is leading to a loss to the area of restaurants to higher-turnover operations better able to support the rents demanded
- successful A3 operations have been unable to expand, as there is particular resistance to large floorspace concerns
- the restrictions on licence renewals are leading to uncertainty and difficulties in producing accurate valuations.

The consequence is that a multi-layered market of A3 premises is emerging. It is topped by those premises that have open A3 consents and late licences, and it moves down incrementally to premises with waiter-service-only restaurant consents and restricted licences that are at the bottom.

The policies were aimed at reducing conflict between those enjoying leisure activities and local residents, by restricting the supply of premises. In reality the property market has become distorted, but what the new policies have not done is stop people from going out in the West End.

Practical solutions

It is contended that the problems faced by residents of the West End will not be solved by the imposition of a blanket ban on new A3 uses. Instead, a strategic approach and more comprehensive enforcement are the key issues that must be addressed.

As part of this approach, it is concluded that the industry should be calling for the following measures.

Support for West End ‘clean-up’

- Support for a strategic view of entertainment in London, with expansion in other parts of the city to help relieve some of the pressure on the West End. Simply to tackle issues on a borough-by-borough approach is both unworkable and inappropriate.
- Support for ‘clean-up’ initiatives in the West End, to include street cleaning, more toilets and adequate policing and enforcement. The issue identified is as much one of public

services and law and order as one of land-use planning, and there needs to be an integrated approach.

- A3 uses to be encouraged in appropriate areas without significant residential populations, thereby seeking to reduce, if not eliminate, the tensions between licensed operators and residents.
- A revocation of blanket-ban policies and the return to a system based on the merits of each application. In reality, the increased number of appeals is leading to this solution, but at high costs and with much consequential delay.
- Extended and staggered opening hours to prevent problems caused by large crowds emptying on to the streets at 11pm, midnight and 1am. Such systems work well in many continental European countries and could be important in reducing the pressure on policing.

The concept of a business improvement district (BID) for the West End has also been receiving qualified support, where operators would pay additional fees on the basis that the money would go directly towards improvements in policing and rubbish collection to cater for late-night opening. Such a scheme would accord with government thinking as outlined in the PCPB.

Inspector's decision awaited

Challenge through the UDP consultation process

Following the major opposition to the policies for A3 uses, Westminster reconsulted on changes to the second UDP deposit period. The UDP Inquiry was heard in early 2003, which provided the platform for a full debate of arguments for and against Westminster's policies.

With the Inspector's report expected to be published soon, the outcome will have an enormous effect on the development of the pub, bar and restaurant market in the capital for years to come.

CONCLUSIONS

The framework for planning within the UK is in need of reform. That much is clearly recognised, and the general welcome to the PCPB is evidence that most interested parties would accept radical change. Inflexibility and a lack of realism about the ways and speed with which land uses must change to accommodate social and market demands are perceived as real issues. Change must bring about systems that will meet the needs of operators as well as other lobby groups, or the appeals system will become overloaded. The situation in Westminster provides a case study which demonstrates that unless planning policies are designed to meet market needs, they will result in opposition and market distortion.

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