

Planning (Mottingham)

Motion made, and Question proposed, That this House do now adjourn.—(Mr Syms.)

8.50 pm

Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to raise this issue in the Chamber, and I am delighted to see several hon. Members still here as we approach closing time—an appropriate metaphor, perhaps, given the subject of this debate.

Greg Mulholland (Leeds North West) (LD): Not for the Porcupine.

Robert Neill: No, I hope not for the Porcupine.

I want briefly to set out what seems to be the particularly worrying pattern of behaviour that the proposal to demolish the Porcupine public house in Mottingham in my constituency highlights. It is obviously of great concern to residents of Mottingham, which, it is worth saying, is not an amorphous part of London suburbia, but a genuine village with a real sense of identity, and the Porcupine pub is a central part of that village community. It is also worrying because the behaviour of the two substantial companies involved has potential impacts beyond this case.

Perhaps I can put that into some context. There has been an inn on the site of the Porcupine public house since 1688. It is not, I accept, locally or statutorily listed, but it is steeped in history. There has always been a pub there in the middle of the village, and it is virtually the one remaining bit of community space left in the village, so it is of real significance to the people of the Mottingham area. It has a long local history. I am told that Tom Cribb, the 19th century world bare-knuckle boxing champion, trained in the Porcupine inn and that it has been called that since the days when a spiked machine was used to crush oats and barley in alehouses, so it has a long heritage and, as I say, is dearly loved by people in the Mottingham area. We have seen, however, a shabby and underhand means of closing this public house against the community's wishes.

I am delighted to see the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Great Yarmouth (Brandon Lewis) here to respond to the debate and I want to thank him personally for the trouble that he took to come down to Mottingham, visit the site and meet some of its residents—more of that in a moment. First, however, I want to thank some other people, because the campaign to save the Porcupine public house has seen many people doing a lot of hard work. It is worth mentioning Liz Keable and all the other committee officers of the Mottingham residents association, who have worked very hard; Emily Bailey, who started an online petition that has gathered more than 1,600 signatures; the local councillors, including my Conservative colleagues Charles Rideout and Roger Charsley, who represent the Mottingham ward of the London borough of Bromley, and Councillor John Hills, who represents the adjoining ward in the neighbouring London borough of Greenwich, just the other side of the road from the public house; hundreds of residents who have written in and e-mailed to support the campaign; and the 250-plus people who turned out when the Minister came to visit last week. I also wish to say

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special thank you to David Bingley, who started the campaign. Sadly, his ongoing hospital treatment means that he cannot be here to watch the debate from the Gallery, but I know he will be watching from his hospital bed, and I am sure that you will forgive me, Mr Speaker, if I say that we thank him for his efforts and wish him a speedy recovery.

That is the history of this public house and the strength of feeling surrounding it. The Porcupine was knocked down once before, in 1922, and on that occasion the brewery provided a temporary pub for people to use while it was rebuilt, but I am afraid that a very different attitude has been adopted now. In essence, the owner of the Porcupine pub, Enterprise Inns, has in my judgment deliberately let the pub run down and then sought to dispose of it for development. I am afraid Enterprise Inns has a bad track record in that regard. It is becoming frankly notorious for such behaviour. Its four annual reports show an alarming decline in the total number of pubs it operates, from 7,399 in September 2009 down to 5,902 in September 2012. Enterprise Inns seems to have a deliberate policy of running down its estate. It is quite clear from its annual report that, having disposed of more than 400 pubs in the last year, Enterprise Inns is disposing of assets to pay down debt. It is a company that, frankly, has not had good trading results. To my mind, it seems to be behaving more like a property company than a brewing company.

What Enterprise Inns has done in this case adds insult to injury. Not only did it dispose of the site, but it did so without giving any notice to the population. The site was never advertised. There was no sign that this public house was going to be closed. It closed literally overnight, having been sold through a commercial deal to Lidl supermarket, with no notice given to anyone. Lidl UK now proposes to demolish the public house and erect a non-descript supermarket on the site. It is reprehensible that this pattern of conduct by Enterprise Inns seems to be designed to circumvent the Government's work to give greater protection to public houses. The Government have taken important steps, by creating the ability to list places such as the Porcupine as assets of community value and by giving greater protections in the national planning policy framework.

Clive Efford (Eltham) (Lab): I congratulate the hon. Gentleman on the campaign that he is running with the local community. As he knows, the Porcupine in Mottingham village is just across the road from my constituency, so my constituents are concerned, too. He has the full support of those who are trying to save the Dutch House pub in my constituency. This is very much about a local community coming together to save both community assets. Does he agree that this case is a test for the NPPF? We should be listening to local people, as against huge businesses such as McDonald's, Lidl and Enterprise Inns.

Robert Neill: I am grateful to hon. Gentleman for his intervention. I welcome his support for the campaign, and I agree.

Enterprise Inns has a debt of £296 million and is running down its estate to pay it off. It does not seem to be interested in running its pubs, as they can be run, as going concerns. The community in Mottingham was denied the opportunity to make an application to have

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the Porcupine listed as an asset of community value in advance, because it was given no notice. By the time the pub closed, it had already changed hands and Lidl had already moved in and boarded it up. Ironically, it did so with a hoarding that was beyond the size permitted

under the planning regulations—a breach of development control, which says something about Lidl’s attitude. When my hon. Friend the Minister responds, I should be grateful if he considered what more we might do about the behaviour of Enterprise Inns in seeking to circumvent the legislation that the House put in place to protect such assets.

Greg Mulholland: The all-party save the pub group is entirely behind my hon. Friend’s community campaign and will offer him any support we can. The simple answer—I hope we will hear this from the Minister—is twofold. First, as my hon. Friend will know, the great news is that the Department for Business, Innovation and Skills is consulting on finally dealing with the property scam that is the pubco model, which includes Enterprise Inns. I hope that we will hear later this year that that will be dealt with. Secondly, I hope that we will start to get it through to the community pubs Minister—my hon. Friend and I had debates when he used to be the community pubs Minister—that although the provisions in the Localism Act 2011 are positive, we cannot accept a planning framework that allows such behaviour. We must have a change, so that pubs cannot become supermarkets behind communities’ backs and without any consultation with those communities. That cannot be right.

Mr Speaker: Order. The hon. Gentleman would almost have had time to consume a pint in the course of his intervention.

Robert Neill: Thank you, Mr Speaker. I understand my hon. Friend’s point, and I am grateful to him for his intervention. You will know of the importance that all communities attach to their local public house, Mr Speaker, and this behaviour is particularly reprehensible. It has denied people the opportunity to step in, unlike what has happened at other places nearby, such as the Baring Hall public house near Grove Park station, where notice was given and the community was able to get the asset listed. That opportunity was denied in the case of the Porcupine as a result of the underhand behaviour of Enterprise Inns.

The situation has been made worse by the behaviour of Lidl. It is becoming apparent that the company’s business model is one of acquiring public house sites and turning them into supermarkets in a secretive and predatory fashion—*[Interruption.]* My hon. Friend the Member for Leeds North West (Greg Mulholland) says that this is about collusion, and I have to say that a lot of people in Mottingham would agree.

As I have said, the situation has been made worse by Lidl’s behaviour. Representatives of the company came to a public meeting organised by the Mottingham residents association and, to put it charitably, gave misleading information about the status of the planning application. They claimed that they already had permission to demolish the public house, when in fact they had not even made an application. Since then, although they claim that they wish to consult the community, they have done no more than board up the public house. They want to

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demolish it so that, in effect, the pass will have been sold and it will be impossible to rebuild a pub on the site, but I am pleased to say that Bromley council will have to consider a section 31 application. I am sure that it will deal with such an application in an appropriate fashion. My hon. Friend the Minister cannot prejudge planning cases, but I would simply observe that I believe that there are very strong planning grounds for deciding that this is not an appropriate place for a supermarket.

Lidl's poor behaviour did not stop there, however. Until I secured this debate—as well as earning a rebuke from you, Mr Speaker, for making an intervention on the matter at business questions that was perhaps a little less crisp than I try to be—Lidl had refused to engage at senior level with me or any other elected representative. Lidl is a privately owned, German-based company, and it is now buying up pubs around London and turning them into supermarkets. Ironically, there is a Lidl just 10 minutes away from this site, in Eltham, as well as branches of Marks & Spencer, the Co-op and Sainsbury's within easy reach of it.

I find it extraordinary that, having misled residents over the status of the application, Lidl took no steps to correct that. It put in an application, then forgot to pay the fee for about seven days, which says something about the company. When I sought a meeting with a Lidl board director, the company refused to give my office the names of its directors. We had to go to Companies House to find out who they were. It refused to give me the names, and refused to meet me until it heard about the publicity generated by this debate. That is a contemptuous way in which to treat the public.

There are two messages for people in all this. First, they should know how Lidl is behaving in this case. Secondly, the Campaign for Real Ale is actively promoting its "List your Local" campaign, and my message to anyone with a pub owned by Enterprise Inns in their community is that they should get it listed as an asset of community value now, because they cannot trust Enterprise Inns not to sell it from under them without telling them. That is an unsatisfactory state of affairs. As things are, a demolition application has now been submitted and will have to be considered by Bromley council. I am happy that it will take whatever steps are appropriate, but this case demonstrates an attitude that is damaging for the community in that area.

This is not the only occasion on which Lidl has behaved in this way. In Warlingham, it destroyed the former Good Companions public house. It knocked it down, but it has yet to submit an application to redevelop the site. It demolished a former police station in Dartford as soon as it acquired it, and the residents of Dartford have had to live with a derelict site for the subsequent 15 months. That is predatory behaviour. It is unacceptable and unbecoming of a public company. I hope that the directors on the board of Lidl will realise the reputational damage that their conduct is doing. I say that more in hope than in expectation, but we can at least use the engine of publicity to flag up their behaviour and that of Enterprise Inns. The Minister might be aware that an application has now been submitted for the Porcupine public house to be listed as an asset of community value, and I hope that it will give it some protection in due course.

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Clive Efford: The hon. Gentleman is generous in giving way to me again. My constituents added their names to that application and were told that because they lived in neither the ward nor the borough, they could not have their application registered as an asset, despite the fact that it is happening in the middle of their village, as the hon. Gentleman pointed out. They are very disappointed and asked me to express their view here tonight.

Robert Neill: I understand that, and it is an issue that we may need to think about, particularly given that the local authority boundaries in some urban areas do not necessarily follow the community ties with an area. I hope that even though Bromley council is not

statutorily obliged to do so, it will none the less be aware of the strength of feeling from across the other side of Mottingham.

The other option is to consider an article 4 direction, and I understand that an application to Bromley council for such a direction has been made. The one thing that we need to bear in mind is that there is sometimes a tendency for owners of properties that are subject to an article 4 direction to make excessive claims on compensation in an endeavour to deter local authorities from using the article 4 powers. That happened with the Baring Hall hotel in Grove park, where I understand a claim for compensation of about £1 million was initially made, but has now been significantly reduced. There is, of course, an onus on the owner who seeks compensation for article 4 actually to prove loss. I wonder whether the Minister can say more about the guidance that we can give to local authorities, so that they are not intimidated against using article 4 directions by the behaviour of large, well-funded commercial organisations.

I hope that I have now had the chance to ventilate on a subject that is hugely important to my constituents. I end by saying that the porcupine is a seemingly harmless animal until provoked. Well, the residents of Mottingham have been thoroughly and justifiably provoked by the threat to their Porcupine. I hope that this debate has given us the chance to flag up what amounts to troubling behaviour not just for residents of Mottingham, but for anyone concerned about protecting valued local pubs across the country.

9.7 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Brandon Lewis): I begin by congratulating my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) on securing this important debate. It is important to the people of Mottingham and the Porcupine pub, but it also gives us a chance—as we have heard from the hon. Member for Leeds North West (Greg Mulholland), the chairman of the all-party parliamentary save the pub group and from the hon. Member for Eltham (Clive Efford), the member for the Dutch House—to outline some of the rules affecting pubs and their acquisition by some of the companies mentioned.

My hon. Friend the Member for Bromley and Chislehurst is aware that on 29 April, Lidl UK submitted a part 31 notification to the London borough of Bromley council of its intention to demolish the Porcupine pub. I know that my hon. Friend has expressed his concerns directly

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to the council about the implications of the notification, so that his views and those of his constituents can rightly be taken into account when the council considers the case, which it has to do before 28 May. I also know that local residents recently submitted, as my hon. Friend has said, a request to the council for an article 4 direction for the removal of permitted development rights for both demolition and change of use on the site, which I am advised is still being considered by the council. The council will need to notify the Secretary of State if and when a direction has been drafted.

As my hon. Friend has outlined, the Porcupine pub ceased trading in March and the site was sold to Lidl UK at around the same time. It is still the case that no formal planning application has been submitted to the council regarding the proposals. I know that my hon. Friend knows from his time in the Department for Communities and Local Government that it would be inappropriate for me to comment on the merits or otherwise of the notification or the proposed article 4 direction, or indeed on the possible success or otherwise of any planning application for the erection of a retail unit on the site, as I would not wish to prejudice the Secretary of State's position, should any of these matters come before him. I nevertheless note one of my hon. Friend's closing comments about the value of guidelines for councils' use of article 4 directions, which might provide councillors with greater knowledge.

When I visited the Porcupine with my hon. Friend, councillors asked me about the article 4 direction and about the compensation issue. I think that we need to look into just how guarded council officers are being about the advice that they are giving members about the risk of compensation. We need to ensure that there is a proper understanding of the risk and that it is not overstated, so that councils do not overestimate it and fail to take an opportunity that could be used in many cases to protect pubs under article 4.

I know that my hon. Friend is well versed in the planning system, to which he has referred in detail this evening. However, for the record, I will explain the position relating to, in particular, part 31 notifications and article 4.

The demolition of most buildings is permitted development, which means that specific planning permission is not required. However, that is subject to a requirement to notify the local planning authority concerned through a part 31 notification, so it can decide whether to prescribe the method of demolition and restoration of the site. That often gives a community a brief opportunity to become aware of an issue and do something about it, as has happened in the case of the Porcupine.

As for article 4 directions under the Town and Country Planning (General Permitted Development) Order 1995, public houses and shops are classed as separate uses under the Town and Country Planning (Use Classes) Order 1987. That recognises the different land use impacts of their particular uses, and would ordinarily mean that planning permission would be required to change from one class to another. When issues arise, however, local authorities, working with their communities, can restrict the use of permitted development rights by means of an article 4 direction, and, as my hon. Friend said, that is being considered in this case.

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As soon as the direction has been drafted, notice is served locally for 21 days, and the Secretary of State is notified at the same time. Having considered the local consultation responses, the local authority then considers whether to confirm the direction. It can do that by serving a further notice locally and notifying the Secretary of State.

There have been calls in the House recently for the removal of permitted development rights that allow pubs to convert to other uses at a national level. The hon. Member for Leeds North West, representing the save the pub group, has spoken about that on a number of occasions. However, the Government are clear about the fact that localism should be at the heart of planning. We need to avoid any disproportionate restrictions on change of use that might

result in more empty buildings, spoiling the local environment and holding back economic development. However, that does not prevent us from doing what we can to protect our community pubs.

As my hon. Friend said, we should encourage communities to ensure that their locals are listed as community assets. CAMRA is running a fantastic campaign, and I urge Members to look at its website, which gives clear and simple directions about how to list a pub. It is good to hear that the people of Mottingham are adopting that route while there is still a building to protect. I sensed the public feeling there the other day, when at least 200 of them turned out. Listing a pub is a simple process. It is necessary to be on the electoral roll, but I noted my hon. Friend's comments on that requirement, and I will look into it. Only 21 people in the area need to propose the listing, and I encourage people to do it.

Greg Mulholland: Will the Minister give way?

Brandon Lewis: I will give way briefly.

Greg Mulholland: I thank the Minister for listening to what has been said about this issue. However, he is now a CAMRA member—I am delighted about that—and he knows that CAMRA does not agree with him and believes that we need more protection. It is great that he visited the pub, but, having heard the case, does he honestly think that it is in the interests of localism or pubs to retain a national planning framework that allows the conversion of wanted, full, busy, profitable pubs to branches of McDonald's, supermarkets or flats without the community's having a say? That is not in the interests of localism. It is undermining what the Minister and I both believe in.

Brandon Lewis: I was about to say something about that. There is sometimes a gap when a company buys a property that was not already listed and does not need to demolish it. The first a resident may know about it is when the boarding goes up advertising whichever company that happens to be. That may be the first indication that Enterprise Inns, or whoever, has sold it off.

As I have said, we do not intend to change planning laws per se, but we do need to ensure that whatever we do is proportionate. The listing of a community asset is a simple, light-touch, but effective way of protecting a pub. However, I accept that there may be an opportunity to take that a step further in order to prevent circumstances in which a resident does not know that a property has been sold or has become a Tesco, a Lidl or a McDonald's until the store opens or the boarding goes up. I am prepared to look at that, but I must make it clear that,

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as I have outlined, we are not going to make any substantive changes to change of use and general planning that are disproportionate.

I want to stress again that communities that value their pubs should do what they can to have them listed. The Government have done a great deal to help to protect pubs through our work on planning, under the national planning framework, and through providing the ability to list a pub as a community asset. That has had a great impact. We have also helped to protect pubs by developing the Plunkett Foundation so our communities can buy pubs, and we have put

funding into Pub is the Hub. There is also the Chancellor's fantastic move to cut the beer duty escalator and beer duty itself.

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In conclusion, I am not in a position to comment on the specific case of the Porcupine pub, although I congratulate my hon. Friend the Member for Bromley and Chislehurst on the fantastic work he is doing in highlighting what is happening and on the action he has taken. I cannot go any further at present without being prejudicial to the Secretary of State's quasi-judicial role in the planning system, so I will leave it there, and wish my hon. Friend and the residents of Mottingham well in their endeavours.

Question put and agreed to.

9.15 pm

House adjourned.