



Public Houses

The purpose of this Advice Note is to give general guidance to intending developers, their professional advisors and agents. It is designed to provide advice on the planning criteria to be applied when an application for this form of development is being considered. It should be stressed that the note is not a specific statement of Departmental policy but rather one of advice and guidance.

Each application or appeal is treated on its merits and the application of the guidance given to a particular case is always a matter calling for judgement.

Any legal views stated in this note have no statutory force and should not be relied upon as an authoritative interpretation of the law.

A list of other current notes in this series can be obtained from [Divisional Planning Offices](#) or from Planning Service Headquarters.

1. A public house is defined as premises in which the only or principal business carried on is the business of selling intoxicating liquor by retail for consumption either in or off the premises', (Section 3(1)(a) Licensing Act (Northern Ireland) 1971). Such a premises is not within any particular Use Class and requires planning permission whether it is a proposed new building or a change of use from another form of development.
2. Legislation governing the sale of intoxicating liquor in public houses is quite separate from planning legislation. The Licensing Act (Northern Ireland) 1971, makes no requirement for a proposed public house to have planning permission before a licence is granted. However, in practice, the courts insist that there is a planning permission for such an establishment before they will consider granting a licence.
3. The hours of opening specified in the Act are 11.30 am to 11.00 pm with 30 minutes 'drinking-up' time in the evening, with the exception of Good Friday, Christmas Day and Sundays. In addition, a court may grant extension licences for functions held on the premises by charitable bodies or recognised groups, or for functions - not exceeding six in any year organised by the owner.
4. Under Section 28(2)(d)(ii) of the 1971 Licensing Act, the provision of passive entertainment is considered an ancillary use in a public house. Where, however, it is proposed to have live entertainment or a disco in a public house, the premises must be licensed as a place used for public entertainment under Section 31 of the Local Government Act (Northern Ireland) 1934. The Licensing Authority - the District Council - will then consider the suitability of the premises for the proposed use having regard to possible fire hazards, floor strength, ingress and egress and also possible disturbance to neighbouring properties.
5. In addition, under the Pollution Control and Local Government (Northern Ireland) Order 1978, the District Council has the power to control the occurrence of excess noise.
6. Some public houses contain slot machines, video games and pool or snooker tables. Such entertainments will not require a separate planning application provided it can be clearly established that they are ancillary to the main function of the premises.
7. Public houses are also subject to legislation governing the sale of food and drink, including the Food and Drugs Act (Northern Ireland) 1958, the Food Hygiene Regulations 1964 and the Control of Food Premises Order 1979. The legislation is mainly concerned with ventilation and the sanitary conditions within an establishment, such as washing facilities for staff, and the cleanliness of food and equipment. Such matters are the concern of the Environmental Health Department of the relevant District Council.
8. In recent years there has been a trend towards more diversified trade within a public house. Sometimes a small restaurant may be incorporated. As with entertainments such developments will not require separate planning permission provided they are ancillary to the main function of the premises.
9. The effects of noise and disturbance and traffic safety are the main planning considerations in relation to public houses. There may be a number of suitable locations provided that problems of noise can be minimised and other amenity and traffic considerations are met. For example, a suitable location for a public house may be on the edge of a residential estate, in an area of mixed land uses or within a neighbourhood shopping centre. A public house may also be suitable in a town centre area or, indeed, in a rural area, although regarding the latter location, the proposal would, of course, be subject to the Department's policy for the control of development in rural areas. However, a public house will not generally be acceptable within a wholly residential area. This is because of loss of amenity, including the problems of noise and disturbance which may arise, and also the possible traffic hazards associated with heavy lorries delivering supplies, and customers arriving and leaving by car in the latter part of the evening.

10. The Department's car parking standard for a public house is one car space per 2 square metres of net bar floor area, ie, non-operational parking to cater for customers, plus one car space per 3 members of staff, ie, operational parking. Where a dance floor area is part of the premises a standard of one car space per 4 square metres may be applied to this area. Standards depend upon the location of the proposed public house. Within the centre of a large town only operational parking will be required. In the centre of smaller towns and the fringes of the larger town centres a certain proportion of non-operational car parking facilities will also be required dependent upon the availability of off-street public car parking areas and of acceptable local on-street parking. In other areas the full standard of operational and non-operational parking will normally be required. However, a relaxation of the non-operational standard may be permissible where it is apparent that most of the patrons are likely to be within walking distance of the premises.
11. It should be noted that since heavy lorries are likely to be delivering supplies to a public house, rear servicing of the establishment is preferable to on-street delivery.
12. Public houses can be a source of annoyance to the occupants of neighbouring properties due to problems of noise and disturbance and this is a valid planning consideration in terms of loss of amenity. However, it is possible to reduce the likelihood of excess noise emanating from a public house by the use of such measures as sound proofing and self-closing doors on entrance and exits. Where the proposed public house involves a change of use of an existing building, modifications to meet acceptable noise levels may not be possible, or if possible, may not be economic. In such circumstances the applicant may be asked to indicate what feasible measures he proposes to take to reduce noise and the Department will consider these measures in consultation with the Environmental Health Department of the local District Council.
13. Noise from live entertainment and discos in public houses can also be a source of annoyance to neighbours. As stated earlier, the control of such forms of entertainment is the responsibility of the Public Entertainment Licensing Department of the relevant District Council. However, noise from such a source is also a valid planning consideration when determining whether or not to grant permission. The Department will be particularly concerned about such noise where the proposed public house would be in the vicinity of residential property.
14. Any possible loss of amenity due to external noise is also a valid planning consideration, and the problems of noise and disturbance likely to be caused by customers, and the arrival and departure of delivery lorries are more difficult to resolve. For this reason a public house will only in exceptional circumstances be allowed to locate in an area which is 'noise sensitive', for example, opposite or adjacent to residential property.
15. A proposed extension to a public house requires planning permission regardless of the size of that extension. When considering such extensions account will be taken of the likely effects of the intensification of the existing use on the surrounding area. In particular, the suitability of any existing access and parking facilities will be carefully considered as well as any loss of amenity due to an increase in noise and disturbance.