

# How to support your theatres through the planning system

## Summary

This advice note provides guidance on how to navigate the planning system in order to support or protect theatres or theatre buildings that are important to you. It looks at the two main local planning functions – policy and applications, setting out how you can effectively engage with both.

[This is one of a series of advice notes – others can be found on our website.](#)

## Who is this note for?

This advice note is aimed at theatre owners and operators, community groups and anyone generally interested in supporting and protecting theatres, arts centres and other performance venues.

## Thanks to our funders

This advice note was updated in April 2023 as part of our Resilient Theatres: Resilient Communities programme with funding from The National Lottery Heritage Fund, the Pilgrim Trust and Swire Charitable Trust.

## **The local planning system**

There are two primary functions of the planning system at the local level and both provide opportunities for you to have your say:

- Plan-making (policy) – This includes the drafting of plans for your area, which contain policies inform decisions about development. Plans guide the location of new development, allocate sites for particular uses, identify infrastructure requirements to meet local need as well as make clear what is required to make development acceptable when applications are submitted.
- Decision-making (applications) – This function handles and determines planning applications that have been received.

For most people their first experience of the planning system will come as a result of a planning application that is of interest to them. In terms of theatres, this could be an application for works to enhance or expand an existing theatre. It could be to create a new theatre, whether a new-build or conversion of an existing site or building. It could also be an application for something that would result in loss or harm to a theatre. For all applications there is an opportunity for public engagement which could involve objecting, supporting or making general comment. This note will help you effectively participate in the process.

Once applications have been submitted any engagement is by nature reactive. Although planning policy can be perceived as technical and inaccessible to those without specific knowledge, it is proactive in that plans will set the framework for future development decisions. Therefore this note will also help you engage in policy to help ensure theatres or theatre buildings you care about are better protected.

## **How to respond to planning application consultations**

The planning system differs across the UK; England, Northern Ireland, Scotland and Wales each have their own national policy frameworks and planning legislation. Within each nation are local planning authorities (almost always the local council for the particular area although sometimes this is another body such as National Park Authorities or groups of authorities working together) and each one of these has its own local development plan with unique policies. What is consistent though is that when planning applications are submitted there will be a consultation period during which representations can be made by interested persons.

You can support or object to a planning application, or make a general comment. You might make a general comment if you feel the proposal is acceptable to you overall but there is something minor you would wish to be considered or included

which might otherwise cause you to object. Supporting or making general comment is generally more straightforward; it is objections which might be more critical. Therefore this section will primarily focus on how to effectively object in a manner which will strengthen the chances of the decision being determined in your favour.

### **How can I find out an application has been submitted?**

When applications are submitted and have been validated (that is, the application fee and all necessary plans and documents have been received) they will be posted on the council's website. Site notices will be put up (typically attached to lampposts) around or close to the application site, and sometimes they will be published in local press or social media. The only persons who will be automatically notified in writing (letter or e-mail) will be neighbouring properties and statutory consultees such as Theatres Trust. Therefore unless you regularly check the council's website as a matter of course you may not even be aware an application has been submitted. Sometimes local press pick up on applications, but this is inconsistent and sometimes too late to be able to respond.

### **Are there any measures I can take to better ensure I will find out about applications?**

Yes. If there is a known potential risk or threat to a theatre it is worth making contact with like-minded people; there may be a 'friends' group in existence or you may already be part of such a group. There might be other groups with similar interest, such as local Civic Society and heritage interest groups, or organisations that use theatre buildings. Hopefully with strength in numbers news will better circulate.

The best way to prepare as far as is practical is by signing up for automatic updates on applications on your council's website; if part of a group ideally a number of people would do this. Some allow you to register key words or addresses, such as 'theatre', 'arts centre', 'Hippodrome' or 'Regent'. Whenever an application is received meeting your search term you will be e-mailed. Others allow just update by ward or other defined locality, although this will result in you being e-mailed regularly and having to sift through a number of applications which nearly always will not be of interest to you. Most authorities also publish 'weekly' lists of planning applications received which some organisations tend to sift through anyway. Groups could seek a volunteer to regularly check for new applications.

Please also engage with Theatres Trust. If we know your group is active we can be of mutual benefit – we should be automatically notified of applications concerning theatres and can therefore pass on details and provide assistance with representations. Sometimes local authorities do not meet their obligations by consulting with us, therefore occasionally we only become aware of applications because theatres or community groups have informed us.

If there is no imminent or known threat to a theatre or no local group exists, you can still prepare as far as is practical by signing up for application updates as set out above.

## **What should I include within my response?**

**You must ensure your response includes your full name and address otherwise it may not be counted as valid.** More than one person from the same address can respond. You can also make more than one representation, for example if plans are subsequently amended or if new information comes to light. You might for example initially object and then withdraw that objection later if changes made to the application satisfactorily address your concerns.

**Your response must not under any circumstances contain defamatory comments or personal insults,** which could result in action being taken against you. A key principle of the planning system is that it is the acceptability of the proposed development and land use that is being assessed, not the applicant or operator.

When you make your response, it is vital that you refer to the local development plan of your local authority, and the relevant national policy framework. In London there is also the London Plan that covers all boroughs. Whichever nation of the UK you are within the local development plan must be consistent with the national framework, but there may be areas of policy that are not covered in one or the other document. If you need guidance with identifying relevant policies, please contact [planning@theatretrust.org.uk](mailto:planning@theatretrust.org.uk). What you will be looking for primarily are policies that protect community and cultural facilities from loss, as well as any policies that promote such uses. Hopefully these policies will come with evidence requirements which demonstrate loss or change of use might be acceptable, and the extent to which the applicant has met those requirements.

Many theatres have heritage value, therefore there will likely be policies guiding development impacting the character and significance or heritage assets.

It is also useful to refer to the vision and objectives of the plan, as loss of a facility may not accord with what the plan is trying to achieve, along with any local cultural/high street/town centre masterplans and strategies that may exist.

## **How should I draft my response?**

To be effective your comments must be concise and focus on planning considerations such as those described above. We would recommend you set out

your key arguments as to why the proposal is or is not acceptable. We are happy to advise you on the points to address for individual applications.

As far as possible link these to local or national policies which support your argument. You can find our actual [responses to applications on our website](#) to help guide you.

### **What if my concerns are related to a neighbouring development, not a theatre itself?**

Sometimes a theatre can be threatened because of a neighbouring development, for example residential use that could result in noise complaints threatening the ongoing operation of the theatre.

The formulation and style of your response will be the same as set out above. As the theatre will be at risk, policies protecting community and cultural uses will still be relevant. What can be additionally be included, and this is most important, is the Agent of Change principle.

Agent of Change refers to the principle that the party introducing a change of use to a site (for example a developer attempting to convert an office block to residential apartments) must be responsible for preventing any harm to the operations of existing neighbouring uses, and must take on any costs associated with making the new development acceptable. If circumstances are such that harm to existing neighbouring uses cannot be prevented, the new development should not be permitted to take place. This principle is established within national planning policy in England, Scotland and Wales and is set out more fully in another of our advice notes.

### **When should I submit my response?**

Details of the consultation period will be set out on the council's website and it is always best to adhere to the deadline published. You will be able to submit comments beyond that date if a decision has not been made, but this comes at the risk of them not being considered if a decision has been made in the meantime before the website is updated. Sometimes additional information or amended plans will be submitted resulting in a re-consultation.

## What happens after I have responded?

Comments will be submitted to the planning officer handling the case. The officer will then consider submissions along with the merits of the application and any other information.

The final decision as to whether or not to grant permission will be made by either the case officer (what is known as a delegated decision), or a recommendation will be made and a planning committee made up of local elected representatives will make the decision.

## What determines whether a decision is made by the case officer or committee?

Rules on this differ between authorities.

If an application is relatively straightforward and/or there has been little if any public comment it will likely be made by the case officer.

Sometimes applications are automatically referred to a planning committee if they meet certain thresholds, for example they are above a certain level of floorspace, provide above a particular level of new housing, or if they are contrary to the development plan. Some authorities refer to a committee if there have been a number of objections. Some authorities only refer applications for a committee decision if a local councillor has requested it.

Therefore you will need to look at the rules for your authority. Sometimes this information will be found in the council's constitution and may not be easily accessible. It is a good idea, if in doubt, to confirm with the local authority. **It is essential this is done as early as possible** as there are sometimes cut-offs after which referral to committee will not be permitted.

## What are the benefits of an application going before committee?

If an application is particularly contentious, it is advisable to seek the application to be referred to a planning committee. This is because you (or a representative from your theatre or group) should get an opportunity to speak at the committee (again, different authorities have different rules on this including how long you have to speak and how many people may speak) and it will be considered by a panel of councillors rather than one officer.

## What happens after the decision has been made?

If the application has been permitted, it can go ahead. There is no right to appeal an application that has been permitted by third parties. The only exception is where there has been maladministration, for which you could seek a Judicial Review. This

option would require significant time and resource to pursue, so is only advisable in exceptional circumstances where it is clear there has been an error in law.

If the application has been refused, the applicant has the opportunity to appeal the decision. If an appeal is made, all application documents and representations will be passed to an independent inspector appointed by the Government who will take the decision. If you have previously submitted comments you will have the opportunity to provide a further statement. You are advised to take this opportunity particularly if facts of the case have changed since your original submission. If you need assistance with appeals, please contact us.

## **How to respond to planning policy consultations**

When local development plans are drafted there is a statutory responsibility for local authorities to undertake public consultation.

Plans can be complex documents, nonetheless there are some key things for you to look out for. Make sure the document contains a policy that protects community and cultural facilities such as theatres.

If your local area is producing a Neighbourhood Plan (England only) this also provides an opportunity to protect particular buildings which are valued by the community. We are producing a separate guidance note that sets out how to use Neighbourhood Plans to support theatres.

If you come across something locally which causes you concern, whether it is potential development next to a theatre or development of a theatre building itself, please get in touch so we can assist you with the most effective response.

## **The role of the Theatres Trust**

Theatres Trust is the national advisory public body for theatres and is a statutory consultee in the planning system in England, Scotland and Wales. This means that Local Planning Authorities are required to consult us on any planning application involving land where there is a theatre or that will have an impact on theatre use. This applies to all theatre buildings, old and new, whether they are in use as a theatre, in other uses or disused.

Theatres Trust works to safeguard theatre use, or the potential for such use and can help anyone concerned about a theatre building to make responses to planning applications and planning policy consultations. Please get in touch with us at [planning@theatrust.org.uk](mailto:planning@theatrust.org.uk)