

Beauty parade

Victoria McKeegan judges the latest changes to the National Planning Policy Framework, including the government's pursuit of beauty

On 20 July, the government published the fourth iteration of the National Planning Policy Framework. The NPPF, introduced in 2012, sets out the government's planning policies for England and how these are expected to be applied. Having endured for an initial six years without alteration, the "simple and consolidated" NPPF (as it was intended to be) has now been subject to three revisions in recent years. Furthermore, the government has emphasised that the latest revision is likely to represent a stepping stone to wider-ranging reform in connection with the measures outlined in the government's Planning for the Future White Paper issued in August 2020.

Version 4.0

The fourth iteration arises from a consultation on a draft revised NPPF (along with a draft National Model Design Code) launched in January 2021. Alongside the revised NPPF, the government also published its consultation response and the new National Model Design Code. While few chapters of the NPPF remain unaltered, the government notes that "the changes do not represent a wholesale revision of the NPPF" and the key motivation behind updating the NPPF has been to implement policy changes in response to the Building Better, Building Beautiful Commission's *Living with Beauty* report (January 2020). The remainder of the changes are something of a hotchpotch, with tweaks in relation to flood risk and climate change, policy clarifications arising from legal cases, and others flowing from the introduction of new permitted development rights and to reflect a recent written ministerial statement about retaining and explaining statuses.

To quote the government: "The framework that comes into force today is a reflection of our commitment to making beauty and placemaking a strategic theme in national planning policy." While it is not the first time that readers of the NPPF will have stumbled across mentions of "beauty", such references have, until now, related to natural beauty (eg areas of outstanding natural beauty, the beauty of the countryside, scenic beauty in natural parks). Beauty now appears in the context of the built environment with the government describing the changes as "putting beauty at the heart of the planning system" and harking back to the birth of the modern planning system in 1947 when, in its view, "greater emphasis was placed on delivering attractive



buildings for people that instilled a sense of pride". Whether post-war streets were tree-lined is another matter, but the revised NPPF also calls for planning policies and decisions to ensure this is the case for new streets and that opportunities are taken to incorporate trees elsewhere in developments.

The principal means by which the focus on beauty has been embedded in the revised NPPF is through changing the overarching social objective of the planning system to include "fostering well-designed, beautiful and safe places". Chapter 12, "Achieving well-designed places", now opens by noting that "the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve", with local planning authorities being required to prepare design guides or codes consistent with the new National Model Design Code (but which also reflect local character and design preferences) so as to provide a local framework for "creating beautiful and distinctive places". In addition, the term "beautiful" is introduced both in the context of LPAs identifying suitable locations for "a variety of well-designed and beautiful homes" and in achieving appropriate densities, where LPAs should "ensure that land is used efficiently while also creating beautiful and sustainable places".

Local beauty for local people

It is notable that the references to "beautiful" remain as per the consultation draft, despite the consultation response identifying various concerns in this regard and many respondents requesting (perhaps ambitiously) a definition of beauty/beautiful. The government's response is essentially that beauty is in the eye of the "local" beholder, commenting that this "should be read as a high-level statement of ambition rather than a policy test" and that LPAs, communities and developers should "work together to decide what beautiful homes, buildings and places should look like in their area".

Local design policy is given particular emphasis in the revised Chapter 12 which provides that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Accordingly, significant weight is to be given to development which reflects such policies or guidance



and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The NPPF provides that local design codes can be prepared at an area-wide, neighbourhood or site-specific scale, but should be produced as either part of a local plan or supplementary planning document so as to carry weight in decision-making. It is also suggested that landowners and developers contribute to this exercise, even preparing design codes in support of planning applications. The government has created an Office for Place, advised by a board of experts, to assist in creating design codes.

What else is new?

Turning to other notable changes, the revised NPPF includes wording designed to restrict LPAs' ability to remove recently introduced permitted development rights. The new rights permitting a change of use from use class E to class C3, subject to provisos, will come into force in August 2021 and the motivation behind the tightening of policy regarding Article 4 directions is surely borne of concerns associated with LPAs seeking to nullify these changes. The revised wording provides that Article 4 directions to remove PDRs relating to a change from non-residential to residential use should be limited to situations where this is necessary to avoid wholly unacceptable adverse impacts, such as the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre. In all cases, Article 4 directions must be based on robust evidence and apply to the smallest geographical area possible. This is a notable contrast to the aforementioned beauty parade since homes introduced through permitted development would not be subject to the policies mandating beauty.

There is also a tweak to Chapter 3, "Plan-making", which provides that LPAs' strategic policies for larger scale developments (such as new settlements or urban extensions) should be set within a vision that looks ahead for 30 years, rather than the usual 15 (following a recommendation of the Building Better, Building Beautiful Commission). Chapter 8, "Promoting healthy and safe communities", is supplemented with a new provision requiring LPAs to work proactively with promoters, delivery partners and statutory bodies to plan for required public service infrastructure (such as colleges, hospitals and criminal justice accommodation) and resolve key planning issues before applications are submitted. This is designed to ensure faster delivery of these key developments and urge LPAs to take a proactive approach at the pre-application stage. There are also a number of changes to Chapter 14, "Meeting the challenge of climate change, flooding and coastal change", broadly designed to clarify the approach towards accounting for all sources of flood risk when allocating or permitting development and strengthening policy for the use of natural flood management techniques.

The revised NPPF now makes specific reference to the government's commitment to pursue the United Nations' 17 global goals for sustainable development and adjusts the meaning of the presumption in favour of sustainable development for the purpose of plan-making in an attempt to strengthen environmental objectives. Responding to consultation comments recommending that the NPPF expressly references the net zero emissions target, the government notes that it intends to undertake a fuller review to ensure that the NPPF contributes to climate change mitigation/adaptation as far as possible, as set out in the Planning for the Future White Paper.

In the eye of the beholder

Overall, the revised NPPF is something of a beauty parade. Beauty, as enshrined in newly mandated local design codes; a romantic notion. Where some will see gimmicks, others will see much-needed emphasis on locally defined good design; where some will see a misguided harking back to a pre-war idyll and Poundbury pseudos popping up across the nation, others will be reassured that housing secretary Robert Jenrick claims that the proposals are inspired by the regeneration of King's Cross in London as well as Duchy originals. Whatever it is, beauty is coming.

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