

**Insights**

## **NEW NPPF POLICY ON DEVELOPMENT DESIGN**

Jul 22, 2021

### **SUMMARY**

*Changes to the NPPF published by MHCLG on 20 July 2021 reflect the Government's manifesto commitment to making 'beauty' and place making a strategic theme in national planning policy. In this Insight we explain how the new policy on design will work.*

Revisions to the NPPF and the final version of the National Model Design Code were published by MHCLG on 20 July following a consultation earlier in the year.

The changes to the NPPF reflect the Government's manifesto commitment to making 'beauty' and place making a strategic theme in national planning policy, and were also proposed in last summer's planning White Paper.

It is worth noting that the revised NPPF also contains a number of environment-related policy changes, including amendments on flood risk and climate change, on retaining statues, and an update on the use of Article 4 directions. However, this Insight focusses on the new planning policy on development design.

### **Well-designed, beautiful and safe places**

The overarching objective of the planning system, as set out in the NPPF, is to contribute to sustainable development through three objectives: an economic, a social and an environmental objective. The new NPPF revises the social objective, so that it now includes the fostering of 'well designed, beautiful and safe places'. It is explicit in that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The concept of 'beauty' in the NPPF is new and features in a number of specific policies including in the context of large scale residential developments, which are expected to contain a variety of 'well-designed and beautiful homes to meet the needs of different groups in the community'.

## **What is 'beauty'?**

The Government has confirmed that the term 'beautiful' should be read as a high-level statement of ambition rather than a policy test and planning authorities, communities and developers are encouraged to work together to decide what beautiful homes, buildings and places should look like in their area. This should be reflected in local plans, neighbourhood plans, design guides and codes, taking into account Government guidance on design.

## **Design test**

Applicants must be aware of the new policy emphasis on design and ensure that applications are policy compliant. Development that is not 'well designed' will 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. Conversely 'significant weight' will be given to development which reflects local design policies, guides and codes, and/or is outstanding or innovative, which allows some flexibility to depart from the design prescriptions.

## **Designing schemes that are policy compliant**

To provide applicants with as much certainty as possible about what is likely to be acceptable, the new NPPF requires that local plans set out a clear design policies and expectations. There is also a new mandatory requirement for local authorities to prepare local design guides or codes, consistent with the principles in the National Design Guide and National Model Design Code which provides the baseline standard of quality and practice on design.

Local design guides will provide the framework for design in a specific area and should reflect local character, design preferences and scale of change in an area and should allow for a suitable degree of variety in design. They can be prepared on an area-wide, neighbourhood or site-specific scale either as part of the local plan, or as a supplementary planning document following the statutory process and, importantly, with community engagement. However, applicants can also prepare design codes in support of a planning application for specific sites.

Where local design codes or guides have not been prepared, the National Model Design Code will be used by planning authorities to guide decisions on applications.

## **Trees**

Planning policies and decisions should ensure that new streets are tree-lined, opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), measures are in place for their long-term maintenance and existing trees are retained wherever possible. However, if there are particular challenges where trees would not be appropriate, this policy can be applied flexibly.

New legislation is currently being considered by the Government to increase tree planting and to strengthen protections for existing trees, and this NPPF policy will be reviewed in due course as part of this legislation and in the context of forthcoming planning reforms.

## **Comment**

Applicants will be required to scrutinise the design expectations in national and local policy and design documents in preparing planning applications. Developers and owners may wish to participate in the consultations on the development of local design codes to ensure their views are considered. However, reaching a common consensus on good design is unlikely to be simple or easy for planning authorities, and the scale of this task and the resources needed will present a challenge.

It is not clear at this stage how prescriptive and potentially controversial the new local design codes will be and whether or not they will raise design standards, but there is flexibility to depart from these documents if the design is 'outstanding or innovative'. But again, these concepts are subjective and open to interpretation.

The changes to the NPPF signal the start of a stream of changes to the wider planning system that are in the pipeline to deliver the Government's wider planning reform agenda. We await the Government's response to last summer's planning White Paper and confirmation of which of the reform proposals will be delivered and in what form, but it may be that these changes to the NPPF pave the way for the proposed introduction of a fast track for planning applications that meet minimum design standards. Either way, we expect a busy autumn for the planning and development industry is ahead.

## **RELATED CAPABILITIES**

- Planning & Zoning

## MEET THE TEAM



### **Clare Eccles**

London

[clare.eccles@bcplaw.com](mailto:clare.eccles@bcplaw.com)

+44 (0) 20 3400 4267

---

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon ([kathrine.dixon@bcplaw.com](mailto:kathrine.dixon@bcplaw.com)) as the responsible attorney.