





Paragraph 80 Houses Demystified

Chris Twomey (Director, Lathams)
Chair of Design Review Panel

20th April 2023

01 Scene setting Brief history

02 Challenges Clearing the high bar

03 Context Understanding place

04 Narrative Need for a good story

05 Summary Watch points

Contents

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01



House in Derbyshire (Lathams)

Scene setting

••••



Where it all began...February 1997

PPG 7 extract from para 3.21

'...An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings...

...This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside.'



26 year history of 'tweaks' & refinements:

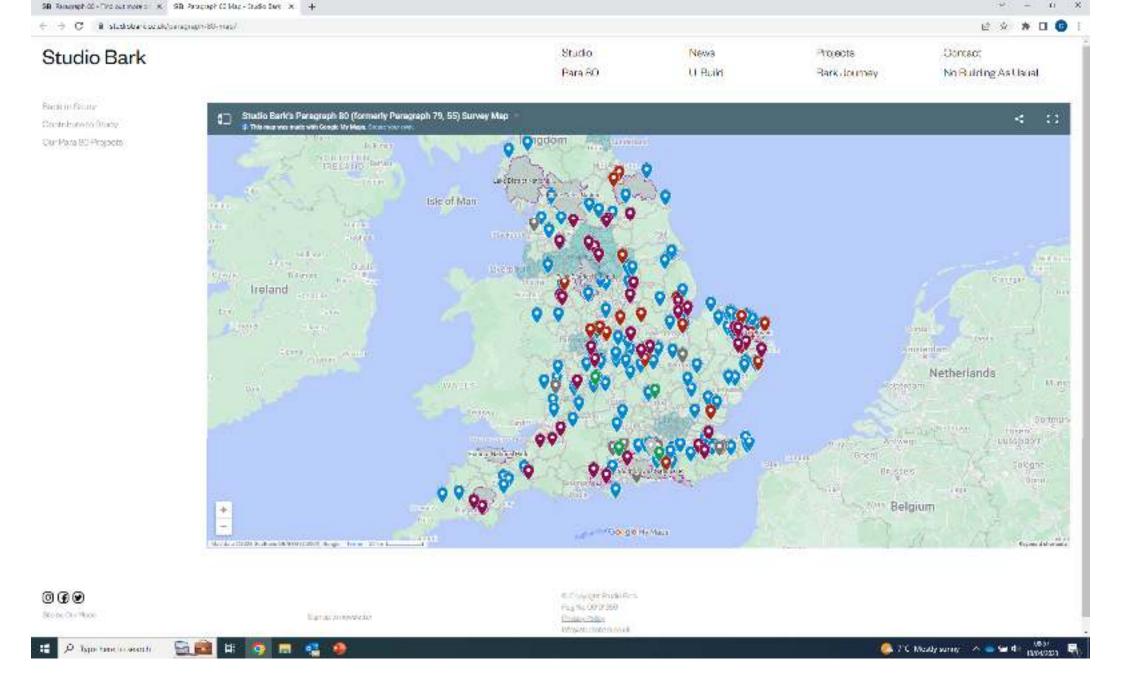
- PPG 7 (1997) aka 'Gummer's Law'
- PPS 7 (2004)
- NPPF Para 55 (2012)
- NPPF Para 79 (2018)
- NPPF Para 80 (2021)

Paragraph 80(e): The spirit & intention of the original policy lives on...

Planning policies and decisions should avoid the development of isolated homes in the countryside unless the following circumstances apply:

Para 80 (e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.



- •219 applications
- •138 approvals in total

•Schemes endorsed by a Design Review Panel are approved 80% of the time

02



House in Warwickshire (Hawkes Architecture)

Challenges

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Exception policy means presumption against – the bar is set very high

Design Team must make the case as compelling as possible

Zero carbon – taken as read

Significant opportunity, but not without cost / risk

Early engagement is vital

03



House in Northamptonshire (Clive Chapman Architects)

Context

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Understanding is everything

Leave no stone unturned...

Need to demonstrate full grasp of character & context

Use this understanding to inform bespoke, contextual design solution (it couldn't be anywhere else..)

04



House in rural Lincolnshire (Jonathan Hendry Architects)

Narrative

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Show the link between understanding and response

Ensure all aspects of the design contribute to the whole

Fully integrate the energy strategy

Support every design decision with compelling justification

'Walk' the decision maker through the narrative

Tell and sell the 'story'

05



House in Derbyshire (Lathams)

Summary

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Summary – watch points:

Careful design team selection (all disciplines)

Early engagement with design review panel

Treat precedent with caution

Evidenced understanding of 'place'

A clear concept and narrative that means something

Collaboration with LPA Officers (present at the review)

These may become the listed buildings of tomorrow...

Thank you





...case studies – how to get a para 80 application over the line from an architect / client perspective.



Jillian Mitchell RIBA
Lomas and Mitchell Architects



The best chance of success (imo):

- A thorough understanding of planning policies, criteria and precedent.
- The right design team including the clients.
- A thorough design process, tested with external scrutiny.
- Engagement with LPA... if you can.
- A strong, high-quality planning submission.



Our first success:

- A paddock site, overlooking a reservoir, next to a Victorian farmhouse where our clients had lived for over 40 years.
- A rural lane, leading to a farm, past several barns and lots of farmland.
- Our Brief:
 - 3 bedrooms plus two spares (flexibility for, eg, home office / gym)
 - Open-plan kitchen / dining "we like to entertain"









Our second success:

- A smallholding on the outskirts of a village, on the side of a valley.
- A rural lane, leading to a farm house.
- Our Brief:
 - 3 bedrooms plus two multigenerational living and flexibility.
 - Seamless indoor / outdoor living.
 - Energy-efficiency is key.



Digital graphics used in the planning submission...





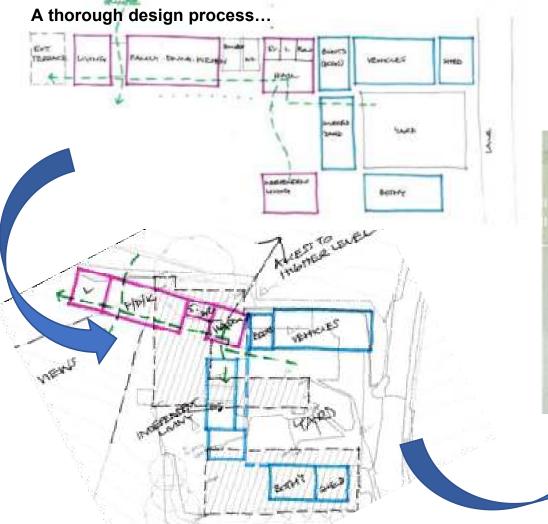


Photographs from site... not quite finished.



Some thoughts on those earlier requirements:

- A thorough understanding of planning policies, criteria and precedent.
- The right design team including the clients.
- A thorough design process, tested with external scrutiny.
- Engagement with LPA... if you can.
- A strong, high-quality planning submission.







...tested with external scrutiny









Submission

A strong, high-quality design submission

CONTENTS

- 1.0 The Client
 - 1.1 Who we are + our vision
 - 1.2 Our smallholder experience
- 2.0 Planning context
- 3.0 Site context and analysis

 - 3.2 Landscape setting distant views towards site
 - Site Character
 - 3.4 Site Character near views into site
 - 3.5 Historical context
 - 3.6 Historical field boundaries
 - 3.7 Field boundary analysis
 - 3.8 Local boundary context
 - Access and circulation 39
 - 3.10 Topography and views out
 - 3.11 Arboriculture
 - 3.12 Ecology
 - 3.13 Local building context
 - 3.14 Historical building context
 - 3.15 Existing building analysis
- 4.0 Design Concepts
 - Client A perfect setting
 - 4.2 **Building placement** 4.3 Spacial hierarchy

 - 4.4 Connectivity
 - Architectural aesthetic 4.5
 - Landscape concept
 - Sustainability statement
- 5.0 Design development
 - Architectural design evolution
 - Building envelope strategy
 - Landscape design evolution



- 5.5 Access and circulation strategy
- 5.6 Water management strategy
- Building and landscape palettes
- 5.8 Construction and engineering strategies

6.0 Proposals

- Site wide masterplan
- Domestic area masterplan
- Detailed plans
- Site sections and elevations

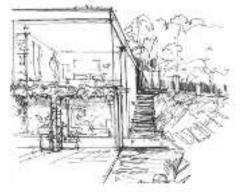
7.0 3D Visualisations

6.4 SITE SECTIONS AND ELEVATIONS

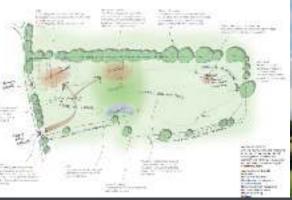














Paragraph 80 Houses Demystified

Policy application and applicants working with the LPA

Richard Shaw

Principal Design Officer

South Kesteven District Council and
Rutland County Council



What will be covered

- 1) Common issues for the LPA
- 2) Policy application
- 3) Advice for LPA Officers
- 4) Applicants working with the LPA
- 5) Conclusions



- 1) Confidence in making a judgement 'isolated', 'exceptional' 'outstanding'
- 2) In-house skills (architecture, landscape, design process)



3) Low planning application fee but a lot of resources and time needed



4) Use of Design Review panel – at what stage? How to use the advice?

Isolated homes in the Countryside

A typical pre-requisite for a para. 80 house is a clear overall vision for the design in such a way that the integrated form, composition, performance and materiality of the house flow from it, resulting in a coherent and holistic design, which is clearly, truly outstanding. Our Design Review Panel will support the interpretation of that and be a critical friend throughout the design and planning submission phases.

Commitment from Design:Midlands

- Be proportionate about the design support stages required to meet development plan & NPPF requirements (para 80 or para 134).
- Provide a multi-disciplinary Panel that provides clear, objective, practical advice, and cites examples of best practice where appropriate.
- Encourage participation and engagement with the LPA and other stakeholders.
- Be consistent and ensure Panel continuity at each stage.
- Encourage multidisciplinary working, paying due regard to the client brief.
- Offer a route to 'sign off' and provide advice on how that can be secured.





5) Planning Committee and Members

Will look at some of these issues in more detail later in the presentation



- Assess if 'isolated' PINS to cover
- If not isolated then paragraph 134 often applies
 - 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.
- Will focus on para 80 e) rather than the a-d (farm workers, heritage assets, building re-use)





Four key elements - Exceptional quality is defined as:

- "truly outstanding...reflecting the highest standards in architecture";
- 2) "Raise standards of design more generally in rural areas";
- 3) "Significantly enhance its immediate setting";
- 4) "Sensitive to the defining characteristics of the local area"



"Truly outstanding...reflecting the highest standards in architecture"



RIBA Awards Judging Criteria and Process – available online

- design vision;
- innovation and originality;
- engagement of occupants and visitors;
- accessibility and sustainability;
- how fit the building is for its purpose;
- level of client satisfaction.



"and would help to raise standards of design more generally in rural areas";

- Most vague element of policy
- What are the standards of design in rural areas?
- Relate to high architectural standards
- But could potentially include landscape design



"Significantly enhance its immediate setting";

- 'Significantly'
- Predominantly a landscape setting
- Comprehensive understanding of the setting needed
- Relates to quality of setting
- Demonstrate significant enhancement

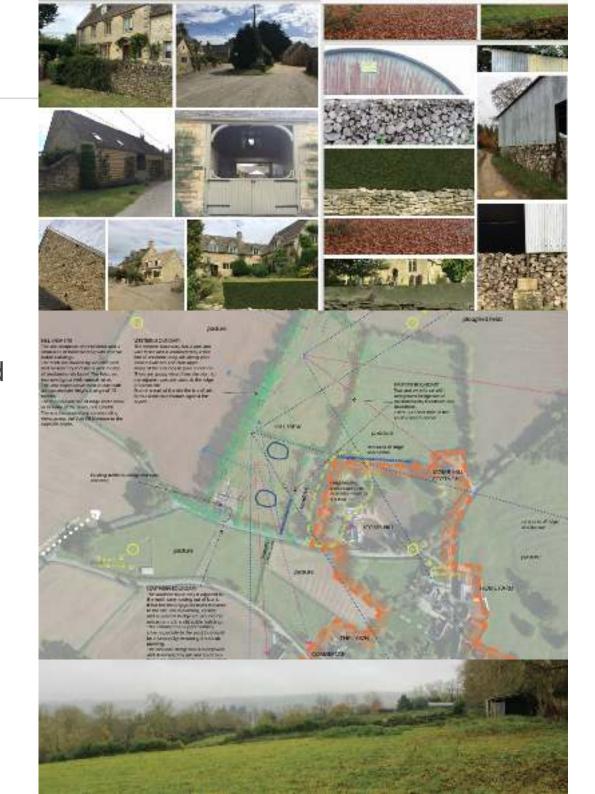




Policy Application

"Sensitive to the defining characteristics of the local area"

- Identify the defining characteristics – landscape and built
- Requires comprehensive and intimate understanding of the local area
- 'sensitive to' = delicately aware
 respond to with the design



Advice for LPA Officers

- 1) Have confidence not all about architectural expertise;
- 2) Visit and fully understand the site and surroundings;
- 3) Break policy down and objectively assess;

"Every part of the design process can be looked at objectively. The [paragraph 80] 'tests' simply demand a design process that demonstrates sensitivity to a site's defining character."

The Planner 23/01/2023

- 4) Request that the Design Process is followed and illustrated;
- 5) Use Design Review services but LPA still decision maker.



Advice for LPA Officers



INCREASING LEVEL OF DETAIL

PART 1 OF THIS GUIDE: CHAPTERS 2-4 Understanding & Responding to Context

PART 2: CHAPTERS 5-8
Design

DESIGN STAGE

OUTLINE

Understand the context

> Planning policy review

> > Site visit

Analysis of site & surrounding areas

Respond to context

Constraints & opportunities

Establish design concept, principles & options in response to context

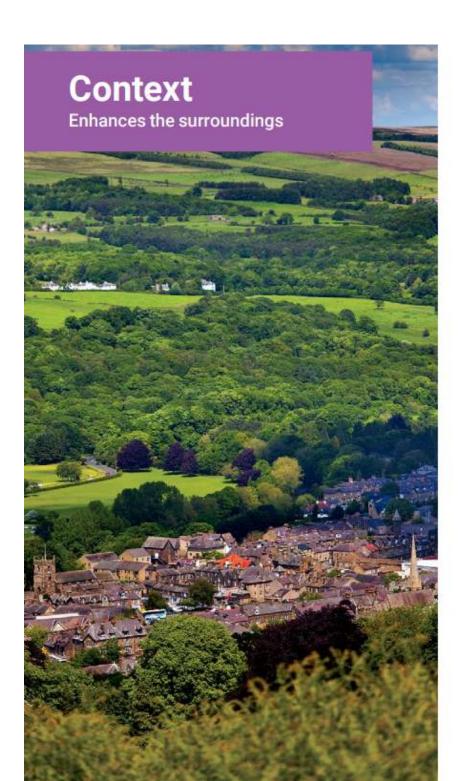
Broad structure of layout

Establish broad layout of site including landscape, SuDs, key routes, open spaces, key destinations

Detailed design

Develop detailed layout

Ongoing pre-application discussions with local planning authority and key stakeholders, including Design PAD in SKDC and Design Review (where appropriate)



- 38 Context is the location of the development and the attributes of its immediate, local and regional surroundings.
- An understanding of the context, history and the cultural characteristics of a site, neighbourhood and region influences the location, siting and design of new developments. It means they are well grounded in their locality and more likely to be acceptable to existing communities. Creating a positive sense of place helps to foster a sense of belonging and contributes to well-being, inclusion and community cohesion.
- 40 Well-designed places are:
- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The topography, landscape character, cultural history and built form all define the context for **Ilkley**, **West Yorkshire**.



- The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive and memorable and helps people to find their way around. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods.
- 51 Well-designed places, buildings and spaces:
 - have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
 - have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
 - are visually attractive, to delight their occupants and other users.

The distinctive character of the buildings and landscape helps to create an identity for this new development. Its design has a strong narrative and clear precedents. **Derwenthorpe**, **York**.

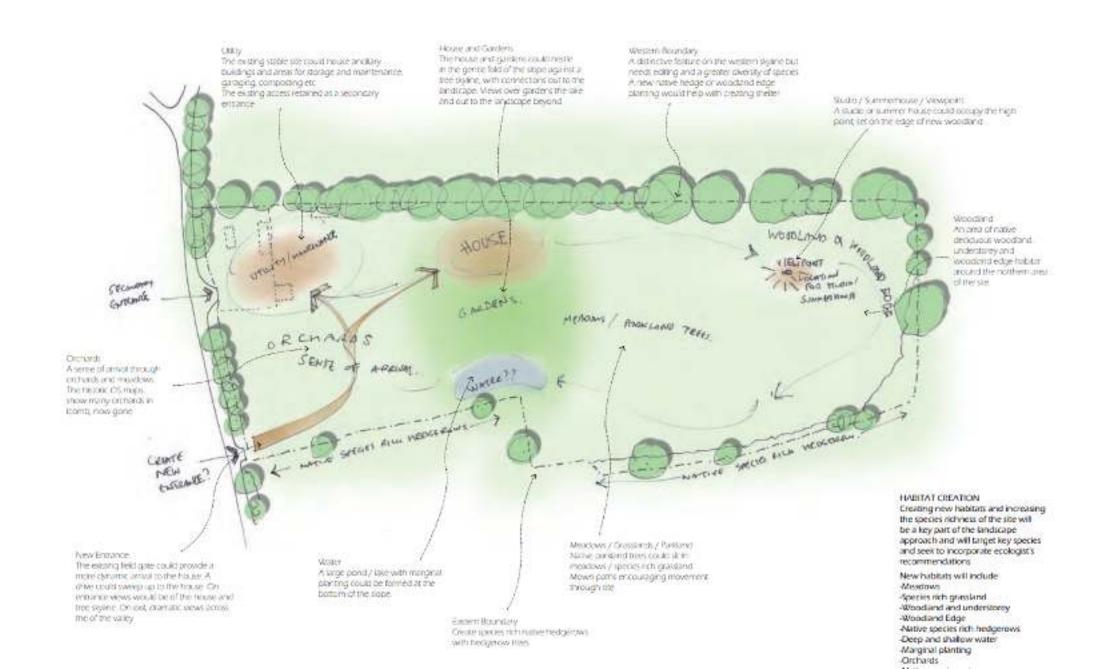
Advice for LPA Officers

- Request evidence and it should be:
 - Compelling;
 - Comprehensive;
 - Sensitive;
 - Detailed;
 - Clearly illustrated.

 Response to context is the key stage – often missed

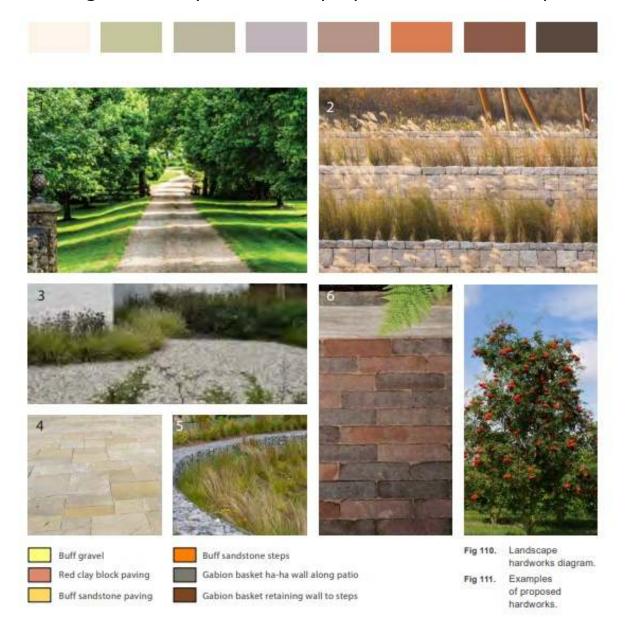






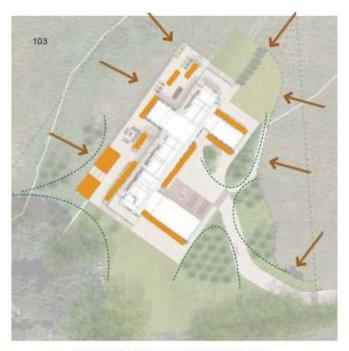


Hardworks strategy: draws on the local vernacular of ...Village and compliments the proposed architectural palette.



8.3.3 Transitions

- The long grass sweeps close to the house settling the building into the landscape.
- Clusters of native trees screen the development and provide vertical context.
- Proposed planting within the development takes reference from the local grassland to tie in with the surroundings.



 Bring ornamental grass planting close to the building

Proposed considered trees (height and form retain views)

Bring the existing planting into the proposals

Fig 101. Landscape access diagram. Fig 102. Landscape views and vistas. Fig 103. Landscape transition zones.

Response to context missed out

"Landscaping: Given the nature of the site and the discreet nature of the ... design, a minimalist approach to Landscaping is considered apposite - please refer to the detailed Landscaping Scheme and Specification"

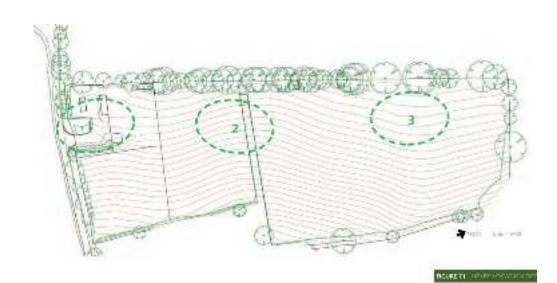
"Materials - Careful consideration has been given to the selection of all external materials, details of which can be found in the submitted drawings."



Advice for LPA Officers

Common design components:

- 1) Location of dwelling on the site;
- Location of access and journey to the dwelling;
- Transitions from inside to formal /domestic garden to wider site land – then to wider countryside;
- 4) Visibility of dwelling ok to be seen if well designed





Applicants working with the LPA

Applicants should (and LPA should expect):

- **Engage early** pre-app joint site visit, working relationship with LPA;
- Design Team from the start Landscape, Ecology, Architecture;
- Design Process avoid approaching LPA with detailed design, explore options, explain, tell the story, illustrate clearly;
- Design Review/s be prepared but flexible, not an approval process;
- 3D visuals Accurate visual representation Planning Committee;
- Planning Committee briefing.

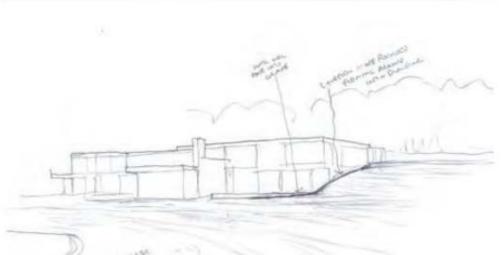


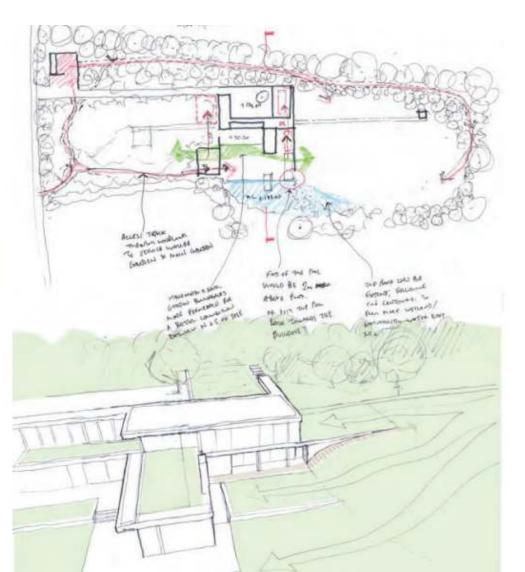
Tell the story

"Design Team

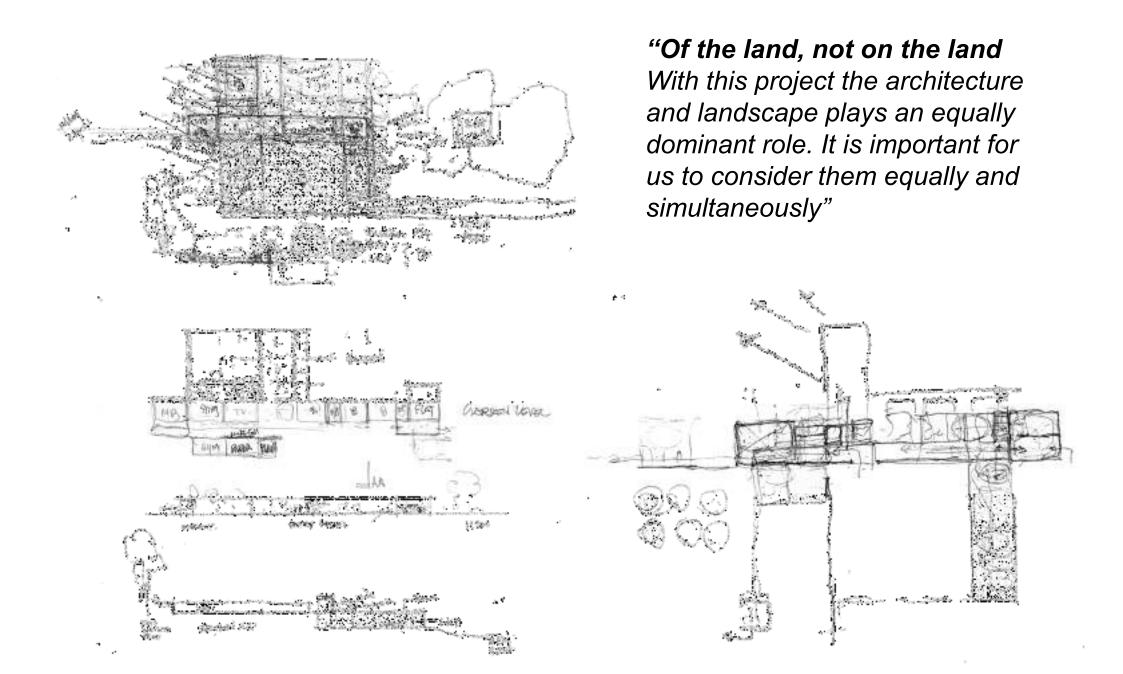
... landscape designers are part of the design team and were chosen for their sensitive approach to rural vernacular settings. Often working almost exclusively with native species they observe the existing flora and fauna and respectfully embrace it"



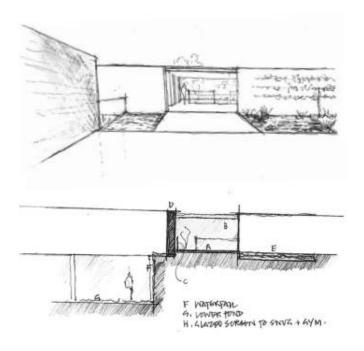


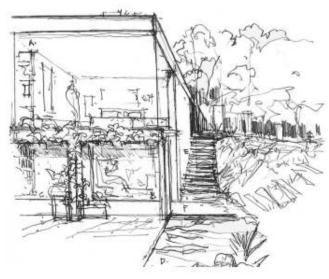


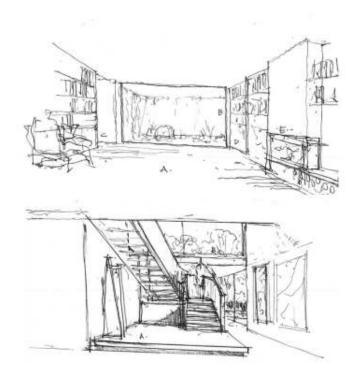
Tell the story



Tell the story







Accurate visual representation



Accurate visual representation



Conclusions

Break Paragraph 80 e) policy down in to 3; and then...

• **Developer:** Design team to follow and clearly illustrate design process;

LPA: Objectively assess as much as possible and

use Design Review for expert input and

additional support;

 Paragraph 80 assessment / prompt sheet – being developed at SKDC and RCC.







John Longmuir & Glen Rollings

An insight – The Inspectorate's approach to Paragraph 80 appeals

The most relevant criteria:

80e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area



Relevance of the rest of the NPPF

Paragraph 3 of the Framework states it should be read as a whole

Paragraph 126

The creation of **high quality, beautiful and sustainable buildings** and places is fundamental to what the planning and development process should achieve. **Good design** is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.



Relevance of the rest of the NPPF

Paragraph 130

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);



Relevance of the rest of the NPPF

Paragraph 130 continued...

- d) **establish or maintain a strong sense of place**, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience



Significance of the NPPF

There is a need to explain the site's immediate setting in terms of extent, landscape, and the vernacular.

Paragraphs 126 & 130 require good design for all development, which emphasises that paragraph 80 schemes must be exceptional. Otherwise, what is the justification for a new house in the countryside?

Explain the likely longer-term appearance as highlighted in Paragraph 130a. For example, the weathering of materials, changing landscaping context and dated style.

Paragraph 130 requires the proposal to be sympathetic to local character and history and landscape setting. Similarly, Paragraph 80 requires it is sensitive to the defining characteristics of the local area. There is a need to provide some contextual analysis.



How does the Inspectorate approach these appeals?



A paragraph 80e appeal will most often be decided by an Inspector with a design background, or has been specifically trained with design as a specialism.

The Inspector will carry out a **site visit**, which is an important part of the decision-making process, particularly when character and appearance is a decisive (main) issue.



Providing the evidence for Paragraph 80 appeals

Do not rely upon stating an opinion rather provide evidence to prove your point

Use objective criteria to reduce subjectivity

Make reference to any relevant Council Design Guide or Design SPD

Make reference to any Landscape Guide / National Character Areas

Use the Design and Access Statement to explain the motivations/influences/rationale

Explain evolution of the design. Test against above criteria



Providing appeal evidence in general

Consider relevance of documents. Don't swamp the inspector unnecessarily

Consider relevance of any appeal (precedent) cases being submitted

Need to cover all points: inspectors can only determine the case on the basis of the information submitted – they cannot make assumptions or 'join the dots'

At a hearing or inquiry, don't evade the question

Statements of Common Ground are welcomed by Inspectors, but to be effective they must narrow down the issues (Statements of Uncommon Ground)



Isolated homes (following Braintree)

Does the proposal accord with Development Plan policies for the location of new housing?

Whether it is isolated will be a matter of planning judgment

Much will depend upon the particular circumstances of the case



Conclusions

Reproduce, consider and address all the NPPF criteria

Recognise that Paragraph 80 houses have a very high bar

Don't ignore the Development Plan policies

Remember the purpose of an appeal is to provide the evidence necessary for the inspector to make a decision



Questions







@PINSgov



The Planning Inspectorate



The Planning Inspectorate



planninginspectorate.gov.uk

Design:Midlands is a charity that brings together best expertise from across the built & natural environment sectors. Independent & not-for-profit we work collaboratively with the development sector & decision-makers to shape better places.

design:midlands







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Design Support



Training and Professional Development



Neighbourhood Development Plan (NDP) Support



Planning Support

Participation Advocacy Education

Our Panel



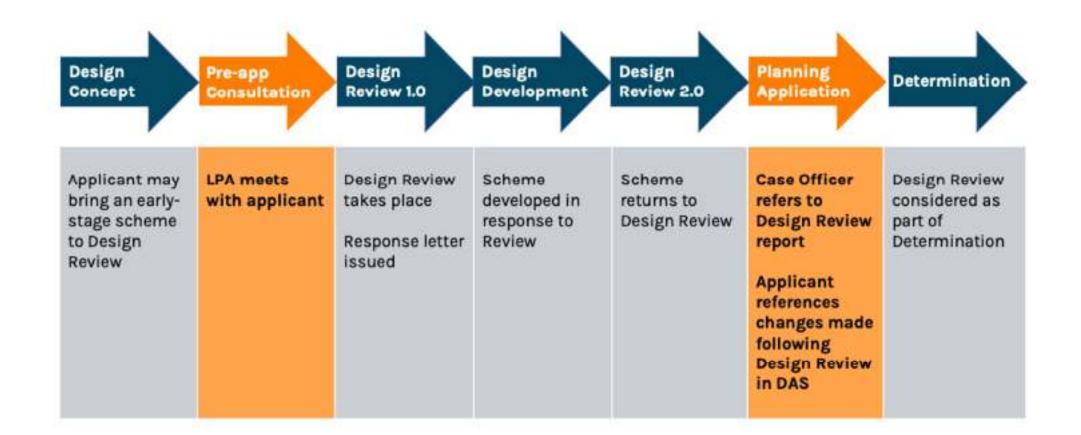


National Planning Policy Framework

- 80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.









East Midlands Councils Low-Cost CPD Programme for Planners 2023/24

Paragraph 80 Houses Demystified

Thursday 20 April 2023

- Chris Twomey, RIBA, Lathams, Chair of Design: Midlands Design Review Panel
- · Jillian Mitchell, RIBA, Lomas and Mitchell Architects
- Richard Shaw, Principal Design Officer, South Kesteven District Council
- John Longmuir, Planning Inspector & Glen Rollings, Planning Inspector
- Dharmista Patel, Chartered Town Planner and Design:Midlands Panel Manager













Paragraph 80 projects Top Ten Tips



Dharmista Patel

Design:Midlands
Design Review Panel Manager





How D:M supports the assessment of paragraph 80 schemes



Walk and Talk – potential of a site / setting design principles

Design Review – schemes at the design development stage

Desktop Design Review – feedback on refinements / minor amendments



What makes a successful paragraph 80 project



Dedicated client

The right design team experience and expertise

A logical and considered process

Early engagement



What makes a successful paragraph 80 project



Working in collaboration

A scheme informed from an in-depth understanding of site and context

A compelling narrative

A carefully curated and informed DAS



What to look for in the DAS



Vision / Narrative

A compelling narrative must be provided for the project. This can be a simple and succinct statement / concept diagram which captures the spirit of the project

A scheme that can only be on this site, for this client, by this design team



What to look for in the DAS



The Client Brief

Why do they want to undertake the project

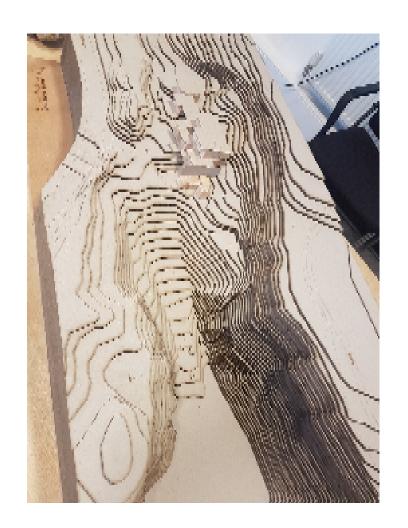
How do they want to live on site – a day in the life

Comprehensive site analysis and site studies

A set of well defined design drivers / principles drawn from the site analysis and the client brief



What to look for in the DAS



A robust rationale / justification for design decisions undertaken

A carefully curated and considered set of drawings / plans

A compelling and robust justification on how the scheme meets the criteria of Paragraph 80e



What else?



Outstanding doesn't mean 'stand out'

Schemes don't need to be hidden

Innovation

Environmental technologies

