

The Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities & Local Government

[jenrickr@parliament.uk](mailto:jenrickr@parliament.uk); [robert.jenrick@communities.gov.uk](mailto:robert.jenrick@communities.gov.uk)

[PlanningPolicyConsultation@communities.gov.uk](mailto:PlanningPolicyConsultation@communities.gov.uk)

*Sent by email*

27 March 2021

Dear Mr Jenrick

### **National Planning Policy Framework and National Model Design Code: consultation proposals**

Richmond Council understands the need to revise the NPPF and generally welcomes the National Model Design Code. However, we have significant concerns regarding some of the proposed revisions in the NPPF, and it is disappointing that government has not taken the opportunity to address and set out ambitious policies in relation to matters such as climate change.

### **Article 4 Directions**

We strongly oppose the proposal to curtail the use of Article 4 Directions. The ability for a local planning authority to use Article 4 Directions is already limited under existing legislation and guidance, and there must already be a “particularly strong” justification for the withdrawal of Permitted Development Rights (PDR). The proposal is also at odds with the Building Better Building Beautiful Commission report, which recommended amongst others the protection of the ‘core’ of high streets through Article 4 Directions.

It is of the utmost concern that government is considering yet further permitted development rights, such as the change of use of Class E (commercial, business and service) to C3 (residential), but not to allow local planning authorities to retain some local control through Article 4 Directions, particularly where existing and forthcoming PDRs would have harmful impacts on the local area.

Government created the new Use Class E to boost the vitality and viability of town centres, to help them recover and thrive in a post-pandemic world; the Council has expressed some concern on the new Use Class E but it is acknowledged that by enabling premises to switch easily to leisure, culture and community uses, this could encourage footfall for remaining retail premises and serve an important social purpose. However, by the proposal for the new PDR to allow all those to convert to residential, and then disabling local authorities from ring-fencing valuable alternative town centre uses through the use of Article 4 Directions, we consider that the government is shooting itself in the foot. As already set out in our response to the PDR consultation on 28 January 2021, this would completely undermine the Local Plan and the plan-making process and the fundamental premise that the planning system in this country is plan led.

### **Disconnect between design quality ambitions and Permitted Development Rights**

We urge the government to address the fundamental disconnect between the aspirations of the NPPF in relation to design quality as well as the National Model Design Code (NMDC) and the range of PDR already available and further proposed. On the one hand, government seeks to expand PDR and cut red tape whilst on the other hand it tries to put good quality design at the forefront of decision making.

The mantra behind the NMDC and its guidance fundamentally conflicts with the thrust of wider planning reforms that continue to be promoted. Most notably, the continued expansion of PDR of increasing degrees of scale allows very little to no consideration to be given to the quality of design, environment or living standards. This is a central shortcoming and one that government needs to address.

It is therefore important that these matters are considered holistically, especially with the introduction of the NMDC, the role of design coding and relationship with PDR (especially where this involves new construction). An element of design coding for town centre sites is the specifying of ground floor land uses to promote active frontages. Government needs to address this disconnect with the expansion of PDR.

### **Climate change**

The Council is concerned that government has missed the opportunity to be more robust on its climate ambitions, and specifically the role the planning system can play in bringing all greenhouse gas emissions to net zero by 2050 in the UK. Climate change is the biggest challenge facing the built environment, and the NPPF does not do enough to address it. Throughout the NPPF, the relatively limited additional references to climate change are largely tokenistic and lack substance. For example, the Council would have expected a much bolder requirement for developments to reduce greenhouse gas emissions, and for the NPPF to set out a clear pathway, timetable and commitment to zero carbon homes / developments. This should be underpinned through the Future Homes Standard, which falls far short of the mark in this regard.

### **Objectively assessed needs and Class E**

The lack of any revision to the NPPF's guidance on retail and town centres is odd considering the significant change and implications on the planning system in terms of the introduction of Class E last year (1 September 2020). Whilst we appreciate that government may be seeking further changes to the NPPF, it is a missed opportunity to address this fundamental issue now. The NPPF's definition for sustainable development includes an overarching economic objective, i.e. "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth...". In addition, the NPPF's presumption in favour of sustainable development focuses on Local Plans and their strategic policies meeting objectively assessed needs for the full suite of uses. In this regard, the NPPF states that strategic policies are supposed to "make sufficient provision" for "housing (including affordable housing), employment, retail, leisure and other commercial development". In addition, for a Local Plan to be "sound", it should provide "a strategy which, as a minimum, seeks to meet the area's objectively assessed needs" for all of these different kinds of use.

We strongly urge the government to address this issue, because how are local authorities supposed to do what the NPPF tells them to do, i.e. to ensure that Local Plans make the right land available in the right places for the right uses, if changes of use between retail, commercial, offices, community facilities etc. don't comprise development per se due to the introduction of Class E?

In addition, Class E is at odds with the NPPF's sequential test. This test is required for any "main town centre use", such as retail, leisure, entertainment, cinemas, restaurants, bars, pubs etc, offices, arts, culture etc., where the site that is being promoted is not in the town centre. Fundamentally, Class E has eroded the town centres first principle since for example an office block in an out of centre location can now change to retail under Class E, without a sequential test. Furthermore, the

NPPF requires an impact assessment on the vitality and viability of the town centre in certain circumstances, which would not apply to any Class E changes.

It is therefore a missed opportunity to address these fundamental plan-making and decision-taking issue in the current proposed revisions to the NPPF.

### **Beauty**

The introduction of the concept of “beautiful” places and homes into national planning policy is questionable, particularly as the revised NPPF does not attempt to define what is exactly meant by the term “beautiful” for policy purposes. A lack of definition in the NPPF will be problematic for both developers as well as local planning authorities as decision-makers as to what forms of development are “beautiful”.

### **National Model Design Code (NMDC)**

Whilst we welcome the focus on achieving good design across all developments, we consider that the NMDC should focus more on place shaping and specifically on people. The focus on “beauty” may risk the importance of place shaping become diluted, i.e. the need to create places where people want to live, work and visit as well as fostering a positive sense of identity and supporting the formation of sustainable linked communities. We recommend that the final NMDC focuses more on people, trying to understand for example how and why people use certain places and emphasising the importance of promoting a positive sense of place and identity that addresses the local communities’ needs.

Whilst we fully support meaningful community engagement, the level and frequency of engagement is a significant undertaking to get right. Local authorities need to have the resources and suitable in-house skills in place as the process of preparing a Design Code is very resource intensive. We therefore support the aspiration but appropriate skills and resources in engagement must be embedded in policy and design teams to make sure this is effective.

We also recommend clarity on the weight that a Code may have. We do not think it can have the weight of planning policy when it has not been subject to the same rigour as a Development Plan Document.

We recommend combining the suite of documents including the separate National Design Guide, the National Model Design Code and the Guidance Notes for Design Codes into a single, more concise document as this would help in particular decision-making processes on planning applications.

Yours sincerely

Cllr Julia Neden-Watts  
Chair of the Environment, Sustainability, Culture and Sports Committee

cc

Munira Wilson MP: [munira.wilson.mp@parliament.uk](mailto:munira.wilson.mp@parliament.uk)  
Sarah Olney MP: [sarah.olney.mp@parliament.uk](mailto:sarah.olney.mp@parliament.uk)