

Knoll Hill Farm, Ampleforth, North Yorkshire

## What is Paragraph 79?

Paragraph 79 refers to a section of the 2018 National Planning Policy Framework (NPPF) relating to building new isolated homes in the open countryside. For a client, the policy allows the possibility to build an unprecedented home on a piece of land that would otherwise be unsuitable for development, and in so doing, to commission and own a bespoke piece of architecture. It is our view that, in this case, Paragraph 79(e) is a significant material consideration that outweighs local policy (the Development Plan) in making a planning determination for an isolated new home outside normal development limits. The policy covers all rural areas, including AONB's and National Parks.

The policy began in 1997 when the then Environment Secretary, John Gummer, introduced into planning policy (Planning Policy Guidance 7: Countryside) the opportunity to secure permission for new country houses to continue the centuries-old tradition of building stately homes in the English countryside. The roots of Paragraph 79 are clearly visible from the origins of PPG7 known as "Gummers Law" which stated:

*"New house building and other new development in the open countryside, away from established settlements or from areas allocated for development in development plans, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Isolated new houses in the countryside require special justification - for example, where they are essential to enable farm or forestry workers to live at or near their place of work. 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. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. 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."*

In 2004, the Labour Government initially sought to remove the policy due to it seeming to unduly favour the wealthy elite. However, the policy was retained, albeit in a different form, in the newly published Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7).

Contrary to the normal policies of restraint for new residential development in the countryside, PPS7 contained a provision that allowed new dwellings to be built in the countryside where they were of outstanding quality and design. The guidance stated that isolated new houses in the countryside would require special justification for planning permission to be granted, it went onto say:

*"Very occasionally, the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area."*

In March 2012, the Government issued new national planning guidance entitled the *National Planning Policy Framework (NPPF)* and this replaced PPS7. Significantly, the provision that allowed for the erection of houses of exceptional quality and innovative nature of design in the countryside was retained in the new national planning policy guidance. At paragraph 55 of the NPPF, the guidance advised local planning authorities that they should avoid new isolated homes in the countryside unless there are 'special circumstances'. One such special circumstance being the exceptional quality or innovative nature of the design of the dwelling:

*"Such a design should: be truly outstanding or innovative, helping to raise the standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area."*

In July 2018, the Government published its updated National Planning Policy Framework and this was revised again in February 2019. The policy provision for new houses of exceptional quality of design in the countryside is now contained within paragraph 79 of the revised national planning policy guidance.

The policy states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances can be met. The most relevant of the 'circumstances' to architectural design is the point:

*"e) the design is of exceptional quality, in that it: – is truly outstanding or innovative, 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."*

#### **How do you determine if a scheme is of exceptional quality?**

Most local authorities today, do not have in house architects, urban designers or landscape architects with the expertise to judge the merits of a Paragraph 79 application. To address this, the National Planning Policy Framework (NPPF) encourages the use of Design Review as a material consideration for local authorities and the planning inspectorate when determining planning applications. This is to draw on the expertise of professionals with a deep comprehension of design issues.

Design Review is an independent and impartial process for evaluating the quality of significant developments. It is a tried and tested method of ensuring the highest possible quality of development. Design Review is focused on outcomes for people. It explores how a building or place can better meet the needs of people who will use it and of everyone who will be affected by it. It does this by constructively endeavouring to improve the quality of architecture, urban design, landscape and highway design. For Design Review to succeed, it must be carried out using a robust and defensible process, offering consistently high standards in the quality of its advice.

There are ten fundamental principles, which set out the standards required for a successful Design Review:

- **1 Independent:** It is conducted by people who are unconnected with the scheme's promoters and decision makers, and it ensures that conflicts of interest do not arise.
- **2 Expert:** It is carried out by suitably trained people who are experienced in design and know how to criticise constructively. Review is usually most respected where it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.

- **3 Multidisciplinary:** It combines the different perspective of architects, urban designers, planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.
- **4 Accountable:** The Review Panel and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the panel's terms of reference
- **5 Transparent:** The panel's remit, membership, governance processes and funding should always be in the public domain.
- **6 Proportionate:** It is used on projects whose significance, either at a local or national level, warrants the investment needed to provide the service.
- **7 Timely:** It takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.
- **8 Advisory:** A design review panel does not make decisions, but it offers impartial advice for the people who do.
- **9 Objective:** It appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members
- **10 Accessible:** Its findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

Ordinarily, a Paragraph 79 application will be taken to a Design Review Panel, comprising 4 members selected for the particular scheme. These members would be architects, planners, urban designers, ecologists or landscape architects, skilled in their respective fields. A review will last for 2 hours, where the scheme is presented then critically appraised. Following review, a written report is issued summarising the review, which can then be used as material evidence in determining a formal planning application.

Clearly to bring a scheme forward under this policy requires significant input from the professionals involved, with significant cost and time implications. It is vital that full consideration is made all through the design and consideration process to ensure that resulting schemes reach the required high threshold.

#### **What makes a scheme exceptional?**

Exceptional design stems from a clear understanding and interpretation of a client brief, and then translating that into a beautiful poetic composition, which sits seamlessly into its setting. Most great buildings have a narrative, a story to say why and how they were conceived. Exceptional buildings have a sense that they were 'meant to be', buildings that enhance their setting and make statements of beauty in their own right. They are the benchmark of architectural quality in an area. They are the buildings that come to be treasured by future generations. They are buildings to take your breath away. They capture your imagination, without you knowing why.

They are the buildings that are:

*"truly outstanding or innovative, 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."*

The compelling challenge of the brief for Ampleforth was to design an outstanding building for a modest house and budget. The belief being that good design is not an expensive luxury item, but a case of understanding brief and context, to arrive at a solution that is unique to its place and has a true sense

of belonging. Inspired by the client's background as a helicopter pilot and a weaver and the topography of the knoll, the idea is to create a lightweight wing structure perched lightly on the knoll and wrapped in a wooden oak lattice screen on the south side. The building works with the contours of the existing landform, wrapping around the knoll to enjoy the magnificent panoramic views across the valley to the south. To the north side, the enclosing dry-stone walls wrap around a new courtyard. Rainwater is collected from the sweeping roof which is discharged into channels running along the wall tops and discharging into water facilities for livestock and the vegetable garden. The resulting crescent-shaped building makes a poetic response to its place. The wing form of the roof will sit on angled struts supported from internal walls, so that the roof appears floating in space. The dry-stone walls on the north side root the building strongly into the ground. The juxtaposition of floating roof and solid walls makes a pleasing visual contrast.

The use of natural materials; stone and oak, both being sourced locally, make the building an expression of a contemporary vernacular, rooting the building to the immediate locale.

The Design Review Panel concluded that:

*"the siting and form of the proposed dwelling is a tremendous response to the topography of the site which capitalises on the panoramic views to the south by nestling against the knoll. Generally agricultural buildings are quite rigid but the organic and expressive shape of the dwelling is commended by the Panel. The orientation and form of the buildings will give the proposal order and the opportunity to capture different views and gain sunlight at different times of the day. The Panel feel this is a great idea that will result in excellent views to the west in the evening and is worth pursuing."*

The resulting building, we believe, is a unique response to the brief and setting creating a piece of architecture fitting for NPPF Paragraph 79. Key to complying with this particular policy, is that buildings are there to be seen and to showcase *"the highest standards in architecture and help raise standards of design more generally in rural areas."*