

OPINION

Introduction

1. I am asked to review the decision of Ribble Valley Borough Council (“the Council”) to refuse planning permission (“the Decision”) for “*Proposed erection of a part single-storey and part two-storey dwelling of exceptional design quality (NPPF 84e) with associated landscaping, habitat restoration, change of use of land to residential curtilage and access from higher Road, together with the creation of a small visitor car park for members of the public to view the remains of the Roman road to be preserved (if feasible) within the site.*” (“the Development/the Application”) on land at Higher Road, Longridge, PR3 2YX (“the Site”).
2. The basis of the Application was that the Development was of exceptional quality and so met the criteria in para 84(e) of the NPPF. This argument was rejected by the Council who refused planning permission for two reasons:

“1. The proposal would result in the introduction of a form of development that fails to be in keeping with the character of the landscape or be reflective of the local vernacular, particularly in terms of scale, style and features. With the proposal resulting in a level of cumulative visual change that would result in an overt visual suburbanisation and domestication of the site, significantly undermining the character, visual amenities and sense of visual openness of the area, being of significant detriment to the inherent character of the Forest of Bowland National Landscape in this location.

As such the proposal is considered to be in significant direct conflict with Key Statement EN2, and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and the aims and objectives of Para.189 of the National Planning Policy Framework, also subsequently failing to satisfy the requirements of Para.84(e) of the Framework.

2. The proposal is considered to be in direct conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary in an unsustainable location where future occupants would be reliant on private motor vehicle, without sufficient justification, in that it has not been adequately demonstrated that the proposal would meet any of the exception criterion inherently contained within the policy requirements or contained within Para.84(e) of the Framework.”

3. Those instructing me have prepared a suite of additional evidence to support a resubmitted application to address the issues raised in the reasons for refusal and I set out below my opinion on the merits of the case.

Discussion

Policy

4. Para 84 of the NPPF provides:

“84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: ...

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

i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

5. The structure of the policy is that isolated homes in the countryside should be prevented unless one of the listed exemptions apply. If one of the exemptions applies, isolated homes in the countryside are permissible. Exemption (e) allows for houses with a design of “exceptional quality”. Exceptional quality is then defined by the two limbs (i) and (ii) both of which must be met in order for the design to meet the definition. The Council accepted when considering the Application that this was a situation where para 84 was capable of being engaged.

6. Para 189 of the NPPF, which is referred to in RfR1, is concerned with the conservation and enhancement of important landscapes including National Landscapes. The concern raised in RfR 1 is that the Development would result in the “*overt visual suburbanisation and domestication of the site*” which would harm the “*Forest of Bowland National Landscape in this location*”. As the definition of exceptional quality requires enhancement of the immediate setting of a site, if the Development meets the 84(e) test then consequently the concern raised in RfR1 about impact on the National Landscape in this location would not arise. Similarly, if 84(e) is met then there would be no policy breach of Key Statement EN2, and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy as claimed in RfR1. It follows that if paragraph 84(e) is met then the issues in RfR1 are overcome.

7. RfR2 is concerned with the creation of an isolated dwelling in the countryside. 84(e) provides a policy exemption which supports such development and so, again, the key issue under RfR2 is whether para 84(e) is satisfied. This was accepted in the Officer Report that considered the Application (“the OR”) which found: “*As such, should the proposal satisfy the requirements of paragraph 84(e), the identified locational conflict(s) with Policies DMG2 and DMH3, as identified above, could be outweighed by the support afforded to such development by the Framework.*”

Design

8. The design of the Development was evolved through a series of consultations with the RIBA Places Matter Design Panel (“the Panel”). In total 4 reviews took place between February 2023 and August 2023. The clear conclusion of the Panel was that the Development was of exceptional design and met the tests in paragraph 80(e) of the NPPF:

“In summary, the Panel undertaking the desk review considers that the proposal meets the test set out in NPPF Paragraph 80e and is considered to be of an exceptional quality of design.”¹

¹ 31 July 2023, RIBA Places Matter Design Review Report

9. The view of the Panel was therefore that the design was truly outstanding and “*would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*” in the language of para 84(e).
10. The PPG highlights the significance of design review panels at various paragraphs:
 - a. Paragraph: 009 Reference ID: 26-009-20191001 highlights that design review panels can be used by local planning authorities during pre-application to achieve well designed places;
 - b. Paragraph: 016 Reference ID: 26-016-20191001 identifies that design review panels can be used to assess and improve the design of development; and
 - c. Paragraph: 017 Reference ID: 26-017-20191001 sets out what is a design review and how can it be used appropriately. Of particular relevance it states: “*Design review is most effective when applied at the earliest stage of design development. It can be followed up at further stages as projects evolve, including pre-application and are implemented, referencing and building upon recommendations made in previous design reviews. Recommendations from design review panels can be used to help support decisions on applications, so development proposals need to show how they have considered and addressed them.*”
11. The OR sets out the consultation responses that were received. There is no reference to any input being sought from a design panel, architect or other appropriately qualified consultee to advise on the design of the Development. Nor is it suggested anywhere in the OR that the officer who considered the Application had any particular qualifications relevant to the assessment of exceptional design. It follows that the evidence from the Panel was the unchallenged expert evidence before the Council when it refused planning permission.
12. There is very limited engagement within the OR with the Panel’s findings. There is no suggestion made that the process of review and design evolution does not accord with the PPG. Nor are any particular findings of the Panel challenged. Instead the OR seems to simply carry out its own assessment of the Development without having any particular regard to the Panel’s conclusion. Whilst it is ultimately a matter of

judgment whether the design is of exceptional quality, the evidence of the Panel was plainly relevant to that assessment and it was inappropriate of the Council to simply ignore it or place no weight on it. In an appeal setting, it is inevitable that an Inspector would attach material weight to the findings of the Panel in particular given their qualifications and detailed knowledge of architectural standards. It would be incumbent on the Council to produce design evidence to counter that and as yet this is not something they have produced.

13. The Design Review Panel have now provided detail on the number of projects they have considered to meet the exceptional design standard. It is a small number. This helps to demonstrate the clear rigour and the high standards to which the Design Review Panel holds themselves and the projects that they consider. In an appeal setting, in my opinion, an Inspector would be likely to give substantial weight to the views of the Design Review Panel.
14. Having reviewed the OR it gives rise to a clear possibility that the Council simply did not understand what was being proposed and the choice of the design features. The revised DAS, that has been produced to support a resubmitted application, gives a clear articulation of the design process that has been followed, how the design responds to the local context and what it seeks to achieve. It includes updated visualisations which allow a greater understanding of the project and what is being proposed. If after reviewing this the Council are unclear about any elements of the design the appropriate course of action would be to engage with the Applicant to seek clarifications and greater understanding, rather than simply dismissing the application.

LVIA

15. The OR found: *“The applicant’s own LVIA (page 60) acknowledges that the likely long-term visual effects range from minor adverse to negligible to minor-negligible beneficial, however this is based on the significant planting proposed to mitigate the development and not the proposed built-form.”* This criticism about the use of planting/landscaping is then repeated at various points of the OR. This illustrates a misunderstanding of the LVIA and the terminology used and what it is that falls to be assessed under 84(e).

16. It is clear from the DAS that landscaping is an integral part of the design of the Development. That does not mean it should be considered as mitigation in the traditional sense that it is only there to hide something that would otherwise be harmful. Instead, the integral nature of the landscaping in the design is intended to ensure that the overall of the design of the Development is one that is of exceptional quality. The landscaping and the physical building of the Development should not be treated as separate things, the design is the totality of the Development – the landscaping and building together (along with everything else that is proposed). When assessing the Development and whether it is of exceptional quality, what needs to be considered is the totality of what is being proposed not simply the physical building.
17. In fairness to the Council, the LVIA that supported the Application could have explained in clearer language the terminology it was using and the scope of its assessment. These issues have been addressed in the revised LVIA to be submitted with the updated application. It is worth noting as well, that the LVIA is one of a suite of documents that will support the application and its purpose and assessment does not perfectly overlap with the considerations that are required under 84(e). The 84(e) assessment can only be properly undertaken by having regard to the totality of the design related documentation submitted with updated application. In particular the consideration of the impact on immediate setting is not a matter that should be judged solely by reference to landscape and visual impacts.

Ecology

18. Ecology is not raised as a reason for refusal nor was it treated as a meaningful benefit of the scheme, instead it was assessed as meeting the minimum policy requirements. The updated documents which support the revised application make it clear that ecological considerations are an essential part of the design of the Development and are a clear benefit of the proposal. As the name of the Development suggests, the Growing House, one of the central intents of the design is to allow the occupants to be self-sufficient for food. There are dedicated greenhouses which will allow food to be cultivated all year round. The elevations of the house have been designed so that they can be used for vertical farming. The location, and angles of the glasswork have been chosen to maximise light levels to support plant growth.

19. There is a clear ecological benefit delivered by the Development which is a freestanding planning benefit in its own right, but more fundamentally the integration of ecological features into the design is one of the salient design characteristics which contributes to the exceptional design of the Development.

Heritage

20. The OR attached no weight to the proposed heritage benefits of the Development as it had not been identified with any meaningful certainty what would actually be delivered by the Development. The revised planning application makes it clear how the preservation and exposure of the roman road can be secured on the grant of planning permission. Even if the Council are of the view that any heritage benefit delivered by this is limited, it still needs to be considered with regards to the assessment of exceptional design under 84(e). The DAS and the heritage work make it clear how the design of the Development has responded to the history of the Site and the presence of the Roman Road. The incorporation of this feature into the design is again something that is capable of contributing to an overall finding of exceptional design and is of particular relevance to consideration of enhancement to the immediate setting.

Relevant Appeal Decisions

21. Clearly a finding of compliance with 84(e) is a matter of planning judgment to be assessed on the basis of any given application. Review of relevant appeal decisions provides useful guidance on how such an assessment should be carried out.
22. Appeal Ref: APP/F1610/W/19/3236430, Land at Hill View, Icomb, Gloucestershire GL54 1JB:
- a. At [14] recognises the findings of the South West Design Review Panel and the significance of their findings under the NPPF;
 - b. At [15] acknowledges the credentials of the design team;
 - c. At [17], [22], [27], [32], [36], [39] and [44] records that the design is not simply the house itself but the house and its landscaping and it is the combination of the two that needs to be assessed when considering 84(e)²;

² 79(e) was the relevant NPPF paragraph number at the date of that decision but there has been no material change to the policy for what falls to be considered here

- d. [20] “...Whilst planning may well be more concerned with the external appearance and the relationship with the surroundings, the judgement of exceptional quality, and the highest standards in architecture must go beyond that consideration and it is the case here that the internal spaces and how they have been designed to address the external areas immediately outside the various rooms and uses would be of the highest standard”; and
- e. [36] “**The building would be visible as it does not seek to hide away, and the paragraph 79e) exception, as with its antecedents back to Planning Policy Guidance Note 7 ‘Sustainable development in Rural Areas’, does not require such an approach.** Built form is a feature of the Cotswolds Area of outstanding Natural Beauty, and the addition of natural oolitic limestone has placed the building firmly within that setting. The quality of the architecture and landscaping combined would be a positive addition to the site and would enhance the stock of built form of the Area of Outstanding Natural Beauty, while conserving the natural features of the designated area.” (emphasis added).

23. Appeal Ref: APP/M1710/W/15/3010471, Wishanger Estate, Smithfield Lane, Headley Down, Bordon, East Hampshire GU35 8ST:

- a. At [11], [12], [20] and [26] the Inspector attached clear weight to the views of the design panel and considered that these had not been sufficiently taken into account by the LPA; and
- b. At [21] to [27] the Inspector recognised the design intent of incorporating ecological benefits into the design of the proposal and that this was something that enhanced the immediate setting of the development.

24. Appeal Ref: APP/L3245/W/21/3289722, Land south of Fitz, Fitz, Shrewsbury, SY4 3AS:

- a. At [8] – [9] the Inspector considered the importance of the design review process: “8...*The design process has been subject to robust review to ensure that the development would not only stand as high-standard development in its own right but also be a positive addition to the rural setting.*
9. *I appreciate that appearance and design can be a subjective matter but consider that in this case, the rigorous design process has resulted in a*

proposal that successfully blends traditional and modern styles. It is coherent and would provide a legible building that is well integrated within both the altered and existing parts of the surrounding landscape. Its design achieves a very high standard of quality and in this regard, I consider that it passes the relevant test.”; and

- b. At [13] the Inspector found that a building does not have to reflect local characteristics to be sensitive to them: *“Further afield, Fitz settlement and its listed buildings are on higher land but are not visible from the site. The building is visually and physically separate and takes no design cues from the settlement. However, neither the building nor other parts of the site to be developed would affect the settlement or its constituent buildings, and accordingly, the proposal would be sensitive to the defining characteristics of the area.”*

25. Appeal Ref: APP/L1765/W/22/3291091, The Reservoir, Abbotstone Road, Fobdown, Hampshire, SO24 9TD:

- a. At [12] the Inspector recognised that an assessment of architectural quality is not limited to a consideration of the visual appearance of a building;
- b. The Inspector at [14] carries out a holistic assessment of the impact on the immediate setting of a proposal: *“The Landscape and Visual Impact Assessment submitted by the appellants demonstrates that the building would not be prominent in the landscape. In this respect, its visual presence would not significantly enhance the immediate landscape setting. However, given that the landscape around the appeal site is generally open and unspoilt, a prominent building in this location would be inappropriate. Thus, the building, through its siting, would have a purposely restrained presence to respect the context. That said, the appeal scheme would relate well to, and enliven the site due to its 365-degree design. The scheme as a whole would also enhance the hard unnatural appearance of the reservoir by providing softer and more informal edges. Importantly, the proposal would significantly enhance biodiversity, especially for white-clawed crayfish, in a way beyond normal policy expectations as detailed in the Ecological Management Plan. Taken together, these points are sufficient to achieve a significant enhancement of the immediate setting.”;*

- c. At [17]: *“The proposal would urbanise the site as a building would be erected where there is not one currently. However, this is an inherent consequence of allowing outstanding architecture in isolated locations in the countryside and therefore the siting and design must be considered with this in mind.”*

26. Considering the above appeal decisions, in my opinion, when the Council assessed the Development: they failed to have sufficient regard to the design process that had been followed – this is more than simply not considering the findings of the design review panel but requires an actual consideration of the design intent and how that has been arrived at; they adopted an overly narrow consideration of the Development by separating features such as the physical building, the landscaping and the ecological benefits – 84(e) requires a holistic approach to be adopted to assess the totality of the design proposed; and the Council adopted a particularly narrow approach to the consideration of the immediate setting of the Development, under 84(e) that is not limited to a visual assessment, for example, ecological gains need to be considered.

Conclusion

27. The Council, in my opinion, fell into error when considering the Application for the reasons set out above. The updated evidence responds to a number of concerns raised by the Council and presents a strong case that the 84(e) exemption is satisfied and that planning permission should be granted for the Development.
28. If those instructing me wish to discuss anything arising from this they should not hesitate to contact me.

FREDDIE HUMPHREYS

29th October 2025

Kings Chambers

Manchester – Leeds – Birmingham – London