

— POLICY

What the new Framework says about neighbours, and the design guidance it relies on that is *still a draft*.

The December 2024 Framework asked for a high standard of amenity for existing users. The August 2026 Framework drops that phrase and adds a test on daylight and sunlight for neighbouring residents. Privacy is mentioned once. The guidance that is meant to fill the gap, on design and placemaking, was still a consultation draft on 29 October 2026, and the draft leaves separation distances to local design codes. Cotswold's 2018 design code sets 22m between facing windows.

The Editor



Ground Level, generated

The December 2024 National Planning Policy Framework said planning policies and decisions should ensure developments create places "with a high standard of amenity for existing and future users". That is paragraph 135(f). The August 2026 Framework does not contain the phrase.

That could be read as neighbours losing a protection. The documents support a narrower account. The phrase was general, and the 2024

text never named privacy or overlooking. The 2026 text adds some tests for neighbours and takes away one flexibility. This piece sets out the wording of both, then looks at the guidance the new Framework points to, which is not final.

We make no claim about why the text changed. The government's published response to the consultation on the Framework does not say.

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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

National Planning Policy Framework, December 2024, paragraph 135(f). The phrase does not appear in the August 2026 Framework. • Ground Level, December 2024

What 2024 said, and what it did not.

Paragraph 135 of the December 2024 Framework lists what planning policies and decisions should ensure of developments. Item (f) runs on from the words quoted above to the fear of crime and community cohesion.

"Existing users" could include people living next door. The text does not say so. Nothing else in the 2024 Framework used the words "privacy", "overlooking" or "outlook". Its only reference to daylight sits in paragraph 130(c), and it points the other way.

That paragraph said that when considering applications for housing, authorities "should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)". The brackets matter. The flexibility came with a condition about acceptable living standards.

What 2026 says.

The August 2026 Framework is organised differently. Three changes bear on neighbours.

A daylight and sunlight test that faces outwards. Policy P3, on living conditions and pollution, says in paragraph 2(b) that development proposals should:

"Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site."

The test names neighbours directly. The 2024 Framework had no equivalent test on neighbours' daylight and sunlight. The same policy says adverse impacts "should be avoided where possible, or else mitigated to an acceptable degree".

The flexibility on daylight is gone. The sentence in 2024 paragraph 130(c) does not appear in the 2026 text. A search of the 2026 Framework finds "daylight" in only two places, P3(2)(b) and the policy on upward extensions described below.

One mention of privacy. The word appears once. Policy L2(1)(d) gives substantial weight to the benefits of extra homes within settlements, built upwards or added within existing plots. Sub-paragraph (ii) says such proposals should maintain safe access, and "acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space". It applies to those forms of development. It is not a general privacy policy.

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Times the word privacy appears in the August 2026 Framework, in the policy on upward extensions and extra homes within existing plots (L2(1)(d)(ii)). The December 2024 Framework does not use the word at all.

SOURCE · NATIONAL PLANNING POLICY FRAMEWORK, DECEMBER 2024 AND AUGUST 2026, FULL-TEXT SEARCH BY THE GROUND LEVEL

The case that protection has thinned.

The argument that protection has thinned rests on three points.

First, the general amenity phrase is gone and nothing in the design policy replaced it. Policy DP3, on well-designed places, lists seven principles, and none speaks of amenity as such. Policy P3(2)(a) asks for "healthy living conditions for occupiers and users", but it does not mention neighbours.

Second, DP3 supports higher density where it is justified. Paragraph 1 says responding to context "should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3". Paragraph 2(e) asks for "compact forms of development to optimise the site's potential". We described the wider structure of the Framework, and what replaced paragraph 11(d), in the new Framework and the tilted balance.

Third, privacy depends on local codes, and the national guidance on them is not final.

The case that it has not.

The argument that it has not rests on two points. The first is that the 2024 phrase was a general aim, while P3(2)(b) describes a specific harm to neighbours and says it should be avoided where possible.

The second is DP3(3). The 2024 Framework already said, in paragraph 139, that development "that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design". The 2026 wording is more specific. It says proposals "should be refused if, without clear justification, they conflict with" paragraph 1 of DP3 or "relevant aspects of the principles in paragraph 2", "or with any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans)". It adds: "Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals."

So if a separation distance in a development plan counts as an "explicit design standard", DP3(3) says a proposal that conflicts with it "should be refused" unless there is clear justification. On our reading there is also a difference from 2024 in what counts. Paragraph 134 said codes should be produced "either as part of a plan or as supplementary planning documents" to carry weight, and paragraph 139 took into account "supplementary planning documents such as design guides and codes". DP3(3) names standards "set out in the development plan". The 2026 Framework does not mention supplementary planning documents.

The government's response to the consultation, dated August 2026, does not explain the amenity change. The words "privacy", "overlook" and "daylight" do not occur in it. It does show the government restoring wording on noise in P3 after respondents said its removal "could weaken environmental protections". The response records no comment on the amenity phrase.

A Framework that points to guidance not yet final.

The Framework refers to the Design and Placemaking planning practice guidance five times, once in a footnote on street design. Footnote 45 says the principles for well-designed places "are described more fully in Part 1" of it. DP1(2) says guidance on the policy "is set out in" it. DP4(1) refers to its Part 2 for the design process.

DP3(4) does the work that paragraph 134 did in 2024, when the National Design Guide and the National Model Design Code "should be used to guide decisions on applications in the absence of locally produced design guides or design codes". The 2026 policy says the guidance's principles "should be used to inform how this policy is applied in the absence of locally-produced design policies, guides, codes or masterplans". Where a council has no code, the draft guidance is what fills the gap.

On 29 October 2026 that guidance is a draft. The government published it for consultation on 21 January 2026. The consultation closed on 10 March. The consultation page on gov.uk still says the government is analysing feedback. The government's response to the Framework con-

sultation says: "The government will publish the final Design and Placemaking Planning Practice Guidance in the autumn."

DP2(2) says that Model Design Codes, which are standard codes for common development types, "can support the preparation of local design codes and should be used for this purpose where they exist for relevant development types". The response says the government "intends to publish a series of Model Design Codes". We found no published set on 29 October. Until one exists, the condition "where they exist" has nothing to apply to.

What the draft says about privacy.

The draft gives privacy its own topic in Part 3, which deals with design codes. Topic B3ii reads, in part: "Design codes support privacy for homes, including: Overlooking habitable rooms: specifying how overlooking habitable rooms of neighbouring properties should be mitigated, for instance by providing angled or obscured glazing, or setting minimum separation distances and how they apply to the front, back and side of properties."

It says the topic "will typically apply to new residential development or any development in proximity to existing residential uses".

The draft sets no default distance. It leaves the figure to whoever writes the code. It also adds two cautions in the "Other considerations" column. The first is about land:

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minimum separation distances could affect how effectively land can be used, forming a barrier to intensification in existing areas with tight urban grain

Draft Design and Placemaking planning practice guidance, Part 3, B3ii Privacy, 'Other considerations' · Ground Level, 21 January 2026

The next sentence of the draft describes the alternative: "measures such as building orientation and footprint, angled or obscure glazing can help prevent overlooking."

The second says "requirements for privacy need to be carefully balanced with the need to create activated streets and public spaces which are overlooked and feel safe".

The support for privacy standards and the caution about them sit in the same box. A council writing a code has to decide which weighs more in its area.

Elsewhere the draft says "In higher density developments, access, privacy, daylight and external amenity space are particularly important." It does not use the words "outlook" or "overbearing".

A worked case: Cotswold.

Cotswold District Council has a design code with a number in it. That makes it a useful test of what DP3(3) does.

The Local Plan 2011 to 2031 was adopted on 3 August 2018. Its policy EN2 says: "Development will be permitted which accords with the Cotswold Design Code (Appendix D)." Appendix

D is part of the plan document. Its table of key considerations for "Residential extensions, outbuildings and new dwellings" includes this at point (p):

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To ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22m and, for buildings higher than two storeys, no less than 28m.

Cotswold Design Code, Appendix D to the Cotswold District Local Plan 2011 to 2031, key considerations for residential extensions, outbuildings and new dwellings, point (p) · Ground Level, 3 August 2018

The same point says that where the gap is under 28m for one and two storey homes, or under 32m for taller buildings, permitted development rights "may be removed". It defines facing windows as those "which can readily be seen into from within principal rooms in another property, including windows at an angle to one another, but excluding windows on front elevations". It adds that "Much will depend on the angle and the topography". Point (o) adds that extensions "should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect."

For comparison, Stratford-on-Avon, which borders Cotswold, normally requires at least 21m between facing habitable room windows where homes directly face one another, adding 7m for every storey above two. Camden's guidance calls 18m good practice. What point (p) protects is narrow. It deals with being seen into from facing windows, and front windows are excluded.

Read against the 2026 Framework, point (p) could be an "explicit design standard set out in the development plan" of the kind DP3(3) describes, since policy EN2 makes the code the test. If so, a scheme that fell short of 22m without clear justification might be one the Framework says "should be refused".

The case is not settled. Point (p) says "should", with room for angle and topography. The code describes itself as "a material consideration in planning decisions" that "carries considerable weight". Annex A, paragraph 1 makes the 2026 policies material considerations in decisions "from the day of its publication". Paragraph 2 says plan policies that are "materially inconsistent" with its decision-making policies "should be given very limited weight", unless they were examined and adopted against the 2026 Framework. Cotswold's plan was examined against an earlier one. Policies that are not inconsistent keep their weight. Whether a decision-maker treats point (p) as a standard to refuse on, or as a guide to weigh, is a judgement we have not seen tested.

A 22m rule is the kind of "minimum separation distance" the draft guidance says could be a barrier to intensification in areas with tight urban grain.

The new plan is different. The Cotswold District Local Plan 2026 to 2043 is at Regulation 19, the stage at which people may comment on whether it is sound. The consultation closes on 3 November 2026. Its footnote 7 says the plan is to be examined under the 2024 Framework.

It relies on an updated code. Core Policy 69 says development "will be supported where proposals can clearly demonstrate compliance with

appropriate national policy and guidance in respect of Design, especially the Cotswold Design Code". Paragraph 14.31 refers to "The Cotswold Design Code (2026)", and paragraph 14.32 says the code "is expected to be adopted as a Supplementary Plan".

Is the updated code published? We could not confirm that it is. The council's Local Development Scheme of July 2026 said it would be "published for consultation alongside the Regulation 19 Local Plan 24 August to 5 October 2026" (the consultation was later extended to 3 November), with progress "subject to updated national policy being published to clarify the intended approach to progressing and adopting SP". The council's pages listing the plan's supporting documents, which we read on 29 October, include no design code. A separate page for the code on the council's engagement site loads only in a browser, and we could not read it.

So we cannot say whether the updated code keeps the 22m and 28m figures. The route by which it is adopted may matter as well, given the difference in wording between the two Frameworks described above. The LDS said the route would depend on "updated national policy", which it expected "in the Autumn of 2026".

What a distance rule does not measure.

A separation distance measures how far one window is from another. It says nothing about what a home looks out over.

Take a row of houses on the edge of a town, with back gardens onto fields. An estate on those fields can keep 22m at every window. The

houses that stood on the edge now stand inside the town, and point (p) has nothing to say about it.

Camden's amenity guidance is explicit about views: "the specific view from a property is not protected as this is not a material planning consideration". Where Stratford-on-Avon puts a number on outlook, it is 13m from a wall with windows to the gable end of a two storey house opposite. Neither Framework uses the word "outlook".

The change is weighed instead under policies on character and the countryside. In 2024, paragraph 187(b) asked policies and decisions to recognise "the intrinsic character and beauty of the countryside". In 2026 that phrase appears only in the objective of the chapter on sustainable development. Policy N2(1)(a) asks proposals to consider "landscape character and the natural beauty of the countryside", and DP3(1) asks them to respond to "the history, character and features of their site and its setting". Cotswold's code says building heights should respond to local context, "for example forming a gentle transition from open countryside to settlement edge".

Other policies point new homes to those edges. Where a council cannot show a five-year supply of sites or scores below 75% in the Housing Delivery Test, S5(1)(j) covers housing outside settlements that is "physically well-related to an existing settlement" and of a scale its infrastructure can take. The policy says such development "should be approved, unless the benefits of do-

ing so would be substantially outweighed by any adverse effects". We looked at how inspectors have read that test in the universal tilt and the first appeals.

The distance in a local code applies to a home's windows. What happens to the fields behind it is a judgement, made case by case under the character and countryside policies and weighed against the need for homes.

What to watch.

The final guidance. The government has said "in the autumn". Its content on B3ii is the point to read first. If separation distances remain a matter for local codes, a council without a code has no national figure to fall back on.

Model Design Codes. Whether they include privacy distances will decide how much the draft's caution about intensification matters in practice.

Councils' own codes. Each code in a development plan that sets a distance gives DP3(3) something to apply. Cotswold's is one. We have not counted how many councils have one and know of no national figure.

Cotswold's updated code. Whether it is published before the Regulation 19 consultation closes on 3 November, and whether it keeps a distance between facing windows.

First decisions. The first appeal decisions to apply P3(2)(b) or DP3(3) to a neighbour will show whether inspectors read them as grounds for refusal or as considerations to weigh.

