

NEWS ANALYSIS

# Why do so few Paragraph 55 homes win planning?

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The Country House clause demands good-quality design but only around half the proposed schemes are approved. *Colin Marrs* looks at what gives a project the best chance of winning permission

In 2004, the AJ led a successful industry-backed campaign to stop the Labour government scrapping planning guidance that allowed isolated houses in the countryside where the architecture was of 'outstanding' design quality.

The 'countryside house' clause – then PPG 7, later PPS7 – is now enshrined in paragraph 55 of the National Planning Policy Framework (introduced in March 2012) and remains one of the few items of planning law that explicitly demands exceptional architectural standards.

The architects' get-out-of-jail card for rural homes will soon become the new paragraph 81 in the revised planning framework – a change in name only it seems.

**Since 2012 there have been 66 approvals – equating to an approval rate of 58%**

Until now, no firm data has ever been collected on how the exemption has been applied; certainly the government has no statistics on the policy's impact.

So London-based practice Studio Bark, which has itself won approval for half a dozen homes through the clause, conducted its own survey through a series of Freedom of Information bids, unpicking the many decisions made by local authorities since paragraph 55 was introduced six years ago.

Its findings paint a picture of inconsistency and confusion, with wide disparities in the way local authorities implement the policy.

So how can architects improve their chances of winning approval under the clause and are further regulatory changes needed to help them?

More than two-thirds of the local authorities in England and Wales (226 out of 327) responded to requests for information on the paragraph 55 applications received. The numbers are small – only 113 recorded applications (*see map bottom*).

Furthermore, the data shows just 66 approvals (59 at committee, seven on appeal) in these authorities since 2012. However over these six years there were 42 refusals and a further five withdrawn – equating to an approval rate of 58 per cent.

This is way below the 87.5 per cent approval rate reported in the government's latest figures for overall residential applications.

Each case has its own unique circumstances, according to Studio Bark director Nick Newman, and some architects meet the high design standard more often than others.

For instance Jonathan Hendry Architects has bagged approval for half a dozen schemes around Grimsby and the Lincolnshire Wolds, while ID Architecture has permission for two country houses in the same area.

Despite this, says Newman, 'It is probably fair to say that paragraph 55 is being applied differently in different places. Some authorities have let through quite a lot, whereas some seem to dismiss them out of hand.'

Robert Adam of Classicist practice Adam Architecture, which has won a clutch of approvals both under paragraph 55 and its former guises, says: 'Many local authorities don't want you to be doing this. You have got to pull out all the stops to persuade them.'

## The use of a design review panel increases the chances of approval

The first stumbling block to an approval is often down to the wording of paragraph 55 which demands that schemes should only be approved if they are of 'exceptional quality'.

Council planning officers largely lack the expertise to decide what counts as exceptional design, according to Richard Coutts, director at Baca Architects. 'Most planning departments do not feel comfortable to make decisions on design on their own,' he says.

As a result, many authorities call on the assistance of a design review panel to scrutinise their paragraph 55 applications.

James Burrell, director at Burrell & Mistry which is about to start on a paragraph 55 house in Ewhurst, Surrey, says: 'People think design is subjective; it isn't really. People who understand the difference between good and bad design are in a good position to judge what is exceptional.'

Newman says Studio Bark's research indicates the involvement of a design review panel does increase the chances of approval. According to its findings, planning was approved for 25 of the 32 schemes that had been design reviewed, with two pending at the time of the research and five turned down. This represents a much higher approval rate of 78 per cent.

Yet even when the expert design review panel comes down on your side, there is still no guarantee it will be listened to, it seems. Writing for the AJ last year, a frustrated [Wendy Perring](#) of PAD Studio spoke out about the decision by the South Downs National Park Authority to throw out one of the firm's schemes (*pictured below*), despite a glowing report from the design review team. 'Following a lengthy and difficult planning process, the local authority ignored the panel's recommendation and refused planning,' she wrote. 'Of course, it could be argued that the design review panel had made a mistake ... After all, beauty is subjective, is it not? But to take this stance implies that several award-winning architects, landscape architects and academics do not know what is exceptional.'

Paragraph 55 schemes can also win approval by proving that the design, if not 'outstanding', is 'innovative' – another term whose meaning can be hard to pin down.

Rob Hughes, principal partner at Hughes Planning, who has worked on a number of paragraph 55 schemes, says: 'The previous planning policy statement used the word "groundbreaking" but in reality, very few things are groundbreaking. The innovation often comes in the combination of existing techniques that might not have been used together before to achieve a building that is as energy efficient as it can be.'

But innovation doesn't necessarily have to relate to technology. Adam says that on one of his recent paragraph 55 schemes, a design panel was won over because the scheme was largely built from materials on the site it was built.

'The chair of the panel said that it was innovative because we were reviving something we had stopped doing and using it in a modern context,' he says.

## A lot of people get hung up on the building but they need to pay attention to the landscape

A design that is deemed 'outstanding or innovative' is not enough, however. There is a further hurdle: a paragraph 55 home must also 'significantly enhance its immediate setting'.

According to many architects contacted by the AJ, it can be hard to persuade some planners that building anything whatsoever in an open field can enhance the landscape.

Perring, however, argues: 'If architecture is contextual, it can make you understand and appreciate the landscape in a different way. That is what good architecture should be.'

This importance of landscape design in paragraph 55 approval is paramount in winning over the planners, according to Adam.

'A lot of people get hung up on the building,' he says, 'but they need to pay attention to the landscape – the landscape is much bigger than the building.'

As a result, many architects employ the services of a landscape architect to work on this part of the design.

Hughes says: 'The crucial thing with para 55 is that it requires a collaboration of disciplines. In my experience the schemes that tend to get through planning are the ones where the architect employs a strong team of experts in their fields. I would always advocate a landscape consultant.'

Nevertheless, the purpose of the landscaping should not be to hide the new home from view.

'We think landscape design is very important in terms of making the building fit correctly,' says Newman. 'It shouldn't be used to cloak the building – it should be complementary to the building rather than the primary element'.

This was demonstrated at a planning committee where Burrell presented plans for Burrell & Mistry's paragraph 55 home.

'After comments from the chief planning officer, we had included provision for a screen of trees to shield the house,' recalls Burrell. 'Half a mile distant was another home owned by one of the councillors. At the planning committee, he stood up and said: "I want you to remove the trees – I want to throw back my curtains and see the view of this wonderful building."'

The success or failure of a paragraph 55 application does often rest on the personal attitudes of planners and councillors. The sooner any potential hostility is picked up, the better, advises Anthony Hudson, director at Hudson Architects.

'It is a gamble,' he says. 'Generally, from the initial approach you get a sense of where you are going. Those first two meetings are the ones that make the client think "yes we are going somewhere" or "it is a complete waste of time".'

Many in the profession long for more consistency between local authorities to give more certainty to clients – who can spend up to £100,000 just to get to planning.

Coutts adds: 'Planning departments need to be given an overarching briefing that gives a clear definition of thresholds the buildings need to pass and then equally the design review panels need to share feedback letters to make sure there is some consistency in their decisions.'

But Hughes disagrees, saying: 'Personally, I think it is quite a nicely worded policy and is working well. In cases where proposals are not good enough, then the schemes aren't getting through.'

However, the broader figures show the clause is not an open door to rampant building across the nation's green belt land.

More than any other kind of application, the results can often be down to the peculiarities of each authority. For country houses the planning process still seems little short of a coin-toss.