

Planning portal: Get to know the planning system

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Get to know the planning system - and how to work it, advises Peter Stewart

Discussions with planning authorities about design matters are often a source of irritation for architects. Nevertheless the planning system, although over-complicated and in many ways seriously flawed in its operation, has plenty within it that is there to help you.

Decisions in the planning system are based on the rule of law. Planning officers' judgements may sometimes seem subjective, unsound, or both, and elected members' decisions irrational or capricious, but they are all operating within the boundaries of a system of law, policy and guidance - rather than making things up as they go along, as may sometimes seem to be the case to applicants.

Ronald Reagan said that the most terrifying words in the English language were: 'I'm from the government and I'm here to help.' But in the case of the National Planning Policy Framework (NPPF) and the government's Planning Inspectorate, which decides appeals, you should think of the government as helpful to you in your discussions with local planners. The present administration is far more serious about growth and getting things built than it is about the rhetoric of Localism (which is in any case negated at every turn by its actions) and neighbourhood plans (which aren't compulsory, and will mainly happen where there isn't much chance of building anything, anyway).

Architects, therefore, should get to know the system - and how to work it.

The NPPF, which is short and clear, now trumps a lot of the system's other verbiage. It sets out a pro-growth position (although, sadly, the adopted document dropped the consultation draft's proposition that the default answer to applications should be 'yes') - and it says that local authority

policies must be consistent with this. If they are not, they will be rejected by the planning inspectors, who review them before they are adopted.

Two policies in the part of the NPPF that deals with design are particularly worth knowing about.

Clause 62 says that local authorities should have local design review arrangements in place (this does not necessarily mean a design review panel, but only the largest authority departments can claim to have adequate expertise in-house).

Design review panels annoy the hell out of some architects, and are variable in quality, but most practitioners would prefer to have their designs assessed by their peers rather than planning officers. If the planning officers don't 'like' your designs, get a second opinion. And if there isn't a local panel, ask the local authority (politely) what it is doing about this government requirement.

There are far too many planning applications for all to be reviewed by panels. But it shouldn't be only large schemes that are eligible for review, as is sometimes assumed - there is a case for any scheme that raises non-standard design issues to be eligible for peer review.

If you want to chance your arm, there is also the little-noticed clause 63 of the NPPF, which says: '... great weight should be given to outstanding or innovative designs which help raise the standard of design more generally'.

This is similar to the 'country house clause' (which is still in the NPPF), but applied to all development - great design can trump other considerations. If your 'interesting' scheme is frowned on by the parish council because it looks as if it might post-date Queen Victoria, but supported by the design panel - or, perhaps more seriously, if your design addresses climate change in a new way that sets a good example - this is serious power ('great weight') to your elbow.

Local authority design policies always boil down to some simple requirements (that are in national policy anyway): projects should be well designed, informed by an understanding of setting and context, and appropriate to that context.

If your planning application documents demonstrate, persuasively but objectively, how you have achieved compliance with those requirements, then you will be well on the way to a planning consent