



MEETING HOUSING NEEDS SUPPLEMENTARY PLANNING DOCUMENT

Draft – March 2023



Explanatory Note: This Supplementary Planning Document contains a series of Core Principles. These are intended to expand upon, and provide further detail to the policies contained in the Mid Devon Local Plan 2013 – 2033 to demonstrate how these policies can be taken forward. They are not planning policies and they do not seek to supersede development plan policy in any way. This SPD is capable of being a material consideration in the Council’s determination of planning applications for the development of new homes in Mid Devon.

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1. Introduction

- 1.1. Having a home is a basic necessity that provides shelter, security and can support health and well-being. Whether homes are owned, rented, in single occupancy or shared with others, the simple fact is that for many their home is not suitable to meet their needs and having a suitable home may not be affordable.
- 1.2. Nationally, for many years there have not been enough new homes being built to meet our needs, and there has been an increasing gap between the price of those homes and being able to afford to buy or rent them – the cost of new homes has risen higher than wages. In Mid Devon (2019) full time employees can typically expect to spend around 9.3 times their workplace – based annual earnings on purchasing a home, higher than the England average ratio of 7.8. Average income in Mid Devon also remains below the national average with a relatively low-pay economy, which means that local house prices are too high for many on low-medium incomes to afford. High house prices and a lack of homes that are affordable and suitable to meet housing needs in Mid Devon is part of what has been declared as a national housing emergency. The charity Shelter argues that 17.5 million people nationally are trapped by the housing emergency and the high cost of housing is at the heart of this crisis.
- 1.3. The Council’s Corporate Plan 2022 – 2024 recognises that our villages and towns need affordable housing for local people. It establishes ‘Homes’ as one of four key priorities for the Council with a series of specific objectives as follows:

<p>Deliver more affordable housing and greater numbers of social rented homes.</p> <p>Work with Community Land Trusts and other organisations to deliver homes retained in perpetuity for local need.</p> <p>Work with landlords to ensure the high quality of homes in the private rented sector</p> <p>Lobby to see the abolition of the ‘Right to Buy’ or the development of discounting powers to individual local housing authorities.</p> <p>Promote the regeneration of our town centres by working with landlords and property developers to improve and increase the supply of quality housing.</p>
<p>Introduce zero carbon policies for new development.</p> <p>Encourage the piloting of Modern Methods of Construction (MMC) and self-build opportunities.</p> <p>Use new development as opportunities to help communities to become increasingly sustainable and self-sustaining at neighbourhood level (district heating, energy use, recycling/re-use systems etc).</p>
<p>Work with local stakeholders to initiate delivery of the new garden village at Culm.</p> <p>Support and grow active tenancy engagement.</p> <p>Support the establishment of Community Land Trusts in partnership with parish councils and other local bodies.</p>

- 1.4. In addition, the Council's Housing Strategy 2021 - 2025 sets out a clear direction, to offer more housing with more choice by developing new homes and improving existing homes and communities. There is particular focus on affordable and social rent properties alongside a strong commitment to having low carbon, accessible and adaptable homes. The Housing Strategy is a framework; setting direction for each of our partners and stakeholders involved in housing; residents, ward members, housing associations, developers, government bodies, investors, private landlords, charities, voluntary groups and the Council – to provide the right type of homes that are needed.
- 1.5. The Mid Devon Local Plan 2013 – 2033 contains a number of planning policies related to housing, all contributing to the delivery of a vision that *'Mid Devon will be a prosperous and sustainable rural district, where individuals, families and communities can flourish as a result of access to good quality local employment, housing and services and a clean, green safe environment.'*
- 1.6. This Meeting Housing Needs Supplementary Planning Document, contains guidance to support the implementation of relevant policies in the adopted Mid Devon Local Plan 2013 – 2033 for securing the delivery of new homes through the planning process. It will help achieve many of the objectives and priorities set out in the Council's Corporate Plan 2022 - 2024 and Housing Strategy 2021 - 2025. It is intended to inform consideration of housing needs and is a material consideration in the determination of planning applications.

2. Affordable Housing

Defining Affordable Housing

- 2.1. Affordable Housing is defined as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential workers). A full definition of affordable housing is provided in the National Planning Policy Framework but broadly, it includes two forms:
 - **Affordable housing for rent** – means housing managed by a Registered Provider or Build to Rent landlord and let at subsidised levels. The Local Housing Allowance sets a rent level which can be covered by Housing Benefit or Universal Credit and is therefore affordable to all households. It is therefore an appropriate maximum rental level for new affordable housing for rent. It is important to define the difference between affordable homes (those let at an affordable rent) and social rent homes:
 - **Social rent** – Homes let at below the market rent by a registered provider. The rent level is calculated on a legal basis according to a formula based on property values and local earnings (target rent). This is set out in the Regulator of Social Housing's Rent Standard. Typically these rents are around 50% of the local market rate.
 - **Affordable rent** – Homes let at below market rent by a registered provider. The rent (including service charge) is set at up to 80% of the local market rent for an equivalent home.
 - **Affordable home ownership** – products give a household the option to purchase at a subsidised price in various different ways, either immediately or after some years of living in a property.

Housing Tenures and Dwelling Mix

2.2. The Local Plan 2013 – 2033 Policy S3 stipulates that a mix of affordable dwelling size and types should be provided, appropriate to the evolving needs of Mid Devon’s population. Planning applications will need to be tailored to the affordable housing needs of the area. Clause b) of the policy states:

*“Unless otherwise stated in a site allocation policy, on open market housing sites (i.e. excluding exception sites provided under Rural Exception Sites under policy DM6) of **11 dwellings or more in Tiverton, Cullompton and Crediton a target of 28% affordable dwellings, and on sites elsewhere of 6 dwellings or more, a target of 30% affordable dwellings will be applied to the total number of dwellings, depending on viability and providing a mix of dwelling sizes and types appropriate to the evolving needs of Mid Devon’s population. Sites of between 6-10 dwellings outside Tiverton, Cullompton and Crediton will be permitted to make a financial contribution sufficient to provide the affordable dwellings in another location.**”*

2.3. The Mid Devon Local Housing Needs Assessment (LHNA, completed September 2022) provides evidence of housing mix requirements, by bedroom size that would enable both affordable and market housing need to be met. Table 1 below provides the starting point for establishing an appropriate tenure mix, together with dwelling size requirements.

Table 1: (Based on Figure 53 of the LHNA – Overall need)

	Affordable Dwellings				Total Affordable Housing	Total Market Housing	Total Housing
	Unable to afford market rents		Unable to afford market ownership				
	Social Rent	Affordable Rent	Unable to afford 70% First Homes	Able to afford 70% First Homes			
1 bedroom	1.6%	0.1%	0.1%	0.4%	2.2%	3.5%	5.7%
2 bedrooms	6.7%	2.2%	0.6%	1.6%	11.1%	8.8%	19.9%
3 bedrooms	6.9%	2.7%	0.9%	1.7%	12.2%	37.1%	49.3%
4+ bedrooms	2.1%	0.5%	0.3%	0.6%	3.6%	18.9%	22.5%
Dwellings	17.3%	5.5%	1.9%	4.4%	29.2%	68.2%	97.4%
C2 Dwellings	-	-	-	-	-	2.6%	2.6%
LHN	17.3%	5.5%	1.9%	4.4%	29.2%	70.8%	100.0%
%age of total affordable	59.2%	18.9%	6.6%	15.2%	100.0%		

2.4. The above table is based on the assumption that 29.2% of the total housing requirement will be provided as affordable housing. However, not every site in Mid Devon will necessarily deliver affordable housing at 29.2%. Nevertheless, as the current adopted Local Plan 2013 – 2033 establishes a target of between 28-30%, these assumptions remain appropriate.

2.5. In order to inform tenure mix and dwelling size assumptions, the overall need figures presented in Table 1 can be translated into target percentages. They suggest that 60% of affordable homes should be provided in the form of social rented units.

- Social Rent (60%)
- Affordable Rent (19%)
- Affordable Home Ownership (excluding First Homes) (6%)

- First Homes (discounted by 30%) (15%)
- 2.6. However, the delivery of social rented homes can have viability and funding challenges, and might require significant public subsidy to support schemes coming forward. The current Local Plan was informed by a plan-wide viability assessment which assumed a tenure mix comprising 60% affordable rent / 40% intermediate tenures. This SPD does not seek to supersede existing development plan policy but does refer to the latest housing needs evidence to ensure that an appropriate mix of types and tenures of affordable housing are provided.

First Homes

Recent changes to Government policy require that planning applications going forward will need to support the delivery of First homes. First Homes are a specific kind of discounted market sale housing, where the discount remains in perpetuity via restrictions on the property title, and it falls within the definition of ‘affordable housing’ for planning purposes. Specifically, First Homes are discounted market sales units which:

- a) Must be discounted by a minimum of 30% against the market value;
 - b) Are sold to a person or persons meeting the First Homes eligibility criteria;
 - c) On their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
 - d) After the discount has been applied, the first sale price must be at a price no higher than £250,000.
- 2.7. The Government has made it clear that First Homes are the preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This national requirement will need to be factored into development proposals and planning applications. Of the remaining 75% of affordable housing secured through development contributions, the Written Ministerial Statement published on 24 May 2021 makes clear that local authorities should prioritise securing their policy requirements on social rent, once they have secured the 25% First Homes requirement.
- 2.8. The Mid Devon LHNA (Figure 53) shows a calculation based purely on ability to access the product that assumes a 70% First Homes discount results in only 4.4% of affordable homes being First Homes. This is significantly less than the Government’s requirement of 25%. The Mid Devon LHNA undertakes additional sensitivity testing in order to meet the Government’s First Homes target, although these will be matters which will be investigated further for the purpose of bring used to help inform the preparation of a new local plan for Mid Devon (“Plan Mid Devon”). In the interim, for the purpose of determining applications in relation to the adopted Local Plan Policy S3, adjustments are made to the tenure mix to achieve the Government’s First Homes policy target and to reflect the viability and policy considerations in relation to securing social rented homes through the planning process.
- 2.9. The Council will expect that development proposals for new homes will reflect the following mix of affordable housing tenures for the purpose of determining planning applications, where relevant, in relation to the adopted Local Plan Policy S3:
- Affordable Rent (including social rented housing) (60%)
 - Affordable Home Ownership (excluding First Homes) (15%)
 - First Homes (discounted by 30%) (25%)

The Council will explore with applicants on a case by case basis the potential for an element of social rented housing as part of the affordable rent proportion, including impact on viability of a scheme and opportunities for funding support.

Principle 1

In accordance with adopted Local Plan Policy S3, the Council will seek the provision of affordable housing in accordance with the following proportions:

- Affordable Rent*: 60%
- Affordable Home Ownership (excluding First Homes): 15%
- First Homes (Discounted by a minimum of 30%): 25%

*The Council will work with applicants to explore the potential for an element of social rent housing to be included within affordable housing proposals, subject to viability and local housing need

Dwelling Size Mix

2.10. The Mid Devon LHNA recommends mixes of dwelling size across housing tenures. Development proposals for new homes will be expected to reflect these mixes, which will be the Council's start point for the determination of planning proposals for new homes in relation to adopted Local Plan Policy S3. However, where more localised data is available (e.g. through an up to date parish housing needs survey) this can be taken into consideration, alongside other technical information in relation to viability and other relevant matters. As part of the pre-application and/or planning application process, the Council's Housing Enabling service will be able to provide data on local housing needs and dwelling sizes, at the parish level and provide advice on an appropriate tenure and dwelling size mix, as well as phasing and timing considerations.

Principle 2

A mix of dwelling sizes should be provided throughout new housing development in accordance with Policy S3 of the Local Plan 2013 – 2033, reflecting the target percentages of the Mid Devon Local Housing Needs Assessment 2022 and any local housing need survey or demand information from Devon Home Choice:

Social Rent

- 1 bedroom (10%)
- 2 bedroom (39%)
- 3 bedroom (40%)
- 4+ bedrooms (12%)

Affordable Rent

- 1 bedroom (1%)
- 2 bedroom (39%)
- 3 bedroom (50%)
- 4+ bedrooms (10%)

Affordable Home Ownership (e.g. Shared Ownership, First Homes)

1 bedroom (7%)
2 bedroom (35%)
3 bedroom (42%)
4+ bedrooms (16%)

Market housing

1 bedroom (5%)
2 bedroom (13%)
3 bedroom (54%)
4+ bedrooms (28%)

Principle 3

The Council's Housing Enabling Service will work positively with applicants to help achieve suitable and optimal mix of housing types, sizes and tenures in development proposals submitted for determination to meet identified affordable housing needs. The Council will have regard to:

- Relevant national and local planning policy
- Available technical evidence (strategic and local housing need, and viability evidence)

This will include exploring potential options for alternative mixes of house types and tenures, and for the phasing of delivery, including in relation to infrastructure requirements and with regard to the viability of the scheme being maintained.

Developers should engage with the Council's housing enabling team at the earliest possible opportunity to discuss affordable housing proposals.

First Homes Local Eligibility Criteria and Planning Obligation Requirements

Planning Practice Guidance makes clear that 'First Homes are designed to allow people to get on the housing ladder in their local area, and in particular to ensure that key workers providing essential services are able to buy homes in the areas where they work. Authorities can therefore prioritise key workers for First Homes, and are encouraged to do so.' The Local Housing Needs Assessment 2022 suggests that it may be appropriate to for some affordable properties to be set aside solely for essential local workers in need. Principle 4 defines what is meant by 'key worker' for the purpose of guidance in this SPD and which can support Policy S14 Countryside and Policy DM8 Rural workers' dwellings in the adopted Local Plan. This definition takes a broader approach than 'essential local workers' defined in national planning policy, to reflect the Office for National Statistics definition for 'key worker' and in recognition that other worker roles can have play an important, and potentially vital part in supporting local shops and services across the district for sustainable communities and a prosperous rural economy.

Principle 4

First Homes will be prioritised for key workers for 3 months from when a home is first marketed. If a suitable buyer has not reserved a home after 3 months, the eligibility criteria will revert to the national criteria, to widen the consumer base.

“Key Worker” means a person employed or with a confirmed job offer in one of the following categories of employment:

- Health and social care
- Education and childcare
- Key public services – e.g. Justice system
- Local and national government
- Food and other necessary goods
- Public safety and national security
- Transport
- Utilities, communication and financial services

A full list of key worker occupations is provided at Appendix 2

Such other categories of employment as may be published by the Council from time to time as the “First Homes Key Worker criteria” and is in operation at the time of the relevant disposal of the First Home.

2.11. To secure the delivery of First Homes, the Council will seek a legal agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale. The landowner will be required to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 that:

- a) Secures the delivery of the First Homes; and
- b) Ensures that a legal restriction is registered onto a First Home’s title on its First Sale.

2.12. Mortgagee Exclusion Clauses should also be present in all planning obligations in order to ensure that a regulated financial institution which has provided the finance necessary to support the purchase of a First Home is not bound by the requirement to sell the home under the First Homes criteria.

2.13. Finally, it will also be necessary to include provisions to allow a developer or First Home owner to sell a first home on the open market and remove the title restriction in the event that a suitable buyer for a First Home cannot be met. This will need to be subject to certain conditions being met. There should be a requirement, within the agreement, that the home is marketed for at least 6 months in total and that all reasonable steps have been taken to sell the property.

Standards of affordable housing

2.14. Policy DM1 ‘High Quality Design’ of the adopted Local Plan 2013 – 2033 establishes additional housing standards in respect of accessibility and space. Clause h) requires ‘*Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard and principal windows*’.

2.15. The policy ensures that adequate internal space is provided, particularly for smaller dwelling sizes (where historically, failure to comply with space standard requirements has been more commonplace). The Council expects full compliance with the Nationally Described Space Standard and no exceptions are made for affordable housing.

Number of bedrooms	Number of bed spaces (persons)	Minimum gross internal floor areas and storage (m2)			
		1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Table 8: Nationally Described Space Standards (2016)

Electric Vehicle Charging Point Provision

2.16. Policy DM5 of the adopted Local Plan 2013 – 2033 stipulates that within the towns of Tiverton, Cullompton and Crediton, infrastructure for electric vehicles should be built into the development in accordance with set standards, the variation of which must be justified on a case-by-case basis. It is important to ensure that EV charging provision is distributed equitably throughout the development and therefore the Council will expect some provision to be made within the affordable housing.

Principle 5

The requirements of Policy DM5 in respect of electric vehicle charging provision should be applied equitably across both the open market and affordable housing provision, to ensure that the latter is indistinguishable from the former.

Financial implications of affordable housing

Development Viability

2.17. Adopted Local Plan 2013 – 2033 Policy S3 provides targets for the provision of affordable housing as follows:

“Unless otherwise stated in a site allocation policy, on open market housing sites (i.e. excluding exception sites provided under Rural Exception Sites under policy DM6) of 11 dwellings or more in Tiverton, Cullompton and Crediton a target of 28% affordable dwellings will be applied to the total number of dwellings, and on sites elsewhere of 6 dwellings or more a target of 30% affordable dwellings will be applied to the total number of dwellings, depending on viability and providing a mix of dwelling sizes and types appropriate to the evolving needs of Mid Devon’s population. Sites of between 6 – 10 dwellings outside Tiverton, Cullompton and Crediton will be permitted to make a financial contribution sufficient to provide the affordable dwellings in another location”

2.18. The Local Housing Needs Assessment demonstrates a continued significant need for affordable homes in Mid Devon. The target percentages for affordable homes set out in Policy S3 will be the Council’s start point in the determination of planning applications for new homes and a key material consideration. However, a flexible approach may be taken on a case by case basis where there is evidence to prove the policy target would make a development unviable, and without a flexible approach a development would not be able to proceed. Developers will be required to robustly justify any level of provision below the required target.

2.19. Where a developer considers that development is rendered unviable by the provision of policy compliant affordable housing targets, they should contact the Local Planning Authority at an early stage, in order to present their evidence. An “open book” approach will be necessary, with viability evidence submitted a part of documentation for planning applications for the Council to evaluate. Without sufficient detail being presented, the Council will assume that viability is not an issue and pursue affordable housing requirements accordingly.

2.20. The Council may request that viability evidence is independently tested by a suitably qualified consultant. Where the need for independent testing arises, the Council will inform the applicant at the earliest possible opportunity. It is expected that the applicant will bear the full cost of any such assessments.

Off-site affordable housing contributions

2.21. The Council’s strong expectation is that affordable housing will be delivered on-site as completed dwellings. However, on sites of between 6-10 dwellings outside Tiverton, Cullompton, and Crediton, adopted Local Plan Policy S3 permits off-site financial contributions sufficient to provide the affordable dwellings in another location.

2.22. It is important to ensure that onsite and off-site planning obligations are genuinely equivalent. Otherwise a developer will be able to avoid meeting the full requirements of providing an appropriate form of affordable housing and increase their financial benefit from a development.

2.23. Offsite provision may be in the form of a commuted sum of the equivalent value or serviced plots on an alternative site within the vicinity of the application site, along with a commuted

sum for construction of the affordable housing. A financial contribution may also be required where the affordable housing provision required by policy generates a fraction.

- 2.24. Where off-site provision is proposed, it is important that applicants discuss the matter with the Council at the earliest possible opportunity and preferably demonstrate through the pre-application process the reasons for such an approach.
- 2.25. The Council will negotiate a phased payment programme with the developer to ensure the timely payment of contributions. The Council will also index the agreed financial contribution from the date of the agreement to the date of payment. This will be by an amount equal to the proportionate upward only change in the All in Tender Price Index of the Building Costs Information Service (BCIS) of the Royal Institute of Chartered Surveyors.

Principle 6

Where a financial contribution is proposed in lieu of affordable housing provision on-site, the Council will commission an independent viability assessment, the cost of which shall be met by the developer prior to the application being determined.

Financial contributions in lieu of on-site affordable homes will be subject to the same test of viability as on-site affordable housing. Off-site provision will be in the form of either:

- a) A commuted sum of the equivalent value; or
- b) Serviced plots on an alternative site within the vicinity of the application site, along with a commuted sum for construction of the affordable housing.

Financial contributions towards the off-site delivery of affordable housing will be subject to a negotiated phased payment schedule. Usually this will be 50% payment on commencement of the development and the remaining 50% payment when 50% of the open market units have been occupied.

Timing of affordable housing

- 2.26. Affordable housing should be provided broadly in-step with market housing as the development progresses and should be inter-mixed with it across the site. Any deviation to these requirements will need to be fully justified.
- 2.27. A legal agreement (Section 106 / Unilateral Undertaking) will control the progression of the development to ensure the affordable housing is delivered in phases in parallel with the development of market housing.

Rural Exception Sites

- 2.28. To encourage the delivery of affordable and low-cost housing in rural areas, the adopted Local Plan makes clear that exceptions can be made to the normal restrictions on housing development outside defined settlements. Policy DM6 establishes the appropriate policy tests that rural exception sites need to meet.
- 2.29. Government policy states that First Homes exception sites can come forward on unallocated land outside of a defined settlement. However, they cannot come forward in designated rural areas as defined in Annex 2 of the NPPF. In these areas, rural exception sites are the sole permissible type of exception site.

2.30. Under Section 157 of the Housing Act 1985, the entire district of Mid Devon (with the exception of the towns of Crediton, Cullompton and Tiverton) is a designated rural area. Therefore outside of the Main Towns, rural exception sites are the sole permissible type of exception site.

Layout and Design

2.31. By definition, it is likely that affordable housing provision will be occupied by households on low incomes. It is important that affordable housing provision does not exacerbate social tensions and increase social exclusion. Social and other affordable housing which is segregated from other housing provision, and has a distinguishing design approach, can lead to such problems. It is the role of planning to try to ensure that such problems do not occur.

2.32. It is therefore important that the design of new housing areas which include affordable housing take a “tenure blind” approach to location and design. Under such an approach it should not be possible to distinguish the tenure of a dwelling from its external appearance. Similarly, there should be a genuine intermixing of tenures within a scheme with affordable housing distributed across a site rather than concentrated in any one area, often referred to as “pepper potting”.

2.33. The Mid Devon Design Guide provides a readily accessible and easily usable tool to facilitate better quality design across the district. It provides detailed guidance on urban, village and rural design issues in Mid Devon.

[Mid Devon Design Guide Supplementary Planning Document](#)

Registered Providers

2.34. Affordable housing must be retained as such in perpetuity. The Council’s strong preference is for affordable housing to be provided and managed by a Registered Provider. The Council does not have a preferred list of Registered Providers, although will seek to work collaboratively to ensure that certain requirements are met. For example, letting should be through Devon Home Choice or in accordance with specific local lettings arrangement as agreed with the Council.

2.35. Early discussion with the Council’s Planning and Housing Enabling officers is strongly encouraged.

Net zero and the Climate Emergency

2.36. In May 2019, Devon County Council agreed to declare a climate emergency and to initiate a country-wide partnership to ensure Devon becomes carbon neutral by 2050. Mid Devon District Council formally signed up to the Devon Climate Declaration in June 2019, but will aim to become carbon neutral by a more ambitious date of 2030.

2.37. The CCC’s Report ‘UK Housing: Fit for the Future?’ stipulates that we cannot meet our climate objectives without a major improvement in UK housing and a near complete decarbonisation of the housing stock. At the local level, Mid Devon currently has the highest per capita emissions of anywhere in the Greater Exeter Housing Market Area and the highest proportion of households in fuel poverty at 13.6%, higher than the South West Region (11.4%) and England (11%).

2.38. The Council’s Non-statutory Interim Planning Policy Statement for the climate emergency makes clear that **‘Tacking climate change is a material consideration to the planning process, to which significant weight should be attached. Therefore the Council will view and interpret development plan policies for Mid Devon in light of the climate change emergency.’** The Council has prepared a [Net Zero Carbon Toolkit](#) and a [Net Zero Housing Assessment Tool](#) in

order to assist developers in designing proposals that will result in lower emissions, and inform decisions taken by Mid Devon District Council when determining planning applications.

Principle 7

In accordance with the Council's local validation requirements, applications for planning permission submitted to the Council for determination will be expected to have regard to the principles and objectives included in the Mid Devon Non-statutory Interim Planning Policy Statement: Climate Emergency – Planning Applications Checklist. This will be the Council's preferred format for a Carbon Reduction Statement in major applications, and for the submission of information on the estimated carbon emissions impact of development proposals.

Assessing Rural Need

2.39. There are a number of methods for assessing needs in a particular local area, including a local housing needs survey as well as analysis of data provided by Devon Home Choice.

Principle 8

The Council will consider the following forms of information when assessing the level and type of need for affordable housing in a local rural areas:

- A housing needs survey specific to the parish and no more than two years old;
- The Council Housing Register / Devon Home Choice
- The housing register of any registered provider.

3. Housing for older persons and people with disabilities.

- 3.1. The proportion of people over 60 is likely to increase significantly over the next 20 years. Mid Devon's ageing population will give rise to the need for proposals for elderly person's accommodation including sheltered accommodation, care homes and nursing homes. In general terms, care and support needs increase with age. However, more people are staying in their properties longer with support and care being provided by external agents in their homes.
- 3.2. In order to meet the diverse needs of older people, there will be a need to provide a range of types of specialist housing. This may include:
- Age restricted general market housing - generally for people aged over 55 and over and the active elderly.
 - Retirement living or sheltered housing – this usually consists of purpose built flats or bungalows with limited communal facilities.
 - Extra care housing or housing-with-care – this usually consists of purpose built flats or bungalows with a medium to high level of care available. There are often extensive communal areas such as space to socialise or a well-being centre.
 - Residential care homes and nursing homes – These have individual rooms within a residential building and provide a high level of care meeting all activities of daily life.

Accessible and adaptable homes

- 3.3. Clause j) of adopted Local Plan Policy DM1 stipulates that '*On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*
- 3.4. The Mid Devon LHNA identifies that the numbers of households with a limiting long-term illness or disability affecting housing (both existing and projected) that are likely to need to move comprises a significant proportion when compared to the total Local Housing Need for Mid Devon. Furthermore, the rates of limiting long-term illness or disability affecting housing needs are much higher in the affordable tenures and therefore there is evidence to support a higher proportion of affordable homes being built to at least M4 (2) standards where viability allows.

Principle 9

In line with clause i) of Policy DM1, on sites of 10 houses or more, the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings' is required.

The Council will work with applicants to explore the potential for a higher proportion of affordable homes being built to at least M4 (2) standards, subject to the scheme being viable.

Wheelchair accommodation

- 3.5. The Mid Devon LHNA supports at least 10.5% of all new affordable rented housing to be wheelchair adapted, as the Council will be able to allocate affordable rented households with wheelchair needs to appropriate homes. In market housing, the evidence supports at least 5.5% of all market housing being fully (and simply) adaptable to the needs of a wheelchair occupant. The adopted Local Plan 2013 – 2033 does not have a policy on wheelchair housing provision.

Principle 10

The Council will work with applicants to explore opportunities to ensure at least 10.5% of all new affordable rented housing and 5.5% of market is wheelchair adapted, in accordance with the findings of the Mid Devon LHNA.

Bungalow Provision

- 3.6. The number of new bungalows being built in the UK has collapsed, despite an ageing population and their popularity. The national property portal Rightmove has reported a significant increase in the number of enquires for bungalows, following the COVID-19 pandemic as buyers and renters are seeking more suitable properties to meet their needs.
- 3.7. Research undertaken by McCarthy Stone has found that demand for one-level living is on the rise and that 70% of over-65s would consider moving to more suitable properties, such as bungalows. Respondents to the research showed that their appeal lies in the ability to live on one level (57%); easier maintenance (43%) and being much better suited to older people (39%). Also, 36% of respondents said that they would be able to keep their independence while downsizing, therefore freeing up larger family homes. The importance of building more suitable housing for older people in Mid Devon has been brought to the fore by the coronavirus pandemic. There is therefore a need to consider how best to support Mid Devon's ageing population.

Principle 11

The Council will support the inclusion of age-restricted bungalow provision on development sites and encourages developers to consider the demand for this form of housing when designing development proposals.

Planning for dementia

- 3.8. The Alzheimer's Society estimates that there are currently around 900,000 people living with dementia in the UK. This is projected to reach 1.6 million people in 2040. The majority of people with dementia in the UK and Ireland live at home in the community. Only 39% of people with dementia aged over 65 live in care homes according to Alzheimer's Research UK. Of those who live in their own homes, 120,000 live alone and this is predicted to double to around 240,000 by 2039.
- 3.9. The Alzheimer's Society believes people with dementia who want to remain in their own homes should be supported to do so for as long as possible. People with dementia may go into residential care homes earlier than they want to because their own homes are not designed to enable them to live independently and can be expensive to adapt to meet their needs. This is despite 85% of people saying they would choose to live at home for as long as possible if diagnosed with dementia.

Home and dementia

- 3.10. Whilst the internal layout of buildings is usually beyond the scope of the role of planners, the key principles of good design include:

- **Safety** – avoid trip hazards; or changes in depth; provide contrasting handrails and good lighting
- **Visual cues** – clear signage, sightlines and routes around the building;

- **Clearly defined rooms** – activities that take place in each room can be easily understood;
- **Interior design** – avoid reflective surfaces and confusing patterns. Use age and culturally appropriate designs;
- **Noise** – reduce noise through location of activities and soundproofing. Provide quiet areas as people with dementia can be hyper-sensitive to noise or have hearing loss.
- **Natural light or stronger artificial light** – many people with dementia have visual and perception difficulties, sight loss impairments or problems interpreting what they see;
- **Outside space** – access to safe outside space, with good views from inside the building as daily exposure to daylight improves health and circadian rhythm.

Built and natural environment and dementia

3.11. The built and natural environment also has an important role to play in maintaining the wellbeing and independence of people living with dementia. This can be outlined in some simple design principles that can be applied to a large number of settings – urban or rural, new development or existing settlements. These principles are based on '[Designing dementia-friendly outdoor environments](#)' by Oxford Brookes University:

- **Familiar** – functions of places and buildings are obvious, any changes are small scale and incremental;
- **Legible** – a hierarchy of street types, which are short and fairly narrow. Clear signs at decision points;
- **Distinctive** – a variety of landmarks, with architectural features in a variety of styles and materials to distinguish them from one another. There is a variety of practical features, e.g. trees and street furniture; but these are not cluttered
- **Accessible** – land uses are mixed with shops and services within a 5-10 minute walk from housing. Entrances to places are obvious and easy to use and conform to disabled access regulations;
- **Comfortable** – open space is well defined, with toilets, seating, shelter and good lighting. Background and traffic noise should be minimised through planting and fencing. Street clutter is minimal to aid walking and focus attention;
- **Safe** – footpaths are wide, flat and non-slip, development is orientated to avoid creating dark shadows or bright glare, use of shared spaces is avoided.

Principle 12

Developers should demonstrate how they have included dementia friendly principles of design as part of the proposal.

Developers should engage with the Council at the earliest possible opportunity (at scoping/pre-application stage) to consider design opportunities for people living with dementia.

4. Community Led Housing

- 4.1. Community led housing is housing that has been built or brought back into use by local people where:
- Open and meaningful community participation and consents take place through the process;
 - The community group or organisation owns, manages or stewards the homes in whichever way they decide to.
 - The housing development is of true benefit for the local community, a specific group of people (an intentional community) or both. These benefits should also be legally protected in perpetuity.
- 4.2. There are a number of different types of community led housing. [Community Led Homes](#) defines the different concepts as follows:

Community Led Housing:

Cohousing

Cohousing is a design methodology used by intentional community to create spaces that promote connectivity and togetherness.

Housing Co-Operatives

A housing co-operative is a housing organisation that is controlled, managed and owned by its members.

Community Land Trusts (CLTs)

CLTs are legal entities set up by communities to provide and protect assets of community value like genuinely affordable housing.

Self-help housing

Self-help housing is where empty properties are refurbished and brought back, often creating opportunities for training and volunteering.

- 4.3. The Council's Housing Strategy 2021 – 2025 outlines a clear commitment to providing more affordable housing for local people. A key priority for the Council is to build more social rented housing and housing for purchase that is truly affordable. The Council is therefore committed to working with Community Land Trusts ('CLTs') and other organisations to deliver homes retained in perpetuity for local need.
- 4.4. Similarly, the delivery of more affordable housing is a key strategic priority set out within the Local Plan 2013 – 2033. Policy S1(g) includes a clear commitment to *'Delivering a wide choice of high quality homes through a diverse housing mix and meeting the housing needs of all sectors of the community including through the provision of accessible housing for elderly and disabled, those wishing to build their own home, affordable housing and gypsy and traveller pitches.'* The Local Plan sets out a number of policies to support affordable housing delivery including Policy DM6 'Rural Exception Sites'. This policy creates an exception to the normal restrictions on housing development outside defined settlements in order to encourage the delivery of affordable and low-cost housing in rural areas.

- 4.5. The Council recognises the benefits of community led housing in providing genuinely affordable housing in perpetuity, diversifying the local housebuilding market, enhancing local community cohesion and delivering high quality, beautiful homes and neighbourhoods.
- 4.6. Community-led housing is capable of delivering various types and tenures of housing. The size and tenure mix will need to be determined by what the community identifies as its need. Community Groups may choose to develop the homes themselves, taking responsibility for all aspects: putting together a business plan, raising the finance, carrying out viability assessments, submitting the planning application and, managing the build contract. Others choose to work in partnership with an existing Registered Provider (RP) who takes responsibility for the pre-development and build, but takes its lead from and involves the CLH group throughout the process. In the case of CLTs they will own the freehold and lease the land to an RP on a long lease (60-125 years). Others may work in partnership with a private developer on a market site. At completion the CLH organisation will buy the homes and take them into their control.

Principle 13

Considerable positive weight will be given to proposals where it is clear that the proposal is genuinely community-led and genuinely has community support.

The Council will work proactively and positively to support local communities where there is an aspiration to bring forward a scheme that will provide affordable homes to meet an identified housing need.

Support for community-led housing groups

- 4.7. The Council has a strong track record of supporting community-led housing initiatives across Mid Devon and are keen to identify and provide support to a range of additional community-led housing initiatives where there is a need for affordable housing.
- 4.8. The Council can provide support through commissioning a local housing needs survey (see section above) and also through its Community Housing Fund:

Housing Need Surveys to support community housing schemes

- 4.9. Mid Devon District Council is a partner of the Devon Rural Housing Partnership. The aim of the partnership is to support rural communities in developing sufficient affordable housing to meet the needs and aspirations of local people and to support the sustainability of those communities.
- 4.10. As part of our partnership agreement, the Council is able to commission up to three Housing Need Surveys each year. As there is limited capacity for surveys, the Council will prioritise those parishes who are interested in progressing community-led housing projects and would therefore benefit from an updated survey. The Council will prioritise those parishes who meet the following criteria:
- There is strong interest in community-led housing in your parish;
 - There is no up-to-date (last five years) housing needs survey and/or local circumstances have changed significantly since the last survey was completed; and

- Community-led housing development in your parish would be in conformity with the development strategy set out within the adopted Local Plan 2013 – 2033.

Community Housing Fund

4.11. The Council has a limited fund available towards supporting community housing. This is following the award of £131,359.00 from Government in order to help bring social and economic benefits to local communities through the provision of housing developed by members of the local community with support. The Fund is available to develop new housing and/or purchase, refurbish and bring back into effective use, empty properties. Any funding provided is used to benefit the local area and/or specific community in a clearly defined and legally protected way in perpetuity. Communities will be expected to work with Registered Providers as development partners. However, there may also be situations where the community works with another development partner to deliver a community-led scheme.

4.12. The Council currently has three grants available:

- **Community Development / Set-Up Grant (Stage 1)** – Up to £3,000 per community to develop a group to the stage where it is constituted and to undertake initial community consultation.
- **Feasibility Grant (Stage 2)** – from £5,000 to up to £15,000 per scheme to support a feasibility appraisal and to develop a project plan.
- **Development Grant (Stage 3)** – Grants up to £15,000 available either to top up public subsidy or provide gap funding for capital costs to contribute towards project management and construction costs.

4.13. If you would like to discuss the Community Housing Fund in more detail or wish to understand the application process, please contact housingenabling@middevon.gov.uk

Section 106 Affordable Housing Funding for Community Housing Schemes

4.14. Mid Devon District Council currently collects financial contributions from new development through legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended), sometimes referred to as planning obligations. The Council is expected to use all of the funding it receives through planning obligations in accordance with the terms of the individual planning obligation agreement with the emphasis being to mitigate the impact of development in order to make it acceptable in planning terms. Equally, if monies are not spent in accordance with the terms of the S106 agreement, developers can request that their contribution is returned to them. The Council, from time to time, has limited funding available for affordable housing schemes in Mid Devon. Where this is the case, the Council is keen to work collaboratively with local communities to support schemes coming forward.

Involving community housing groups in the provision of affordable housing on allocated sites

4.15. The Council welcomes the inclusion of CLTs in the provision of affordable housing on allocated housing sites. Whilst this would not deliver any additionally in terms of the quantum of affordable housing delivered, it would:

1. Encourage communities to support new developments in exchange for securing a genuine stake in them, and;

2. Ensure that affordable rented homes are protected from the various current forms of right to buy.

4.16. Most housing is provided by private developers on sites that are allocated in the adopted Local Plan (or through a Neighbourhood Plan), or through development on windfall sites. Under Local Plan policies, most of these developments will be required to provide a percentage of affordable housing, either for rent or for sale. If CLTs were to become involved in the provision of affordable homes on these sites, it would make no difference to the number of affordable homes being provided, but it could make a difference to the level of local support for these projects and to their long term benefit to the community. This is because freehold ownership of affordable rented homes by a CLT confers exemptions from the various rights of tenants to buy their homes. Whereas affordable rented homes provided on developer-led sites under S106 agreements would normally be transferred freehold to RPs and then subject to the Right to Shared Ownership, the Voluntary Right to Buy and the Right to Acquire. The intervention of a CLT as freeholds confers exemptions from all these rights.

The Right to Acquire – this has long been a right for RP tenants but doesn't apply in Designated Rural Areas or *where the freehold interest is owned by a non-public sector body, such as a CLT*. See item 2.4.1

<https://www.gov.uk/guidance/capital-funding-guide/10-right-to-acquire>

The Voluntary Right to Buy – this was introduced by the Cameron government as a variation from the Right to Acquire for HA tenants. It's not enshrined in primary legislation like the Statutory Right to Buy for LA tenants (hence 'voluntary') and RPs can use their discretion to *exempt homes where the CLT owns the freehold*. For a belt and braces approach, Middlemarch includes a clause in leases between CLTs and RPs which specifically *prevents RPs from using their discretion without a CLT's consent*. See 'exemptions' on pages 31 and 32:

<https://researchbriefings.files.parliament.uk/documents/CBP-7224/CBP-7224.pdf>

The new Right to Shared Ownership – this was introduced in 2020 by the present government and gives RP tenants the right to convert their tenancy to a shared ownership lease, starting with as little as a 10% stake and buying further increments if they wish. However, there are exemptions for properties in Designated Protected Areas or on a Rural Exception Site or *where the freehold is held by a CLT*. See here – item 2.3, bullet points 2 and 6:

<https://www.gov.uk/government/publications/right-to-shared-ownership-initial-guidance-for-registered-providers/right-to-shared-ownership-initial-guidance-for-registered-providers>.

4.17. The involvement of a CLT's can have associated additional costs for affordable housing schemes than affordable homes simply being sold to an RP. Under the partnership model (CLTs working in partnership with an RP), the RP's offer will be affected by the legal costs it incurs in taking a lease from the CLT, in the payment of a ground rent to the CLT and in underwriting the cost of the CLT's technical adviser. Sometimes these costs can be met from the Council's Community Housing Fund, but would be subject to the availability of that potential source of financial support. They may also be offset where the Council seeks to agree to an alternative tenure mix, depending on whether the CLT is involved or not. In practice, this may mean a higher proportion of intermediate homes which would generate a higher value, thus providing CLTs with a competitive advance in making an offer for the affordable homes, whether in partnership with an RP or not. This approach can be set out within a s106 agreement. A template approach is provided below:

Draft Clauses for a S106 to incentivise the involvement of a CLT

“Affordable Housing Dwellings” means:

those Dwellings forming part of the Affordable Housing Provision to be provided as Affordable Housing in accordance with the Registered Provider Tenure Split or the Approved Community Body Tenure Split

“Approved Community Body Tenure Split” means:

x% of the Affordable Housing Provision to be Affordable Rented Housing:
(100-x)% of the Affordable Housing Provision to be Intermediate Housing
or such other alternative tenure split which the District Council may approve

“Registered Provider Tenure Split” means:

(x-y)% of the Affordable Housing Provision to be Affordable Rented Housing:
(100-x-y)% of the Affordable Housing Provision to be Intermediate Housing

1.1 Mechanics of Offer

1.1.1 The Owners shall not offer the Affordable Housing Dwellings in a Reserved Matters Area to an Affordable Housing Provider until notice of the availability of Affordable Housing Dwellings in a Reserved Matters Area has been served on an Approved Community Body fifty six (56) Working Days prior to making of any offer

1.1.2 The Owners shall offer the Affordable Housing Dwellings in a Reserved Matters Area to:

1.1.2.1 an Affordable Housing Provider in accordance with the Affordable Housing Provider Tenure Split, and

1.1.2.2 an Approved Community Body in accordance with the Approved Community Body Tenure Split

Source: Team Devon Research on 'encouraging, enabling and supporting Community Land Trusts, prepared by Middlemarch CIC.

Principle 14

The Council will encourage developers to explore opportunities to work with local community housing groups, in partnership with Registered Providers to assist with the delivery of affordable housing on allocated sites.

The Council will provide a supportive role, including through its Community Housing Fund depending on the nature of support needed and subject to funds being available, and consideration of alternative tenure mixes to incentivise the involvement of a CLT.

Neighbourhood planning and community-led housing

- 4.18. It is recognised that one of the most significant challenges facing community led housing groups is the availability of land. Neighbourhood planning is a powerful tool that empowers local communities to shape how development comes forward in their areas. Planning Practice Guidance is clear that *'Neighbourhood Plans can support the provision of affordable homes for sale that meet the needs of local people by including relevant policies and site allocations. Depending on the content of relevant strategic policies in the local plan or spatial development strategy, neighbourhood plans may be able to vary the types of affordable housing that will be expected to allocate additional sites that will provide affordable housing, where this will better meet the needs of the neighbourhood area.'*
- 4.19. The [Planner's Guide to Community Led Housing](#) provides guidance on how local communities can facilitate community-led housing opportunities through the neighbourhood plan process.

Principle 15

The Council will support neighbourhood plan groups to facilitate community-led housing provision within neighbourhood plans. This may include site allocations, as well as policy to support community led housing as a delivery mechanism for affordable homes.

5. Homes for Gypsies and Travellers

Another form of housing for part of our community

- 5.1 Everyone has a right to a decent home, and not everyone's housing needs are the same. The provision of pitches for Gypsies and Travellers is just another form of housing that is needed by a specific part of the community, alongside homes that are built and sold on the open market, or homes that are built for rent or which are 'affordable', or where plots are laid out, serviced and made available for people wishing to commission or build their own homes. The National Planning Policy Framework requires Councils to assess the needs of different groups in the community and reflect these in planning policies. This forms part of holistic and inclusive approach towards achieving communities that are balanced and which are mixed.

Who are Gypsies and Travellers – definition for planning purposes

- 5.2 The national "Planning Policy for traveller sites" (DCLG, 2015) includes a definition for "gypsies and travellers". The Council will have regard to this, or any subsequent national policy superseding that document, in relation to planning for and determining planning applications in relation to development proposals for Gypsy and Traveller accommodation.

[Planning Policy for Traveller Sites](#)

For the purpose of that planning policy "gypsies and travellers" means:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 5.3 However, this definition has been subject to legal challenge resulting in the Court of Appeal (*Lisa Smith v The Secretary of State for Housing, Communities and Local Government and others* [2021] EWHC 1650 (Admin)) decision which has found the 2015 planning definition of gypsies and travellers discriminatory against the elderly and disabled, since it requires them to demonstrate that they are able to continue to travel to look for work.
- 5.4 The Council will have regard to the Court of Appeal decision in respect of the planning proposals for gypsy and traveller sites and pitches that are submitted for determination, and in the assessment of need for additional gypsy and traveller sites and pitches.
- 5.5 Gypsies and Travellers are not a homogenous group, but is diverse, including Romany (English) Gypsies, Scottish Travellers, Welsh Travellers, Irish Travellers and New Travellers.
- 5.6 The national "Planning Policy for traveller sites" (DCLG, 2015) set out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework.

Confirmation of Gypsy and Traveller status

- 5.7 Where planning applications for new Gypsy and Traveller sites and pitches are submitted to the Council for determination, the Council may take advice from Devon County Council Services to Communities Team where an applicant has identified as having gypsy or traveller status. Devon County Council undertakes an assessment of status, which can include an investigation of travelling history (patterns, purpose and duration), the intention to travel again and purpose (if settled temporarily, and also noting the Court of Appeal decision), and where this is in relation to

a site can include the proposed use of the site and who this is needed for (family or extended family).

What is meant by a Gypsy and Traveller Pitch?

5.8 The national “Planning Policy for traveller sites” (DCLG, 2015) refers to “pitch” as meaning a pitch on a Gypsy and Traveller site. The 2015 Mid Devon Gypsy and Traveller Accommodation Needs Assessment (GTAA) defines a “pitch” as an “Area on a site developed for a family unit to live. On socially rented sites, the area let to a tenant for stationing caravans and other vehicles”. The GTAA has assumed that “a pitch is occupied by a single household or family unit although it acknowledges that this may also include...extended family members or hidden households”. A pitch may typically include a static residential unit, a touring van and space for a vehicle, an amenity block, and potentially space for on-site storage or operation of a business.

Occupancy restrictions

5.9 Where planning permission is granted for a Gypsy and Traveller site or pitch the occupancy may be restricted to Gypsies and Travellers meeting the definition of a Gypsy or Traveller. The restriction may also be for occupation by a specific family (named persons and their dependent family) where due to the circumstances there is a need to do so. This could include where the family is already residing on the site and there being no alternative site upon which the applicant and their family could be accommodated at that time or within a reasonable timescale. Occupancy restrictions will be necessary so that the development will meet the housing needs of Gypsies and Travellers as intended, and where permission may have been granted in a location (e.g. open countryside) where permission for residential development would have been refused had it not been for the special needs for Gypsy or Traveller accommodation.

5.10 Where permission is granted for pitches for transit purposes a restriction may be placed to limit the period (e.g. 6 months in any calendar year) in which a Gypsy or Traveller shall reside on the site.

Meeting identified needs for pitches

5.11 The Council’s monitoring records at December 2022 indicate the existing provision of private owned sites and pitches in Mid Devon includes:

- 23 consented and 1 unauthorised (tolerated) sites for Gypsies and Travellers. These include about 90 permanent residential static caravans or pitches, and 8 transit pitches.
- 4 Traveller households in bricks and mortar accommodation

There are no Local Authority sites (permanent residential, transit or emergency stopping places) for Gypsies, Travellers and Travelling Showpeople in Mid Devon.

5.12 The 2015 Mid Devon Gypsy and Traveller Accommodation Needs Assessment (GTAA) recommends that 35 new permanent residential pitches for Gypsies and Travellers, and 11 plots for Travelling Showpeople are provided in Mid Devon in the period 2014 – 2034. 15 new pitches are needed in the period 2014 – 2019 and 6 pitches are needed in the period 2019 – 2024 i.e. a total of 21 pitches (2014 – 2019). Monitoring records show that in the period 2014 – 2022, 12 pitches have been completed and planning permission exists for a further 15 pitches on deliverable sites (capable of being implemented in the next 5 years). Planning permission (outline and a reserved matters application) and provision through site allocations in the adopted Mid Devon Local Plan give potential for a further 26 pitches on other sites, which are considered developable (i.e. not within the next 5 years).

5.13A new GTAA is currently being prepared and is expected to be completed in the early spring 2023. The findings of this study will be reflected in this Supplementary Planning Document where feasible.

5.14 The Council maintains a waiting list for Gypsies and Travellers to register a need for a pitch in Mid Devon. This can be completed on-line. The register will be used by the Council to better understand the level of current need for pitches in Mid Devon and can also be used to help inform the allocation of pitches where these may become available through a Registered Provider.

[Register your need for a pitch - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/register-your-need-for-a-pitch)

Unauthorised encampments

5.15 In the two year period 2021 – 2022 there were four instances of unauthorised encampments reported to the Council. The occurrence of unauthorised encampments in Mid Devon appears to be related to travelling households and groups in transit or moving through the area, and is not believed to be related to a need for permanent residential sites and pitches in the district. This may be related to the location of the district in the south west in which there is likely to be seasonal work / opportunities for casual labour, and the district being accessible from the M5 motorway via junctions 27 and 28, and the A361 North Devon Link Road.

5.16 The Council has an established procedure in such cases where Council owned land or privately owned land is affected:

Annex A [Annex A - Procedure for Managing and Enforcing Unauthorised Encampments \(middevon.gov.uk\)](#)

Annex B Flowchart [Item.pdf \(middevon.gov.uk\)](#)

Annex C [Annex C - Unauthorised Encampments Five Stage Procedure \(middevon.gov.uk\)](#)

Annex D [Annex D - NPCC Operational Advice on Unauthorised Encampments \(middevon.gov.uk\)](#)

Adopted Local Plan

5.17 The adopted Mid Devon Local Plan includes provision for 35 new pitches to provide homes for Gypsies and Travellers (which is the need identified in the 2015 GTAA), including 25 pitches on planned urban extensions at the district's three towns - Tiverton, Cullompton and Crediton. The plan also includes flexibility for new pitches on suitable sites elsewhere in the district. A summary is as follows :

Policy TIV1 Tiverton Eastern Urban Extension – at least 5 pitches

Policy CU1 North West Cullompton – at least 5 pitches

Policy CU7 East Cullompton (part of proposed Culm Garden Village) – at least 10 pitches

Policy CRE5 Pedlerspool, Exhibition Road, Crediton – at least 5 pitches

Policy S14 – flexibility to allow Gypsy and Traveller accommodation in the countryside

5.18 Other relevant local plan policies include:

Policy S3 Meeting housing needs, clause e)

“A five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met. A further supply of

developable sites or broad locations for growth will be identified equivalent to a further ten years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding.”

Policy DM7 Traveller sites, which includes site location and occupation criteria. The policy requires provision for suitable on-site facilities and environmental quality for residents, no unacceptable landscape or ecological impact, no risk of flooding, safe and convenient access to local facilities, and that occupation restricted to travellers. Policy DM7 places a priority for pitches on allocated sites unless it is demonstrated that off-site provision will achieve an acceptable outcome for Gypsies and Travellers taking into account:

- i) Pitch numbers
- ii) Site facilities;
- iii) Accessibility to services, including health and education;
- iv) Early delivery of serviced pitches or plots which are available for occupation; and
- v) The provision of an effective mechanism for delivery.

Policy S14 Countryside clause a) which includes gypsy and traveller accommodation

Application of local plan policies, and components of S106 planning agreements

- 5.19 The Mid Devon Local Plan takes a proactive approach to help bring forward sites and pitches for Gypsies and Travellers through the planning process. This is by means of requiring provision as part of mixed use planned urban extensions at the three main towns in the district (which are the most sustainable locations for meeting the housing needs of the travelling community, being close to local shops, jobs, education, healthcare and other services. However, Local Plan Policies DM7 and S13 provide some flexibility for provision to be made in suitable off-site locations, including in the countryside.
- 5.20 The approach taken for the inclusion of Gypsy and Traveller sites as part of mixed use developments has been supported through Local Government Association funded research commissioned by the Council and undertaken by De Montfort University.

[LGA funded research on Gypsy and Traveller sites completed for the Council - MIDDEVON.GOV.UK](https://www.middevon.gov.uk)

De Montfort University completed a 9 month investigation of the challenges facing Local Authorities in seeking to include Gypsy and Traveller sites in planned urban extensions. The 20 page report “Negotiating the delivery of Gypsy & Traveller sites through local planning” has found no substantive evidence to support the assertions made by some developers that the inclusion of pitches in housing schemes can impact on the viability of the development. This follows efforts to engage with mortgage lenders in the UK. The report has been informed by a survey of Local Authorities and an investigation of how residential property prices may be affected by the proximity of other land uses. The report concludes that ‘certainty increases viability’ and points to how the well-scoped plans can decrease the risk and uncertainty felt by developers and lenders.

On-site provision

Where provision of sites and pitches are required as part of a planned urban extension and provision is made on-site it will be expected that planning applications (outline, reserved matters, full details or in hybrid form) will identify where those sites and pitches are located in the proposed development. This might be supported through a land use illustrative masterplan. The identification of where sites and pitches will be located and their juxtaposition with other land uses will help to provide greater certainty about what development is proposed and its potential

impacts (assisting the Council and community understanding). This can help de-risk public engagement and the decision making process, and improve the viability of a scheme.

Planning applications may need to be supported by a **S106 planning agreement** between the applicant and the Council as local planning authority, which can include detailed provisions so as to make sure the S106 planning agreement secures the delivery of serviced pitches that are ready for occupation (i.e. not just a site with planning permission). This Supplementary Planning Document does not prescribe a model Section 106 planning agreement for proposals for the development of Gypsy or Travellers sites. However, a recent Section 106 planning agreement in relation to delivering on-site Gypsy and Traveller pitches in proposed development¹ at **Policy CRE5** Pedlerspool, Exhibition Road, Crediton has included the following provisions:

- Making clear the sites and pitches are for the sole purpose of occupation and ancillary business by Gypsies and Travellers
- **Travellers Pitches Scheme** – location, plan and layout of the phasing of delivery of sites and pitches to be submitted and approved by ‘X %’ occupation of dwellings. For example, this can specify matters such as site area and where this is situated in a proposed development, the number of serviced pitches to be provided and built, and what each serviced pitch comprises (e.g. an amenity building, a hardstanding sufficient to accommodate a large trailer, a touring caravan and parking spaces for two vehicles (2.4m x 4.8m) with the balance seeded to grass, boundary treatment, works to provide services for each serviced pitch to suitable connection points).
- **Travellers pitch works** – a requirement specifying when a Travellers Pitches Scheme will be completed e.g. prior to the occupation of ‘Y %’ dwellings in the development
- If provision is to be made off-site, justification for this must be provided in relation to Local Plan Policy DM7, and to include where the provision is to be made off-site
- **Travellers pitch management scheme** – required, with details of the basis for letting / licensing pitches / freehold or long leasehold purchasers
- Provision for the transfer of land (if applicable) to the Council or an affordable housing provider for £1

Applicants are encouraged to engage with the Council at an early stage to discuss their planning proposal and requirements. This can help the Council provide relevant advice needed, and could include, for example, introduction to a potential suitable Registered Provider in relation to making sites and pitches available for occupation by members of the Travelling community and for their ongoing maintenance. It might also include the involvement of a suitable Registered Provider in helping with the design and layout of a site and pitches, where that Registered Provider may be able to bring their experience about this form of housing, and arrangements for the transfer of land.

Off-site provision

5.21 The Mid Devon Local Plan Policy DM7 is supported by Local Plan paragraphs 4.28 and 4.29 which help to identify a way to ensure that where provision of sites and pitches is made off-site these will be delivered in such a way to achieve an acceptable outcome for the travelling community. Paragraph 4.29 makes clear this will usually be through a **S106 planning agreement** which, as part of or addition to detailed provisions identified above (e.g. Travellers Pitch Scheme, Travellers pitch works and Travellers pitch management scheme) will:

- require the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches
- ensure the pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider

¹ Outline planning application reference 17/00348/MOUT

- ensure the pitches are for the sole purpose of occupation and ancillary business by Gypsies and Travellers
- ensure the off-site provision of pitches must be provided and made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal (at TIV1, CU1, CU7 or CRE5)
- make sure that where off-site provision of pitches generates additional infrastructure needs, developers of the larger housing proposal at TIV1, CU1, CU7 or CRE5 will be expected to contribute fairly towards the cost in accordance with Policies S8 and DM7 of the adopted Local Plan.

Part of affordable housing provision

5.22 Local Plan paragraph 4.29 makes clear that where gypsy and traveller pitches are provided on- or off-site on housing allocations, these are to be counted against the affordable housing targets for that site. This will apply to:

Policy TIV1 Tiverton Eastern Urban Extension – at least 5 pitches

Policy CU1 North West Cullompton – at least 5 pitches

Policy CU7 East Cullompton (part of proposed Culm Garden Village) – at least 10 pitches

Policy CRE5 Pedlerspool, Exhibition Road, Crediton – at least 5 pitches

Community Land Trust provision

5.23 Forming a community land trust may provide an opportunity for Gypsies and Travellers to group together to purchase land and live together. It is understood that the CLT model is being considered by Bristol City Council and Mendip Council. While there are currently no such examples in Mid Devon the Council will provide appropriate support where there is interest from the Gypsy and Traveller community in bring forward a proposal in the district.

Design of sites and pitches

5.24 Local Plan Policy DM7 includes criteria that point towards making sure Gypsy and Traveller sites are well designed, including the layout of pitches, suitable on-site facilities and amenity buildings, space for children’s play, suitable environmental quality for residents, non-isolating boundary treatments, and where there is specific justification there is associated employment or storage elements. Other design considerations could parking, visitor’s space for friends and relatives, connection to services and utilities, and waste disposal.

5.25 This Supplementary Planning Document does not include detailed guidance for the design of sites and pitches. Each development proposal may present its own opportunities and challenges in terms of site characteristics and constraints to development and there is a need to avoid being over prescriptive and inflexible in the design of proposals submitted for determination. However, useful start points for helping shape development proposals might include:

- Government guidance on site design (note this was withdrawn in 2015)

<http://www.gov.uk/government/publications/designing-gypsy-and-traveller-sites-good-practice-guide>

- Welsh Government guidance on designing and managing sites (May 2015)

[Managing Gypsy and Traveller Sites Easy Read \(gov.wales\)](http://www.gov.wales/managing-gypsy-and-traveller-sites-easy-read)

Principle 16

The Council will make sure that necessary and satisfactory measures are put in place through the planning process to secure sites and pitches to meet the housing needs of the gypsy and traveller community.

6 Homes for Travelling Show People

Who are Travelling Show People – definition for planning purposes

- 6.1 The national “Planning Policy for traveller sites” (DCLG, 2015) includes a definition for “travelling showpeople” as meaning:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above [in the Planning Policy for traveller sites]”.

Travelling show people accommodation

- 6.2 The national “Planning Policy for traveller sites” (DCLG, 2015) uses the term “plot”, which means a pitch on a travelling showpeople site (often called a “yard”). Travelling show people yards may include mixed uses such as space to allow for the storage of commercial vehicles and equipment.

Meeting identified needs for plots and yards

- 6.3 The Council’s monitoring records at December 2022 indicate the existing provision of private owned sites and pitches in Mid Devon includes 5 sites for Travelling Showpeople.

- 6.4 The 2015 Mid Devon Gypsy and Traveller Accommodation Needs Assessment (GTAA) recommends that 11 plots for Travelling Showpeople are provided in Mid Devon in the period 2014 – 2034. The Council’s monitoring records show that permissions has been granted for 1 new plot in Mid Devon for Travelling showpeople in the period to 2014 – 2022.

Occupancy restrictions

- 6.5 Where planning permission is granted for a travelling showpeople site or plot the Council may include a restriction requiring that the site or plot shall not be occupied by persons other than Travelling Showpeople as defined in the national “Planning Policy for traveller sites” (DCLG, 2015) or any subsequent national policy superseding that document. This may also include restriction of occupancy to a specific family (named persons and their dependent family) where due to the circumstances there is a need to do so.

Adopted Local Plan

- 6.6 The adopted Mid Devon Local Plan does not identify any suitable site/s for Travelling show people accommodation. However. The Policy DM7 Traveller Sites includes criteria that are applicable for the determining of planning applications for Travelling showpeople plots.

Principle 17

The Council will make sure that necessary and satisfactory measures are put in place through the planning process to secure sites and pitches to meet the housing needs of the travelling showpeople community.

7. Custom and Self-Build

- 7.1. Mid Devon District Council wants to enable more people to build their own home. Currently, only 8% of new homes are built this way in the UK, but this form of Custom and Self-Build housing is growing in popularity.
- 7.2. The Council recognises the benefits of Custom and Self-Build in meeting the housing needs of Mid Devon residents. It provides opportunities to reduce costs by sourcing your own materials and being involved in the construction and fitting yourself and create high quality, well-designed buildings bespoke to your needs. Custom and Self-Build Housing is also more likely to draw upon local tradespeople and suppliers, supporting the local economy.

What is Self-Build and Custom Housebuilding?



- 7.3. A legal definition of Custom and Self-Build housing for the purposes of applying the Council's policies, is contained within the Self-Build and Custom Housebuilding Act 2015 (amended by the Housing and Planning Act 2016):

“Self-build and custom housebuilding” means the building or completion by

- a) Individuals, b) associations of individuals, or c) persons working with or for individuals or associations of individuals, of housing to be occupied as homes by those individuals.

But it does not include the building of a house on a plot acquired from a person who builds

- 7.4. Speculative market housing delivered by a developer, off-plan sales, or circumstances where developers give clients limited fit-out choices does not comply with the legislation and accompanying Government guidance.

Types of Custom and Self-Build

7.5. Serviced Plots can be delivered in a number of ways. The key routes are set out below:

Multiple individual serviced plots

- Plots will generally be located within larger sites which are generally allocated in the Local Plan Review 2013 - 2033.

Single plots or small sites delivering market plots

- These are likely to be windfall sites and not allocated in the Local Plan.

Single plots or small sites delivering affordable plots

- These include delivering affordable plots, including on rural exception sites in accordance with Policy DM6 of the Local Plan Review.
- These sites may also come forward as windfall sites delivered primarily by organisations such as Housing Associations and Community Land Trusts

Sites delivered by Town or Parish Councils

- Sites delivered by Town or Parish Council's via their Neighbourhood Plans or Neighbourhood Development Orders.

7.6. Other forms of 'self-finish' Custom Build where the dwelling is not built or commissioned by the occupant may not be considered by the Council to be true self build and are not recognised as such by the CIL regulations.

Demand for Custom and Self-Build Plots

7.7. Sites allocated in the Mid Devon Local Plan Review 2013 – 2033 are expected to deliver more than 200 serviced custom and self-build plots over the plan period.

7.8. The Council also holds a register of people interested in Custom and Self-Building in Mid Devon. This information is available upon request and will give a broad indication of demand.

[Mid Devon Self Build Register](#)

7.9. The Council also has a longer term [Custom and Self-Build Demand Assessment Framework](#)

Policy Context

7.10. The National Planning Policy Framework (NPPF) paragraph 62 includes the following specific reference to Self-Build and Custom housing:

“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”

7.11. The Mid Devon Local Plan Review 2013 – 2033 includes policy S3 (Meeting Housing Needs) which sets out the Council’s approach to ensuring sufficient delivery of land for people wishing to build their own homes, as follows:

“c) To support self-build and custom dwellings meeting the needs of local communities, such dwellings will be permitted as affordable housing in locations outside settlement limits in accordance with Policy DM6

e) To support self-build and custom housing on sites of 20 dwellings or more developers will supply at least 5% of serviced dwelling plots for sale to self-builders for a period of 12 months per plot and any plots subsequently developed for self-build must be completed within 3 years of purchase by a self-builder.”

7.12. Policy DM6 (Rural Exceptions Sites) stipulates that:

“The development of a site for predominately affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:

- There is up-to-date evidence of housing need secured through a housing need survey or, in the case of a self-build proposal, evidence of eligibility for shared ownership through ‘Help to Buy’ or an equivalent scheme;
- Each house will be occupied by at least one person with a strong local connection to the parish;
- The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;
- The type and scale of affordable or low cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

The inclusion of a proportion of market housing within exception sites will be permitted where the proportion of market housing will be less than the provision of affordable or low-cost housing and the market housing will be at the lowest level necessary to ensure that the development is deliverable.”

Delivery on larger sites

What is the 5% policy requirement?

7.13. As set out in Policy S3, large sites of more than 20 dwellings should provide at least 5% of dwelling plots for sale to self-builders. Generally, these plots will be sold with outline planning permission, services to the boundary and access to the highway, as set out below.

7.14. Where the total number of plots to be provided includes part of a whole number then the number of Self Build and Custom Build plots shall be rounded up where the part of the whole number is 0.5 or more and shall be rounded down where the part of the whole number is less than 0.5.

Planning Applications

7.15. The Council will expect sites delivering self-build and custom build plots, including those required via Policy S3, to seek a planning permission for the self-build element of the scheme.

7.16. The suitability of different planning application routes will vary depending on the circumstances of the proposal. A description of the different application routes and their suitability for self-build and custom housebuilding is provided below:

Type of Development	Application route				Commentary
	Permission in Principle / Technical Details Consent	Full	Outline / Reserved Matters	Hybrid Applications	
Single Self Build Dwelling (including affordable housing)	✓	✓	✓	✗	Outline, Full or PP/TDC all acceptable routes. In some cases, the permission in principle route may be preferable as the scope of the permission is limited to location, land use and amount of development. All other matters will be considered at the Technical Details Consent stage.
Any larger residential site involving multiple self-build plots (including windfalls to those coming forward through the 5% policy)	✗	✗	✓	✓	The Hybrid application route would include outline permission granted for the whole site (with appropriate conditions for site wide landscaping, boundary treatments, contaminated land survey, habitat survey, etc.) Each plot to be identified as a separate phase. Full permission granted for access works including any necessary drainage and services. Separate Reserved Matters application for each plot.

7.17. The Council may also encourage the use of a Local Development Order to streamline the consent process for self-build and custom housebuilding on larger sites and is open to considering how these could be prepared by applicants in discussion with the Council for adoption.

7.18. When planning for the self-build and custom housebuilding as part of larger sites, proposals will be expected to make specific provision for the following components:

- That plots will need to be serviced and have legal access to the public highway;
- Avoid fixing the details concerning the appearance of the dwellings, beyond any matters agreed via a design code. Design details should be applied for via reserved matters to be determined by the occupants or if necessary through a variation to a planning application.

Serviced Plots

7.19. The Council will expect plots to be sold with the minimum service connections available at the boundary. There are usually four common utility connections:

- Water and sewage connections
- Electricity
- Gas
- Telecoms

7.20. The definition of a serviced plot of land as set out in the Housing and Planning Act 2016 (9) (4) is:

A serviced plot of land is a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or, in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

7.21. It is desirable that plots also have surface water drainage, telecommunications services, and gas. The cost of servicing plots may therefore be reflected in the plot value. Servicing of plots may be carried out in phases, with key services required for plot sale and construction (water, electricity and access) provided before services requirement for occupation (sewerage, telecommunications and gas).



An example of services/utilities provision at Graven Hill, Bicester providing ease of access for self-builders/contractors. Service boxes are then removed post-construction

7.22. A straightforward site should cost between £10,000 and £30,000 per plot to provide the access roads and utilities depending on the overall sites of development.

Providing a mix of plot sizes for different types of homes

7.23. The Council will expect plot providers to provide a range of serviced plot sizes and types to meet the range of demand types and price ranges.

7.24. This may include plots suitable for bungalows for people with limited mobility, smaller plots which provide opportunities for households seeking lower cost market housing, and larger plots suitable for semi-detached properties to cater for extended families wishing to build together.

7.25. Applicants will be expected to have regard to the Council's Right to Build Register. Plot providers may also choose to consult with the local community and consider the immediate demand.

7.26. Applicants will be expected to be clear about the market they are seeking to service and to provide information which demonstrates how this has informed the mix of plots provided.

Achieving Quality Design and the role of Design Codes and Plot Passports

7.27. When considering self-build and custom housebuilding projects, the Council will expect the design to be of high quality which takes full account of the Mid Devon Design Guide Supplementary Planning Document (SPD).

7.28. To secure high quality urban design and afford design flexibility to people who want to build their own homes, proposals for sites involving five or more serviced building plots are strongly encouraged to be supported by a design code, prepared in discussion between the Council and the applicant. Such codes are unlikely to be needed for community-led housing projects unless it is intended to sell service plots as part of the development. To secure the design code and enable development to come forward more quickly the Council will seek to link a code to a planning permission via a planning condition.

7.29. Design codes should be kept as simple as possible to avoid stifling the ability of self and custom builders to build innovative and creatively designed homes and undermine market demand. If a code is too restrictive it will be more challenging for a landowner to sell the plots. Key design code considerations should typically focus on the site/plots and the acceptable form of development on each plot (for example scale, massing, materials, height, layout, amenity and landscaping). A mix of plot sizes to enable different types of homes to be built, including smaller, lower cost plots which can accommodate smaller homes are encouraged and the proposed housing mix should take account of the local demand on the Council's statutory Self Build and Custom Housebuilding Register.

7.30. Codes should be clear about what aspect of a design is mandatory and what is optional and how this applies to the plot and/or wider site. Menus of alternative design solutions for specific elements are encouraged.

7.31. For larger sites codes will need to be consistent with the design principles and masterplan for the site as a whole, including the design of the public realm, highway treatments and the serviced of a site by a contractor, developer or other third party.

- 7.32. The Council also encourages the use of a 'Plot Passport' when self-build plots are marketed to buyers. Such documents can help translate the design code into a series of easily understood principles and they are becoming more widely used as part of site marketing. Plot passports are not normally needed where a Custom Build developer manages the build out of a site and homes are built for the homeowner to complete themselves or built to their specification, ready to move in. This includes community-led housing not involving serviced plots for sale to the public.
- 7.33. The location of self-build and custom housebuilding projects on larger housing sites also requires careful consideration.
- 7.34. Although there may be several potential locations for service plots on a site the desirability and value of plots, design quality of the development, the management of site build-out and its brand will be influenced by the location and design of the custom and self-build offer. Where possible, different self-build and custom housebuilding models should also be considered to attract a wide customer base.
- 7.35. Any self-build and/or custom housebuilding parcel on a larger site should be located in prominent location. Plots located exclusively on less prominent parts of the site will reduce their value and could pose sales risks and reduce site viability. The Council is therefore unlikely to accept scheme layouts which locate plots in remote corners of a site and in locations that will be developed at the end of the build out phase.
- 7.36. A phased approach linked to a suitable marketing strategy is considered essential to keep interest high, secure steady build out and minimise site disruption for local residents.
- 7.37. Self-build and/or custom housebuilding projects on larger sites are best arranged in a series of parcels clustered in an allocated hub or 'quarter' within one or more phases of the development, taking account of local demand and viability. This ensures that the design character and wider housing offer across a site is not compromised.
- 7.38. Arranging custom and Self-Build housing in clusters will also enable construction traffic and different build out rates to be better managed and better align with the design aspirations, constraints and design quality expectations. Clustering of plots/properties would also help in terms of management of sales and marketing. Clusters of five or more homes in a parcel is recommended.

Principle 18

Custom and Self Build provision should be phased in a timely manner. On larger sites, the Council will expect the early delivery of parcels of self and custom built plots. The Council will work positively with the developer to ensure appropriate phasing of plots via a legal agreement such as a section 106 agreement.

Design Codes

- 7.39. As set out above design codes are a useful tool to help achieve consistently higher quality development.
- 7.40. A design code is a set of written and illustrative requirements that provide specific, detailed parameters for the physical development of a site or area. Their content should be informed by the 10 characteristics of good places set out in the National Design Guide and the Mid Devon

Design Guide Supplementary Planning Document to ensure high quality, locally distinctive design and the achievement of memorable and desirable places where people choose to live. They are not intended to address every eventuality but will focus on the basic design requirement that are essential to get right. Ultimately however, whilst the design code should specify what is mandatory and what is optional, it should also allow for design variation, creativity, innovation and originality.

7.41. The table below sets out the parameters that could be helpfully agreed through a Design Code, although this may vary depending on the level of detail.

Design Code Parameter	Guidance
Plot form	Plot size and width
Building forms	Bulk, massing, height, storey heights
Building orientation	Solar masterplanning, position on plot, overlooking, natural surveillance.
Density	Site coverage, dwellings per hectare, plot ratios, higher or lower density nodes.
Developable footprint	Maximum proportion of plot that may be developed; parameters of dwelling position on plot.
Building lines	Frontage continuity, roof-line parameters, setbacks, boundary treatments.
Building types	Detached, semi-detached, terraced / town house, flats.
Street network	Urban grain – street and building pattern and connectivity.
Views and vistas	Relationship to heritage assets, topography, corridors and backdrops.
Soft landscaping	Standards, species planted, biodiversity (net gain), lawns and verges, planters.
Building frontage	Active frontage, frequency of building features such as windows and entrances, architectural styles, features, proportions, materials, colours, balconies, porches.
Townscape features	Eave lines, rooflines, chimneys, corner treatments, focal points, advertising.
Street trees	Species, numbers, placements.
Parking standards	On-street and off-street, on-plot parking, courtyard parking, treatments, overlooking, lighting and garages, having regard to the Council's Parking SPD.
Waste facility	Refuse and recycling bin storage having regard to the Councils 'Refuse storage for new residential properties' SPD.
Infrastructure	Community energy facilities such as combined heat.

7.42. A range of design code examples are provided below:

[Trevenson Park Design Code](#)

[Derwent Forest](#)

[Norwich-Self Build Design Code Rev A.pdf \(landformestates.com\)](#)

[Graven Hill Design Code](#)

Principle 19

Design Codes submitted to the Council for consideration should provide clear, illustrative requirements that specify what is mandatory and what is optional, allowing for design variation, creativity, innovation and originality.

Plot Passports

7.43. A plot passport is a simple and succinct summary of the design parameters for a given plot. They add value as a key reference point for the purchaser, capturing relevant information from the planning permission, design constraints and procedural requirements in an easily understandable and readily accessible format.

7.44. It should include clear and concise information on the plot, include the total plot size (m²), any design and siting parameters, as well as cost and location of the plot. An example plot passport is provided below:

[Graven Hill Sample Plot Passport](#)

7.45. The use of Plot Passports are helpful where the developer allows buyers to build their own homes on serviced plots without a design and build contract. They are not normally needed where a Custom Build developer manages the build out of a site and homes are built for the homeowner to complete themselves or built to their specification, ready to move in. This includes community-led housing that do not involve serviced plots for sale to the public.

Use of Planning Conditions and obligations when the Council grants consent for projects

7.46. Planning conditions and obligations are an important tool to ensure that projects are delivered in a timely and policy compliant manner. However, the Council will seek to avoid imposing too many conditions on projects. This is particularly important for outline schemes where individual plot purchasers may be submitting their own proposals at the reserved matters stage of the planning process.

7.47. Notwithstanding this, the Council will consider including planning obligations and conditions to ensure the following key issues are addressed:

- Appropriate marketing mechanisms
- Design Code requirements
- Plot Passports and Costs
- Securing custom and self-build as part of a larger site
- Delivery of infrastructure to create serviced plots
- Phasing and CIL
- Occupancy conditions linked to self and custom builders
- Marketing periods and restrictions on occupations of non-self-build dwellings
- Restrictions on disposing of more than 1 plot to the same purchaser
- Build out obligations
- Mortgagee exclusion
- Affordable self-build and custom build

Marketing

- 7.48. Self-build and custom build plots being delivered under adopted Local Plan Policy S3 will be expected to be marketed for a minimum period of 12 months. A marketing strategy will need to be agreed which specifies the minimum 12 month period for advertising plots, the appropriate means of doing so and based on an independent valuation.
- 7.49. The marketing of plots may begin sooner, but the 12 month marketing period should only begin from when the serviced plot(s) are first available for purchase, and ideally available for purchasers to view with the plot boundary fenced or demarked as appropriate. The plot provider shall notify the Council that the formal 12 month marketing period has begun.
- 7.50. The marketing strategy should set out how plots will be marketed including through advertisement; an active local marketing campaign including consideration of targeted marketing to potential self-builders and local community groups and; roadside marketing boards.

Principle 20

Marketing Strategies submitted to the Council for approval should include the following requirements:

- Marketing agent contact details
- High quality downloadable and printable sales brochures
- An appropriate Design Code for the site
- An appropriate Plot Passport for each plot
- Details of all websites and portals upon which the plots will be listed
- CGI images promoting the development
- Proposed draft purchase agreements complete with any step in rights or buy back clauses
- Evidence of mortgage availability
- A development for sale board erected at site entrance.
- Appropriate advertising within the onsite marketing suite.
- The media and PR strategy
- The sales process including timeline
- The plot viewing process
- A monitoring method statement setting out how information on plot sales will be monitored and fed back to the Council at 3 monthly intervals from commencement of marketing.

- 7.51. Once plots have been marketed for the appropriate period, they may then remain on the market as self-build plots, be offered for purchase to the Council or partner Housing Associations, or be built out by the landowner/developer as appropriate.

Alternative off-site delivery of Custom and Self-build plots

- 7.52. Adopted Local Plan Policy S3 requires that custom and self-build plots on sites of 20 or more dwellings will be delivered on-site. However, where an applicant proves the provision of custom and self-build plots would prejudice the delivery of the wider scheme, and/or where it can be demonstrated that an alternative site would be more suitable and satisfactory arrangements can be made to secure the delivery of the custom and self-build plots on that alternative site, then off-site delivery of serviced plots on an alternative site may be considered on a case by case basis. The Council will require the developer to secure the alternative serviced site prior to commencement, with delivery and marketing of the alternative plots prior

to the occupation of the final 10% of homes on the main development site, although delivery should be sought sooner wherever possible.

7.53. Financial contributions in lieu of on-site provision will only be considered acceptable where the number of plots to be delivered is 2 or less or where sites cannot reasonably deliver self-build plots such as constrained town centre urban sites delivering higher density flats and townhouses. Financial contributions will be based on the most up-to-date evidence on custom build plot values.

Delivery of Affordable Custom and Self-Build

Rural Exception Sites for Affordable Custom and Self-Build Housing

7.54. The Council supports the delivery of low cost self-build and custom build on Rural Exception Sites subject to satisfying the provisions of adopted Local Plan Policy DM6.

There are various forms of self-build and custom homebuilding that can come forward via rural exceptions sites including:

- **Discounted serviced plots** – Sold at below market value with restrictions applied to maintain affordability in perpetuity.
- **Self-finish housing** – This could be provided by a Housing Association and sold at below market value to local people in housing need, or on a shared ownership basis.
- **Community-led group self-build and custom build projects** – These could be delivered by a wide range of organisations (e.g. community land trusts, neighbourhood plan groups) provided they meet the provisions of Policy DM6.

A proportion of higher value custom build homes could also come forward, where these would help cross-subsidise the provision of other affordable self-build and custom build homes or indeed, conventional affordable housing products.

7.55. Policy DM6 seeks to apply the Government's Help to Buy eligibility criterion to establish housing need. Whilst this guidance has been updated since this policy was drafted, it is considered that it is still an appropriate way of assessing eligibility. Therefore Housing Need is demonstrated where the applicant:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travel distance of their work place and have a household income not exceeding £60,000;
- Have sufficient savings or funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;
- Can sustain home ownership in the longer term; and
- Are not already a home owner or named on a home mortgage.

7.56. In addition, each house will be occupied by at least one person with a strong local connection to the parish. A planning obligation will be required to ensure that the affordable or low cost housing remains available for local people in perpetuity.

8. Modern Methods of Construction

8.1. The Council recognises that Modern Methods of Construction (MMC) can provide a wide range of benefits including faster construction, higher environmental standards and reduced costs compared to traditional building techniques. MMC can also help diversify the housing offered across Mid Devon, improve customer choice and affordability, and secure sustainable design. The Town and Country Planning Association outlines a number of benefits and challenges associated with MMC as follows:

Benefits:

- Speed of delivery
- Amenity during construction
- Build Cost
- Build quality
- Environmental Performance
- Sustainability

Challenges

- Evidence of durability
- Procurement
- Integrating planning and MMC
- Funding and mortgage availability
- Place-making and design concerns



Carbon neutral, modular homes granted planning permission for 6 social rented homes at Shapland Place, Tiverton. Designed and build in partnership with modular house builder Zed Pods Ltd.

8.2. Modern Methods of Construction encompasses a wide range of construction techniques, all of which differ from 'traditional' building methods. Research undertaken by the National House Building Council (NHBC) Foundation defines MMC as including the following approaches:

- Volumetric (modular) manufactured units
- Pods (particularly bathroom and kitchen)

- Panelised systems (including open and closed panel timber systems, open and closed panel timber frame systems, open and closed panel steel frame panels, structural insulated panels (SIPs), cross-laminated timber (CLT))
- Sub-assemblies and components (including door sets, timber I-beams, prefabricated chimneys, prefabricated dormers, floor cassettes, roof cassettes).
- Site-based MMC (including thin-joint masonry and insulated structural framework (ICF))

8.3. The Council is keen to support a wide range of MMC and their implementation within Mid Devon, and the Corporate Plan 2020-2040 encourages the piloting of MMC in Mid Devon. The Council will also seek to engage with the development industry and its strategic partners to identify, and pilot opportunities in the district.

Principle 21

The Council will work collaboratively with developers and other stakeholders to pilot Modern Methods of Construction schemes in the district.

Appendix 1

[Affordable Housing Allocations Criteria 2017 \(middevon.gov.uk\)](https://www.middevon.gov.uk)

Appendix 2

Key Worker Occupations – as specified in [\[Withdrawn\] Children of critical workers and vulnerable children who can access schools or educational settings - GOV.UK \(www.gov.uk\)](#)

Note on eligibility: The definition requires reference to both a specific occupation and a relevant occupational sector. Individuals may hold a specific occupation while working in an occupational sector outside of the key works scope.

The key occupational sectors are as follows:

- Health and social care
- Education and childcare
- Key public services
- Local and national government
- Food and other necessary goods
- Public safety and national security
- Transport
- Utilities, communications and financial services

Social services managers and directors
 Higher education teaching professionals
 Further education teaching professionals
 Secondary education teaching professionals
 Primary and nursery education teaching professionals
 Special needs education teaching professionals
 Senior professionals of educational establishments
 Education advisers and school inspectors
 Teaching and other educational professionals n.e.c.
 Social workers
 Youth and community workers
 Child and early years officers
 School secretaries
 Nursery nurses and assistants
 Childminders and related occupations
 Playworkers
 Teaching assistants
 Educational support assistants
 Caretakers
 School midday and crossing patrol occupations
 Production managers and directors in manufacturing
 Managers and directors in retail and wholesale
 Managers and proprietors in agriculture and horticulture
 Managers and proprietors in forestry, fishing and related services
 Shopkeepers and proprietors – wholesale and retail
 Stock control clerks and assistants
 Farmers
 Agricultural and fishing trades n.e.c.
 Butchers
 Bakers and flour confectioners
 Fishmongers and poultry dressers
 Sales and retail assistants
 Retail cashiers and check-out operators
 Roundspersons and van salespersons
 Sales supervisors
 Customer service occupations n.e.c.
 Customer service managers and supervisors
 Food, drink and tobacco process operatives
 Routine inspectors and testers
 Agricultural machinery drivers

Farm workers
 Fishing and other elementary agriculture occupations n.e.c.
 Packers, bottlers, canners and fillers
 Shelf fillers
 Elementary sales occupations n.e.c.
 Elementary storage occupations
 Chief executives and senior officials
 Production managers and directors in manufacturing
 Health services and public health managers and directors
 Health care practice managers
 Residential, day and domiciliary care managers and proprietors
 Biological scientists and biochemists
 Research and development managers
 Medical practitioners
 Psychologists
 Pharmacists
 Ophthalmic opticians
 Dental practitioners
 Veterinarians
 Medical radiographers
 Podiatrists
 Health professionals n.e.c.
 Physiotherapists
 Occupational therapists
 Speech and language therapists
 Therapy professionals n.e.c.
 Nurses
 Midwives
 Laboratory technicians
 Paramedics
 Pharmaceutical technicians
 Medical and dental technicians
 Health associate professionals n.e.c.
 Counsellors
 Public services associate professionals
 Medical secretaries
 Veterinary nurses
 Animal care services occupations n.e.c.
 Nursing auxiliaries and assistants
 Ambulance staff (excluding paramedics)
 Dental nurses
 Houseparents and residential wardens
 Care workers and home carers
 Senior care workers
 Care escorts
 Cleaning and housekeeping managers and supervisors
 Pharmacy and other dispensing assistants
 Cleaners and domestics
 Hospital porters
 Barristers and judges

Solicitors
 Legal professionals n.e.c.
 Clergy
 Welfare professionals n.e.c.
 Journalists, newspaper and periodical editors
 Housing officers
 Welfare and housing associate professionals n.e.c.
 Authors, writers and translators
 Actors, entertainers and presenters
 Arts officers, producers and directors
 Photographers, audio-visual and broadcasting equipment operators
 Legal associate professionals
 Local government administrative occupations
 Officers of non-governmental organisations
 Records clerks and assistants
 Legal secretaries
 Printers
 Print finishing and binding workers
 Undertakers, mortuary and crematorium assistants
 Printing machine assistants
 Chief executives and senior officials
 Elected officers and representatives
 Functional managers and directors n.e.c.
 Business, research and administrative professionals n.e.c.
 Public services associate professionals
 National government administrative occupations
 Local government administrative occupations
 Chief executives and senior officials
 Officers in armed forces
 Senior police officers
 Senior officers in fire, ambulance, prison and related services
 Managers and proprietors in other services n.e.c.
 Business and related research professionals
 Probation officers
 NCOs and other ranks
 Police officers (sergeant and below)
 Fire service officers (watch manager and below)
 Prison service officers (below principal officer)
 Police community support officers
 Protective service associate professionals n.e.c.
 Public services associate professionals

National government administrative occupations
Security guards and related occupations
Managers and directors in transport and distribution
Managers and directors in storage and warehousing
Garage managers and proprietors
Air traffic controllers
Aircraft pilots and flight engineers
Ship and hovercraft officers
Transport and distribution clerks and assistants
Vehicle technicians, mechanics and electricians
Aircraft maintenance and related trades
Boat and ship builders and repairers
Rail and rolling stock builders and repairers
Air travel assistants
Rail travel assistants
Vehicle and parts salespersons and advisers
Road construction operatives
Rail construction and maintenance operatives
Large goods vehicle drivers
Van drivers
Bus and coach drivers
Fork-lift truck drivers

Train and tram drivers
Marine and waterways transport operatives
Air transport operatives
Rail transport operatives
Elementary construction occupations
Chief executives and senior officials
Production managers and directors in manufacturing
Production managers and directors in mining and energy
Financial managers and directors
Information technology and telecommunications directors
Financial institution managers and directors
Managers and directors in transport and distribution
Waste disposal and environmental services managers
Mechanical engineers
Electrical engineers
Electronics engineers
Engineering professionals n.e.c.
IT specialist managers
IT project and programme managers
IT business analysts, architects and systems designers
Programmers and software development professionals
Web design and development professionals

Information technology and telecommunications professionals n.e.c.
Chartered and certified accountants
Management consultants and business analysts
Actuaries, economists and statisticians
Engineering technicians
IT operations technicians
IT user support technicians
Estimators, valuers and assessors
Insurance underwriters
Finance and investment analysts and advisers
Financial and accounting technicians
Financial accounts managers
Credit controllers
Book-keepers, payroll managers and wages clerks
Bank and post office clerks
Finance officers
Financial administrative occupations n.e.c.
Pensions and insurance clerks and assistants
Metal machining setters and setter-operators
Metal working production and maintenance fitters
Telecommunications engineers