

PLANNING COMMITTEE AGENDA - 10th July 2024

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	23/01869/PIP - Permission in Principle for rural exception site for the erection of up to 7 self build dwellings at Land and Buildings at NGR 271228 112150 (South of Shooting Lane) , Chawleigh, Devon. RECOMMENDATION Grant permission.

Application No. 23/01869/PIP

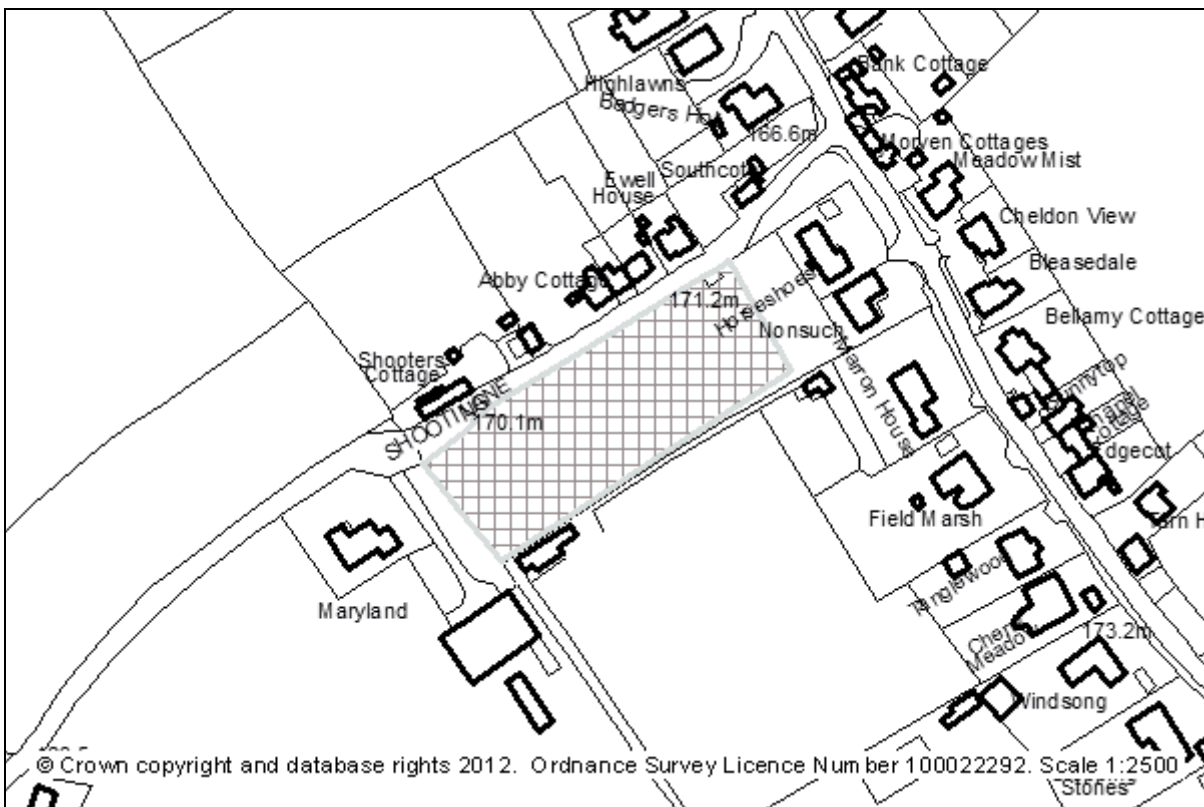
Grid Ref: Easting 271228: Northing 112150

Applicant: Mr Chris Burton

Location: Land and Buildings at NGR 271228 112150 (South of Shooting Lane)
Chawleigh
Devon

Proposal: Permission in Principle for rural exception site for the erection of up to 7 self-build dwellings

Date Valid: 5th February 2024



APPLICATION NO: 23/01869/PIP

MEMBER CALL-IN

The application was called in by Cllr Steven Keable, following significant local objection, so that the Planning Committee can consider: Whether the site (which is outside of defined settlement boundaries) is suitable for residential development of this size for a high number of self-builds for local people in Parish and taken into consideration with other affordable housing schemes that have been awarded in recent times and are yet to start.

RECOMMENDATION

Grant Permission in Principle.

SITE DESCRIPTION

The application site is located on the edge of the village of Chawleigh, situated off the A377 between Crediton and Barnstaple. This site is just outside of the settlement boundary of the village as defined by the Local Plan, so although well connected to the village, for the purposes of considering this application, it is in open countryside. It comprises an agricultural parcel of land the rear/west of properties along the B3042. The land is relatively level and is rectangular in configuration, extending to approximately 1.5 acres.

PROPOSED DEVELOPMENT

The application seeks permission in principle for the erection of up to 7 self-build plots. The original application submitted proposed a development of up to 9 self build dwellings but the applicant reduced the overall number of plots proposed following concerns raised by officers.

(Self-built plots are where an individual purchases a plot of land and builds a house to live in. They may do some or all of the build themselves (self-build), or employ a builder, architect and in some cases, a project manager to oversee the build (custom housebuilding). The developer would provide a serviced plot (electricity, gas, water supply, foul waste provisions etc.) Individuals would then each submit a planning application for the design of their own individual dwelling).

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application:

- Application Form
- Covering Letter
- Site Location Plan (Including indicative layout)

Please note as the application is a PIP – this would be considered sufficient.

RELEVANT PLANNING HISTORY

None applicable.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033:

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S5 - Public open space
S9 – Environment
S13 – Villages
S14 - Countryside
DM6 - Rural Exception Sites

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Chawleigh Parish Council – 4th March 2024

The Chawleigh Parish Council strongly objects to the proposal to grant 'Permission in Principle for rural exception site for the erection of up to 9 Dwellings' on land off Shooting Lane, Chawleigh.

- The proposed site is outside of the Chawleigh Settlement Boundary and is being presented as a Rural Exception Site for this reason.
- It does not meet the conditions of a Rural Exception Sites which are only allowed under Mid Devon Local Plan Policy DM6. Detailed below.
- There is no evidence provided to support the idea that there will be enough people with a 'local connection' wanting self-build to justify the designation of this site as a Rural Exception site.

In addition there are two problems with the details on the website for this application:

- The Covering Letter submitted by Mantra Planning, is addressed to Islington Borough Council, not Mid Devon District Council.
- The picture of the notice at the site is in the wrong location. This was placed on a different field further up Shooting Lane on the other side of the road. A well-meaning local resident moved it to the correct site sometime after it was posted.

The parish council therefore believes this application has not been properly validated. Before considering the matter of the type of development, it is important to determine whether the site, as proposed, could be validly considered as a Rural Exception Site based on policy DM6, which is stated below:

*Policy DM6
Rural exceptions sites*

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

There are already two sites in the village for which outline planning permission has been granted for 36 dwellings, 26 affordable properties all for people with a local connection.

An additional 10 dwellings for which planning permission has already been granted through the Chawleigh Community Trust are on an exception site. These are all for people with a strong connection to Chawleigh and will be for local people in perpetuity.

It is unlikely that there will be any unsatisfied need for people with a local connection once these properties have been built and occupied. There is no evidence that there is a need for such housing in Chawleigh, so the application must fall at the first hurdle.

- a) *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 housing through 'Help to Buy' or an equivalent scheme;*

The so called 'evidence' provided for the need for self-build plots in Chawleigh is fundamentally flawed.

From the apparent source data it would appear that Mid Devon District Council has been unsuccessful in providing self-build plots for many years and that, at March 2022, there had been a total of 126 registrations, 49 of which were in the 2021/22 year with only 28 having been provided over 6 years. There is also information that MDDC had not fully validated the registrations with no financial appraisals or tests for local connections having been carried out. In short, this is a record of aspirations over a number of years, with some of the 126 no doubt finding other low-cost housing in the meantime. There is also no information on whether any of those on the register are Chawleigh people. This cannot, and should not, be treated as evidence of a need district-wide let alone for Chawleigh. The conclusion, therefore, is that the applicant has provided no evidence that such a provision is satisfying a local need. An independent housing needs survey which is usually done in conjunction with the Parish Council has not been done.

The parish council appreciates that the district council has a desire to provide self-build plots, but the use of this site and Chawleigh Parish is the wrong place for it.

- b) *Each house will be occupied by at least one person with a strong local connection to the parish;*

No evidence for this has been provided, that at least 9 people having local connections to Chawleigh require self-build houses, in addition to the developments already approved.

- c) *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;*

We strongly argue that this site is not in a suitable location. Access to and from Shooting Lane is restricted in width and visibility making it quite dangerous. The visual impact of the proposed properties will substantially and seriously affect the outlook from adjoining properties. Other objections already lodged by people in Chawleigh are summarised below.

- d) *The type and scale of affordable or low-cost housing is appropriate to the proven need;*

No proven need as detailed above in a).

- e) *The 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.*

No proven need as detailed above in a).

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.

Other sites being developed in Chawleigh are already catering for future affordable housing and renting needs in Chawleigh, therefore this development is not and would not be sustainable for people with links to Chawleigh.

In Conclusion: Failing the production of a Housing Needs Survey for Chawleigh, taking into account not just the needs of the local community, but also the provision of 26 affordable and low-cost houses by 'LiveWest' and the 10 through the Chawleigh Community Trust as detailed above. There should be no additional Exception Sites allowed in the Parish.

For information: The Parish Council has serious concerns that would need to be addressed if a Full Application was submitted. These are largely covered by the resident objection responses already submitted, summarised below.

- Safety: Narrow Lane not suitable for vehicle access
- Safety: Increased traffic and congestion
- Safety & Environmental: Noise impact
- Environmental: Visual Impact
- Environmental: Impact of character and appearance of the area.
- Environmental: Impact on protected species and plants
- Environmental: Destruction of hedgerows
- Environmental: Destruction of the countryside
- Environmental and Safety: Drainage and rainwater flows, Chawleigh has already regularly reported problems with drainage in the village. Questions as to whether water supply and drainage systems could be accommodated.
- Health and Safety: Concerns re construction phase and heavy vehicles
- Environmental: Amenity impact
- Financial: De-valuation of local houses
- Financial and Health: Upheaval to local businesses

Devon County Council Highways Authority – 11th June 2024

I have visited the site and reviewed the application documents. The Permission in Principle gives limited details at this stage, however it is established that the site currently has existing agricultural use and therefore I am satisfied that the trip generation of this proposal will not exceed that of the current permitted use. The application does state that the existing access will be utilised which has suitable visibility in both the East and West direction. The dwellings will also be equipt with off-carriage parking and turning space. Therefore in Summary the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

The Director of Climate Change, Environment and Transport, on behalf of Devon County Council, as local highway authority, has no objection to the proposed development.

Devon County Council Highways Authority – 5th June 2024

Clarification provided over the trip generation comparison commenting '*if the agricultural field was used to its full existing permitted use, over a year, harvest trips and maintenance etc, would even out to a similar benchmark of 9 dwellings.*'

Devon County Council Highways Authority – 28th May 2024

I have visited the site and reviewed the application documents. The Permission in Principle gives limited details at this stage, however it is established that the site currently has existing agricultural use and therefore I am satisfied that the trip generation of this proposal will not exceed that of the current permitted use. The application does state that the existing access will be utilised which has suitable visibility in both the East and West direction. The dwellings will also be equipped with off-carriage parking and turning space. Therefore in Summary the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

The Director of Climate Change, Environment and Transport, on behalf of Devon County Council, as local highway authority, has no objection to the proposed development.

Environment Agency

This would be operational development less than 1ha within Flood Zone 1 - No consultation therefore required - see surface water management good practice advice and standing advice

South West Water – 12th June 2024

Thank you for the re-consultation request. South West Water has no additional comments to add at this time.

South West Water - 16th February 2024

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear

evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

MDDC Public Health Team – 27th February 2024

We have considered the application and do not anticipate any environmental health concerns. The proposal is for self-build homes and it is therefore important that a Construction Management Plan is required if the application is successful so that the various builders and trades involved comply with Considerate Constructors Scheme. This will reduce the impact of the development on the amenity if existing local residents.

Principal Housing Enabling and Forward Planning Officer - 21st May 2024

Note

This Forward Planning and Housing Enabling Response deals solely with the need for self-build plots in this location and other matters associated with Policy DM6 of the Local Plan 2013 - 2033. All other matters associated with the application have not been addressed but will be considered by the case officer in the process of determining the application.

The application site is located on an agricultural parcel of land to the rear / west of the properties lining the B3040, adjacent but outside of the settlement limit of Chawleigh. In policy terms, the site is therefore located in the countryside, in accordance with Policy S14 of the Local Plan 2013 - 2033, whereby development is controlled subject to appropriate development management policies, namely, Policy DM6.

Policy DM6 includes specific consideration for low cost housing (including self-build housing) in the countryside. Clause a) requires '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. The supporting text for Policy DM6 applies the following criteria:

- 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 savings or sufficient 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;
- Are not already a home owner or named on a home mortgage;
- Have a good credit history.

The applicant provides evidence of the need for self-build, by reference to a FOI response. This identifies that the LPA is currently experiencing a shortfall in CSB permissions against its statutory duties. This is not disputed and therefore it is considered that there is sufficient demand for the quantum of development proposed. The Register identifies specific demand for 5 CSB plots within the Parish of Chawleigh and an additional 7 plots when taking into account register numbers across the adjoining parishes of Lapford, Nymet Rowland, Coldridge, Eggesford and Wembworthy. It is important to note however, that the statutory register duties apply in terms of absolute numbers on the register. Assessment of eligible purchasers against the above criteria will need to take place at TDC stage once there is further clarity on the nature of the plots being provided and prospective plot purchasers.

Clause b) requires that each house will be occupied by at least one person with a strong local connection to the parish. There is currently little certainty that this criteria will be met. However, the planning application is for Permission in Principle, whereby the scope of permission is limited to location, land use and amount of development. These matters will therefore need to be addressed at Technical Details Consent stage (subject to a grant of Permission in Principle).

Clause c) requires that 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. Chawleigh is a defined settlement under Policy S13 and is therefore considered appropriate for limited development. Although, the case officer is best placed to determine whether this test has been met, having visited the site and surrounding locality.

Clause d) requires that the type and scale of affordable or low cost housing is appropriate to the proven need. However, the planning application is for Permission in Principle, and the type and scale of affordable or low cost housing are matters for consideration at the Technical Details Consent stage.

Clause e) requires that the 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. Paragraph 4.25 of the supporting text makes clear that whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area. Again, these matters will need to be addressed at Technical Details Consent stage.

Finally, whilst the Planning Letter references custom and self-build, and associated legislation and policy, given the nature of Permission in Principle, there is currently little certainty that the dwellings proposed would meet the legal definition of custom and self-build. The Self-Build and Custom Housebuilding Act 2015 as amended by the Housing and Planning Act 2016, defines CSB as follows:

“... the building or completion

- (a) individuals
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses 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 the house wholly or mainly to plans or specifications decided or offered by that person.”

Therefore, if minded to approve the application for Permission in Principle, the case officer may wish to include information on the decision notice to clarify what will be expected at Technical Details stage (in accordance with Planning Practice Guidance). This should include consideration of the following:

- Design code – To secure high quality urban design and afford design flexibility to people who want to build their own home, this proposal is strongly encouraged to be supported by a design code, prepared in discussion between the Council and the applicant. 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). It should also reflect a mix of plot sizes to enable different types of homes to be built, including smaller, lower cost plots, which can accommodate smaller

homes, having regard to local demand on the Council's statutory Self Build and Custom Housebuilding Register.

- Servicing – At Technical Details Consent stage, the Council will need to ensure that the plots will be fully serviced prior to commencement of marketing (The Self Build and Custom Housebuilding Act 2015 as amended by The Housing and Planning Act 2016 defines a “serviced plot of land” as “a plot of land that –
 - has access to a public highway and has connections for electricity, water and waste water, or
 - can be provided with those things in specified circumstances or within a specified period.
- Marketing – Self-build and custom build plots will need to be marketed appropriately. A marketing strategy will need to be agreed which specifies the minimum period for advertising plots, the appropriate means of doing so and based on an independent valuation. The 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 marketing strategy should set out how plots will be marketed.
- Local connection – In accordance with Policy DM6, each house will need to be occupied by at least one person with a strong local connection to the parish. Additionally, appropriate legal controls will need to be agreed at TDC stage to ensure that the 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 Forward Planning Team would be happy to advise further on need/demand for affordable housing/custom and self-build and appropriate legal controls at Technical Details Consent stage.

MDDC Forward Planning Team - 15th February 2024

We would also recommend the following wording to be attached to any decision notice as an informative:

Whilst the Planning Statement references custom & self-build, and associated legislation and policy, given the nature of Permission in Principle, there is currently little certainty that the dwellings proposed would meet the legal definition of custom and self-build. The Self Build and Custom Housebuilding Act, 2015 as amended by the Housing and Planning Act 2016 defines custom and self-build as follows:

“... the building or completion

- (a) individuals
 - (b) associations of individuals, or
 - (c) persons working with or for individuals or associations of individuals,
- of houses 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 the house wholly or mainly to plans or specifications decided or offered by that person.”

Therefore, if minded to approve the application for Permission in Principle, the case officer may wish to include information on the decision notice to clarify what will be expected at technical details stage. This should include consideration of the following:

- Design code – To secure high quality urban design and afford design flexibility to people who want to build their own home, this proposal is strongly encouraged to be supported by a design code, prepared in discussion between the Council and the applicant. 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). It should also reflect a mix of plot sizes to enable different types of homes to be built, including smaller, lower cost plots, which can accommodate smaller

homes, having regard to local demand on the Council's statutory Self Build and Custom Housebuilding Register.

- Servicing – At Technical Details Consent stage, the Council will need to ensure that the plots will be fully serviced prior to commencement of marketing (The Self Build and Custom Housebuilding Act 2015 as amended by The Housing and Planning Act 2016 defines a “serviced plot of land” as “a plot of land that –
 - has access to a public highway and has connections for electricity, water and waste water, or
 - can be provided with those things in specified circumstances or within a specified period.
- Marketing – Self-build and custom build plots will need to be marketed appropriately. A marketing strategy will need to be agreed which specifies the minimum period for advertising plots, the appropriate means of doing so and based on an independent valuation. The 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 marketing strategy should set out how plots will be marketed.
- Local connection – In accordance with Policy DM6, each house will need to be occupied by at least one person with a strong local connection to the parish. Additionally, appropriate legal controls will need to be agreed at TDC stage to ensure that the 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 Forward Planning Team would be happy to advise further on need/demand for affordable housing/custom and self-build and appropriate legal controls at Technical Details Consent stage.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the Council, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016.

The following properties were written to:

- Ewell House Chawleigh Chulmleigh Devon EX18 7HN
- Greenways Chawleigh Chulmleigh Devon EX18 7HR
- Cherry Meadow Chawleigh Chulmleigh Devon EX18 7HR
- Windsong Chawleigh Chulmleigh Devon EX18 7HR
- Stepping Stones Chawleigh Chulmleigh Devon EX18 7HR
- Non Such Chawleigh Chulmleigh Devon EX18 7HR
- Marron House Chawleigh Chulmleigh Devon EX18 7HR
- Tanglewood Chawleigh Chulmleigh Devon EX18 7HR
- Horseshoes Chawleigh Chulmleigh Devon EX18 7HR
- Fieldmarsh Chawleigh Chulmleigh Devon EX18 7HR
- Maryland Chawleigh Chulmleigh Devon EX18 7HN
- Shooters Cottage Chawleigh Chulmleigh Devon EX18 7HN
- Southcote Cottage Chawleigh Chulmleigh Devon EX18 7HN
- Ewell House Chawleigh Chulmleigh Devon EX18 7HN
- Abby Cottage Shooting Lane Chawleigh Chulmleigh Devon EX18 7HN
- Stoneleigh Chawleigh Chulmleigh Devon EX18 7HN
- South Cottage Chawleigh Chulmleigh Devon EX18 7HN

A total of 14 objections to the proposal were received. In principle concerns raised the following:

- Residents are concerned with all of the recent new builds in Chawleigh and that this application proposes even more.
- 39 properties have already been approved for Chawleigh but none built
- There is already development in Chawleigh so this proposal is unnecessary.
- The site is outside of the defined settlement of Chawleigh, making it unsuitable for development.
- No evidence of housing need has been demonstrated.
- Concerns that there might be no mechanism to secure 'Self Build'.
- We strongly oppose the planning permission for the proposed 7 Dwellings
- Agree with arguments raised from the Parish Council over Rural Exceptions Policy DM6

Other objections related to technical details, which cannot be considered at this stage the first stage (or permission in principle stage) are:

- Narrow Lane not suitable for vehicle access
- Increased traffic and congestion
- Visual Impact
- Impact of character and appearance of the area.
- Amenity impact
- Overlooking/loss of privacy, loss of light
- Noise impact
- Impact on protected species and plants
- Destruction of hedgerows
- De-valuation of local houses
- Concerns Re construction phase and heavy vehicles
- Drainage and rainwater flows
- Upheaval to local businesses
- Questions whether water supply and drainage systems could be accommodated
- Destruction of the countryside
- Construction traffic and work on site

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- Process and procedure
- Principle of development/sustainability
- Other matters (including issues raised in representations and consultations that have not already been covered above)

1. Process and Procedure

1.1 The ability to make an application for permission in principle was introduced on 1st June 2018 through the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages:

- The first stage (or permission in principle stage) establishes whether a site is suitable in-principle
- The second ('technical details consent') stage is when the detailed development proposals are assessed.

1.1 As this is an application for permission in principle (permission in principle stage) the scope of consideration is limited to location, land use and amount of development. Other matters would be considered as part of any potential future technical details consent application.

1.2 In terms of a self-build development, a Section106 agreement would be required to be agreed at the technical details consent stage, to legally agree the details of the plots for self-build. However, at this stage the description of development is suitable to tie the development to its intended use. This has been set out in recent appeal APP/P0119/W/21/3288893. The appeal sets out that the description of development is suitable to tie a development to intended use. i.e. if the planning permission description for this application explicitly says 'self-build' then the follow up application must be for self-build and at this stage that is the mechanism for securing it.

1.3 A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless material considerations indicate otherwise. In this case the development plan comprises the National Planning Policy Framework and the Mid Devon Local Plan 2013-2033.

2. Principle of development/sustainability

2.1 Para 84 of the NPPF states that: 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. This is reflected Policy S1 and S14 of the Mid Devon Local Plan which seeks to concentrate development principally within Mid Devon's three main towns, (Tiverton, Cullompton and Crediton), whereby development outside the three main town areas is to be limited, save for specific exceptions.

2.2 The application site, as defined in the Local Plan policies map, is located in open countryside, albeit immediately adjacent to the settlement of Chawleigh which is a recognised village within the Local Plan under Policy S13. So, residential development would usually not be permitted in this location unless in the case of specific exceptions. One such exception is as a rural exception site. Rural exception sites are considered against Local Plan Policy DM6, which states:

'Rural exceptions sites

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

- a) 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 housing through 'Help to Buy' or an equivalent scheme;*
- b) Each house will be occupied by at least one person with a strong local connection to the parish;*

- c) *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;*
- d) *The type and scale of affordable or low-cost housing is appropriate to the proven need;*
- e) *The 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.'

2.3 In response to criteria a): The Council has a responsibility to meet the need for self-build accommodation across the District. The applicant provides evidence of the need for self-build, by reference to a FOI response. This identifies that the LPA is currently experiencing a shortfall in CSB permissions against its statutory duties. Therefore at this current moment in time, the Council is obliged to support self-build new plots in principle.

2.4 In respect of this particular location at the edge of Chawleigh, it is noted that objections have been received outlining that there is no need for these further homes, not being backed up by a Local Needs Assessment which demonstrates that there is a local need in this specific location. It has also been outlined that there are a couple of development recently approved which will more than meet the local need for affordable housing in the settlement.

2.5 On this matter of need for self build houses as part of a rural exception site adjacent the settlement limit of Chawleigh the Council's Housing Enabling Officer has stated that the LPA is currently experiencing a shortfall in Custom and Self Build permissions against its statutory duties and as such it is considered that there is sufficient demand for the quantum of development proposed. The Council's Enabling Officer goes on to comment that *'The Register identifies specific demand for 5 CSB plots within the Parish of Chawleigh and an additional 7 plots when taking into account register numbers across the adjoining parishes of Lapford, Nymet Rowland, Coldridge, Eggesford and Wembworthy. It is important to note however, that the statutory register duties apply in terms of absolute numbers on the register. Assessment of eligible purchasers against the above criteria will need to take place at TDC stage once there is further clarity on the nature of the plots being provided and prospective plot purchasers.'*

2.6 Therefore just on the grounds of need, it would appear there is a need for self build houses in the Parish of Chawleigh and within the surrounding Parishes, in excess of 7 units. In light of the fact that we can only assess whether the principle of such a scheme would be acceptable, the wording of DM6 of the Local Plan would appear to support a case. In addition to the above, the applicant has noted that there are examples of appeals which set out that self-build plots should be supported, in Districts where there is a shortfall and where the site adjoins a sustainable settlement, regardless of Local Needs Assessment.

2.7 In respect to criteria b): this would be agreed at the second ('technical details consent') stage is when the detailed development proposals are assessed.

2.8 In respect to criteria c): the site adjoins a settlement which benefits from a village store and post office, public house, church and nursery/pre-school. The village is regarded as a sustainable location for limited development under Policy S13 of the Local Plan. Potential for any visual impact and other relevant planning issues would be agreed at the second ('technical details consent') stage is when the detailed development proposals are assessed.

2.9 In respect to criteria d): this would be agreed at the second ('technical details consent') stage is when the detailed development proposals are assessed.

2.10 In respect to criteria e): this would be agreed at the second ('technical details consent') stage is when the detailed development proposals are assessed.

3. Other matters (including issues raised in representations and that have not already been covered above)

3.1 As this is an application for permission in principle (permission in principle stage) the scope of consideration is limited to location, land use and amount of development. Other matters would be considered as part of any potential future technical details consent application. Therefore comments made by consultees, the Parish Council and the public related to highways concerns, amenity concerns etc. cannot be considered as part of this application.

3.2 The parish council expressed concern that this application has not been properly validated. This is on account of an error in the submitted cover letter and placement of the Site Notice. The Council can confirm that the application has been submitted and advertised fully in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. A site notice was erected in a public area at or near the site.

3.3 One consideration in the scope of the permission in principle relates to the amount of development. Under this type of application, the maximum number of residential units possible is 7 and the description of this proposal is for a scheme of up to 7 self build dwellings so whilst a smaller amount of units would be possible, we need to consider whether 7 dwellings could be sufficiently accommodated on this site, not being overbearing and still being in keeping with the context of the area.

3.4 As part of the application a location plan was originally provided with an indicative scheme shown for 9 units in a linear pattern across the site, accessed of a new estate road into the site. This was a concern for officers, as it was considered the site was not big enough to accommodate 9 units. As such, the proposal has been reduced to 7 units, which feels more comfortable in respect to the current densities of the village. Final layout, scale and design of the units would be determined at the technical details submission.

3.5 The applicant has also made the case that as the site is for Self-Build it is not necessary for the entirety of the site to be built on immediately. It may be that some people who are eligible, in line with paragraph 4.24 of the Local Plan, do not come forward immediately but the site and its infrastructure would be available as and when suitable applicants applied. In light of the above, it is concluded that the site could accommodate 7 self build dwellings.

SUMMARY/REASON FOR APPROVAL

The proposed permission in principle for up to 7 self-build dwellings is considered to be supportable in principle through Policy DM6 of the Mid Devon Local Plan. The Council has a responsibility to meet the need for self-build accommodation across District. There is a shortfall of self-build plots being provided and in respect of this particular location at the edge of Chawleigh, the Register identifies specific demand for 5 CSB plots within the Parish of Chawleigh and an additional 7 plots when taking into account register numbers across the adjoining parishes of Lapford, Nymet Rowland, Coldridge, Eggesford and Wembworthy. Officers therefore consider that the application can be supported at this stage of the process, with it mindful that further

assessment will continue at the technical detail stage, with officers able to ensure that any development would be appropriate in terms of layout and character and access.

RECOMMENDED CONDITIONS

N/A – Conditions would only be imposed subject to an approval at the Technical Detailed Consent stage.

INFORMATIVES

This application is for Permission in Principle. A second application to agree technical details will also need to be submitted. At technical details stage consideration of the following would be needed:

- Design code – To secure high quality urban design and afford design flexibility to people who want to build their own home, this proposal is strongly encouraged to be supported by a design code, prepared in discussion between the Council and the applicant. 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). It should also reflect a mix of plot sizes to enable different types of homes to be built, including smaller, lower cost plots, which can accommodate smaller homes, having regard to local demand on the Council's statutory Self Build and Custom Housebuilding Register.
- Servicing – At Technical Details Consent stage, the Council will need to ensure that the plots will be fully serviced prior to commencement of marketing (The Self Build and Custom Housebuilding Act 2015 as amended by The Housing and Planning Act 2016 defines a "serviced plot of land" as "a plot of land that –
 - has access to a public highway and has connections for electricity, water and waste water, or
 - can be provided with those things in specified circumstances or within a specified period.
- Marketing – Self-build and custom build plots will need to be marketed appropriately. A marketing strategy will need to be agreed which specifies the minimum period for advertising plots, the appropriate means of doing so and based on an independent valuation. The 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 marketing strategy should set out how plots will be marketed.
- Local connection – In accordance with Policy DM6, each house will need to be occupied by at least one person with a strong local connection to the parish. Additionally, appropriate legal controls will need to be agreed at TDC stage to ensure that the 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.

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do

not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

BNG – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024

Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).