

# Managing Development

## Sustainable development principles

### Policy DM1

#### High quality design

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
  - i) Architecture
  - ii) Siting, layout, scale and massing
  - iii) Orientation and fenestration
  - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.

4.1 National policy recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people. Policies S1 and S9 set out the Council's strategic objectives for locally distinctive, high quality development, including design which reinforces the character and legibility of the built environment and creates attractive places. Policy DM1 builds on this by setting out detailed criteria to guide high quality design on individual development sites.

4.2 The Mid Devon Town and Village Character Assessment identifies and evaluates the settlement character of the district, including patterns and similarities, distribution of land use, materials and key features of interest. The Devon and Mid Devon Landscape Character Assessments provide the equivalent information pertaining to landscape in the district. While

the level of information expected to accompany a planning application will vary depending on the development being proposed, applications for new buildings within or adjacent to towns and villages should demonstrate an understanding of the surrounding built environment. Where available, Conservation Area Appraisals will also provide an essential source of information for proposals within conservation areas. In addition to an understanding of local character and heritage, development proposals must respect the needs of neighbouring residents and the community, through the design of safe, accessible and attractive places that preserve general quality of life.

4.3 In creating visually attractive places that incorporate landscaping and green infrastructure, applicants are advised to consult Biodiversity by Design, published by the Town and Country Planning Association ([www.tepa.org.uk](http://www.tepa.org.uk)) for examples of how green infrastructure has been used to enhance the quality of development.

4.4 Designs should maximise opportunities for the use of sustainable transport modes for the movement of goods or people. National policy states that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; prioritise pedestrian and cycle movements; have access to public transport; deliver safe and secure layouts that minimise conflicts between cars and pedestrians/cyclists; incorporate facilities for plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport. Walking and cycling routes should be high quality, attractive and direct.

4.5 Development proposals must also accord with sustainable waste management principles, the requirements for which are set out in Policy W4 'Waste Prevention' within the Devon Waste Plan. The Devon County Council Waste Management and Infrastructure SPD should also be a material consideration. Development proposals should demonstrate compliance with this policy as part of the Design and Access Statement, where applicable. This is an essential step in the district's transition to more sustainable resource management, with the long-term aim of zero-waste or resource-neutral construction.

4.5a Soft landscaped SuDs are best placed to provide water quantity, water quality, public amenity and biodiversity benefits. When considering SuDs there is a preference for 'soft' landscaped solutions which should be sought in the first instance where possible and appropriate. Robust evidence should be provided where no soft landscaped solutions are used.

## Policy DM2

### Renewable and low carbon energy

The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate that impacts are or can be made acceptable, and that the development will preserve:

- a) Landscape character and the character and setting of heritage assets;

- b) **Environmental amenity of nearby properties and the wider locality;**
- c) **Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and**
- d) **Biodiversity (avoiding habitat fragmentation).**

4.6 Policy DM2 seeks to maximise renewable and low carbon energy while ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. Examples of development considered under this policy include ~~wind turbines~~, hydropower, ~~or~~ solar installations, and energy systems associated with other development such as combined heat and power (CHP) or district heating. Any wind turbine proposals will be considered in the context of the 18 June 2015 Written Ministerial Statement which requires planning applications for such development should only be granted if areas of suitable for wind energy development are identified in Local or Neighbourhood Plans. Following consideration of the evidence commissioned, the Council has concluded that it does not propose to identify such areas at a district level. This does not preclude suitable areas for wind energy development to come forward in Neighbourhood Plans.

4.7 These developments, especially when they are of a commercial scale, have the potential to cause significant harm through degradation of landscape character or heritage, impact to local residents and loss of productive agricultural land and biodiversity. Development proposals will be required to demonstrate that impacts are or can be made acceptable, through supporting studies and surveys as appropriate. As a starting point, development proposals should have reference to the Mid Devon Landscape Character Assessment (2011), the Landscape Sensitivity Study (2013) and the Government's Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013). Depending on the proposal, Policies DM4 (pollution), DM25 (heritage assets), DM27 (protected landscapes) and DM28 (other protected sites) may also have a bearing on whether planning permission is granted.

4.8 In some cases, Devon County Council will act as the Local Planning Authority in dealing with an application for planning permission. For instance, renewable and low carbon energy proposals that use waste materials originating from outside the site as the fuel will normally be determined by Devon County Council as the waste planning authority.

## Policy DM3

### Transport and air quality

**Development must ensure safe access to the transport network.** Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment. The traffic pollution assessment must consider the impact of traffic-generated nitrogen oxides on environmental assets including protected sites listed in Policy DM28, and propose mitigation measures where appropriate. The Low Emission Assessment shall include the following:

- a) **Assessment of the impact on existing Air Quality Management Areas, or an impact likely to result in the declaration of an additional Air Quality**

**Management Area, in cases where a demonstrable negative impact on ambient concentrations of air pollutants is considered likely;**

- b) Modelling of local residual road transport emissions from the development without mitigation measures; and**
- c) Onsite mitigation measures to reduce negative impacts on local air quality.**

4.9 A Transport Assessment is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures should be taken to deal with the anticipated transport impacts of the development.

4.9a A Transport Statement is similar to a Transport Assessment but is less detailed and can be used in some cases where transport issues arising from the development proposals do not require a full Transport Assessment. Where a Transport Statement in lieu of a Transport Assessment is considered acceptable this will be agreed by the planning authority in consultation with Devon County Council as the highway authority. All major applications will require a Transport Assessment unless advised by the planning authority.

4.10 A Travel Plan is a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives. Travel plans should encourage the use of alternatives to single-occupancy car use by prioritising pedestrian and cycle movements through the site, providing appropriate facilities, and implementing initiatives that encourage sustainable travel. Clear outcomes should be set out that link to an appropriate package of measures which should where suitable, include the promotion of:

- Walking and cycling
- Rail services
- Eco-driving such as low emission vehicles
- Car clubs
- Public transport
- Car sharing
- Motorcycle safety
- Flexible working practices

Travel plans should include details of how the progress of the travel plan will be monitored and reported.

4.11 Applicants are advised to engage in pre-application discussions with the Council and Devon County Council as Highway Authority if the development is likely to generate significant levels of vehicular movement, to discuss the scope and detail of the information required. Whether or not an application's traffic impact is considered 'significant' will depend on a range of factors such as the location of the development, its relationship to an Air Quality Management Area, its intended use and the capacity of the road network. The requirement will not usually apply to small-scale development, but occasionally a development not classed as 'major' may still have a significant impact. Where an integrated assessment is required, the Council will usually require an analysis of traffic flows at key periods and the 'mass emissions' or total emission footprint to be expected from the development. Where criterion (a) of the policy applies, the assessment should also focus on key road links. The Council will require development proposals to demonstrate that they will not cause significant harm to people or the environment through an increase in traffic-related pollutants. A traffic pollution assessment should consider the effects that additional emissions from vehicles will have on any environmental assets, including important wildlife habitats. This may be combined with an

assessment under Policy DM4, if appropriate. In particular, development that increases traffic along the A361 may have an impact on the Special Area of Conservation at Rackenford, which adjoins the Mid Devon boundary. Where a development would cause significant harm to this site and adequate mitigation would not be possible, planning permission will be refused.

4.12 Developments affecting the Special Area of Conservation could include:

- Intensive farming
- Commercial riding stables
- Employment development
- Tourism
- Gypsy and traveller sites
- Any other developments that increase cross-traffic along the A361

4.13 The Transport Assessment should identify the boundaries of the Low Emission Assessment, which evaluates the effect of the development on local air quality. The main routes of travel will be assessed for their residual road transport emissions after development, with and without mitigating measures to reduce emissions. The Low Emission Assessment must also take account of existing Air Quality Management Areas (Cullompton and Crediton), and include air quality exposure modelling for specified residential properties or other sensitive properties either within or adjoining an Air Quality Management Area or in a location at risk of being designated as one if a demonstrable harm has been identified. There are a number of standard models used for air quality exposure modelling, which should be carried out by a suitably qualified person. Procedural guidance for carrying out a Low Emission Assessment is contained in Annex 2.

4.14 Tiverton is at risk of being designated an Air Quality Management Area. Any relevant development proposal in or adjoining Tiverton, Cullompton and Crediton should consider the significance of its impact on the most congested routes within the town and the properties most directly affected by the development. Where mitigation measures are necessary, these should be designed to reduce both the direct impacts to nearby properties and an Air Quality Management Area, and indirect impacts to local road transport.

4.15 Mitigation measures might include:

- Use of low-emission vehicles and fuels during construction
- Onsite infrastructure for charging and fuelling low emission vehicles
- Parking management (differential rates, priority or dedicated parking for low emission vehicles)
- Low emission vehicle or bicycle rental/purchase schemes
- Car clubs
- High quality public transport services

4.16 Some measures to reduce emissions and encourage sustainable modes of travel may be designed and built into the development. Other measures are less straightforward and refer to activities and choices made by residents. To ensure that the measures included in a Low Emission Assessment and Travel Plan are implemented and continued in the long-term, the Council may require the applicant to enter into a planning obligation under Section 106 of The Town and County Planning Act 1990. The obligation would require the

establishment of a management company which would administrate differential charging levies, rental/purchase schemes or car clubs, as appropriate.

## Policy DM4

### Pollution

**Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.**

4.17 When the location or characteristics of a proposed development give rise to concern that the development would cause pollution or nuisance to surrounding people, properties or the environment, the Council will require an appropriate impact assessment to be undertaken by a suitably qualified person so that the potential effects can be properly understood. This may include cases where the site is already unstable or contaminated due to its former use, requiring mitigation or remediation to be carried out so as not to harm the health and wellbeing of future occupiers of the development. The Council will also have regard to the River Basin Management Plan (RBMP) and, where appropriate, seek to achieve measures which will achieve the objectives of the RBMP and the Water Framework Directive (WFD). Under the WFD there should be no deterioration in the status of a water body. If planning permission is granted, a planning condition should be used to ensure that any mitigation measures set out in the assessment are implemented.

4.18 The subject and scope of assessments will vary depending on the scale and type of development being proposed. For instance, where there is concern regarding the effect of additional traffic emissions on nearby residential properties, a Low Emission Assessment should include air quality exposure modelling for affected properties, and any mitigating measures that would reduce the impact. In this case the Council would discuss with the applicant or agent the level of information required and the methodology to be used.

- Assessments required under this policy include:
- Contamination and subsidence reports
- Noise assessments
- Low Emission Assessments
- Hydrological or drainage reports
- Any other technical assessment required to enable sustainable development

## Policy DM5

### Parking

Development must provide an appropriate level of parking, taking into account:

- a) The accessibility of the site, including the availability of public transport; and
- b) The type, mix and use of development.

Design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles. Within the towns of Tiverton, Cullompton and Crediton, infrastructure for electric vehicles should be built into development. The Council will seek parking provision and infrastructure for electric vehicles according to the following standards, the variation of which must be justified on a case-by-case basis.

Residential					
Use class	Description	Location	Minimum car parking standard	Minimum cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
C3, C4	Dwellings	General	1.7 per dwelling	1 or 2 beds – 2 per dwelling 3+ beds – 4 per dwelling	1 charging point per 10 units
Non-residential					
Use class	Description	Location	Minimum car parking standard	Minimum cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
			Per sqm gross floor area unless otherwise stated		
A1	Non-food retail	General	1 per 20	1 per 200	2 charging points per 200
A1	Food retail	General	1 per 14	1 per 140	2 charging points per 200
A2	Financial and professional	Within Tiverton, Cullompton & Crediton	1 per 30	1 per 300	2 charging points per 200
		Elsewhere	1 per 20	1 per 200	N/A
Non-residential					
A3	Restaurants	General	1 per 5.5sqm of eating area	1 per 55sqm of eating	2 charging points per 200

				area	
A4	Public houses	General	1 per 3sqm of drinking area	1 per 20sqm of drinking area	2 charging points per 200
B1, B2	Business and general industry	General	1 per 30	1 per 300	2 charging points per 200
B8	Warehousing and distribution	General	1 per 46.5	1 per 46.5	2 charging points per 10 parking spaces (employees/visitors)
C1	Tourist accommodation	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
C2	Residential institutions	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
D1	Non-residential institutions (exc. Schools and health facilities)	General	1 per 40	1 per 400	2 charging points per 200
D2	Indoor and outdoor sports	General	1 per 2 players and 1 per 10 spectator seats	1 per 20 players and 1 per 100 spectator seats	2 charging points per 200
	Indoor entertainment	General	1 per 5 seats	1 per 50 seats	2 charging points per 200

4.19 Road transport accounts for over a third of end-user carbon emissions in Mid Devon, at a time when European and national policies set increasingly challenging targets for reduction of carbon emissions. However, research by the RAC in 2009 showed that, while car usage is reducing, this does not correspond to a reduction in car ownership. Research carried out on behalf of the Department of Communities and Local Government in 2007 forecast an increase of approximately 18% in car ownership between 2001 and 2026. In view of local levels of car ownership and the rural nature of the district, there is clearly a need for development in Mid Devon to provide sufficient parking.

4.19a Policy DM5 applies a minimum residential parking standard of 1.7 spaces per dwelling based on car ownership levels in Mid Devon. This figure will be used to calculate the



minimum number of parking spaces for the whole development site, with a minimum of one parking space to be allocated for the sole use of each property. The remaining parking provision (and more if preferred) should be distributed appropriately throughout the development, in accordance with principles set out in the Council's Supplementary Planning Document (SPD) on the provision of parking in new development. Other principles in the SPD should also be adhered to when drawing up development proposals, including the allocation of appropriately located motorcycle, visitor and disabled spaces with sufficient manoeuvring space. For developments comprising one or two dwellings the standard will be rounded up to two spaces per dwelling. It is always preferential to locate the parking in close proximity to the property it services. For houses, car parking should ideally be provided adjacent to the property, either within the residential curtilage or in well-designed on-street parking. Spaces within parking courts are much less frequently used, and can be perceived to be inconvenient and insecure. Large, isolated and rear parking courts should be avoided. For non-residential development, parking should be provided in accordance with Policy DM5 except where alternative provision can be justified on the basis of existing parking provision or other factors.

4.20 Accepting that people will continue to own cars, there is a need to make the transition to a low carbon economy through the promotion of low emission transport. Policy DM3 also refers to transport and low emissions.

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## Residential development

### 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:**

- 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) **The housing 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.**

4.22 To encourage the delivery of affordable and low-cost housing in rural areas, exceptions can be made to the normal restrictions on housing development outside defined settlements. Exception sites must adjoin a settlement, which for the purposes of this policy will usually mean one of the settlements defined as suitable for limited development in Policy S13. However, some parishes do not contain a defined settlement but may have an affordable housing need, in which case a broader interpretation of 'settlement' will be appropriate, as long as there would be reasonable access to local services and infrastructure. Isolated sites in the countryside are not considered sustainable locations for new housing even under the exceptions policy.

4.23 Affordable and low-cost housing is reserved for those who cannot afford open market housing and have a connection to the local area. The definition of a 'local connection' is kept under review and as such it is appropriate that is contained in supporting guidance rather than determined through a Local Plan policy. In broad terms there should be a long-term residential, family or employment connection to the parish where the housing will be located. The criteria will be operated in a cascade to ensure those with the strongest connection are considered first. A planning obligation will be required to ensure that the affordable or low-cost housing remains available for local people in perpetuity.

4.24 Self-build housing will be permitted under this policy where at least one of the occupiers has an established housing need, assessed against appropriate officially published criteria. The Government's Help to Buy scheme applies eligibility criteria. Successful applicants:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travelling 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.

4.25 Self-build housing will constitute low-cost housing rather than affordable housing, as it will not be rented or part-owned by a housing association. In the event that the Help to Buy scheme is discontinued or the Council identifies a more appropriate way of assessing eligibility, the Council will consider whether suitable criteria for assessing housing need exist elsewhere that can be applied to self-build proposals. 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.

4.26 Affordable and low-cost housing must be appropriate to the needs of the people occupying it. For instance, if a housing need survey identifies a need for one or two bedroom dwellings, this is what should be provided. Self-build proposals will be tailored to the needs of the applicant, but will be expected to be of a modest size that reflects the principles of affordability for those in housing need.

4.27 National policy allows for some 'cross-subsidy' of affordable housing by market housing. This allows for sites which would not otherwise be viable for affordable housing to come forward, with market housing limited to the minimum level necessary to ensure delivery. Consistent with the overall principle of exception sites, the proportion of affordable housing must always be greater than that of market housing, and developers will be expected to submit evidence to demonstrate that the level of market housing proposed is the lowest level needed to deliver significant affordable housing. Evidence of local need for affordable housing will be required, as for any rural exception scheme. The Council will have regard to any up-to-date local housing need surveys and information from Devon Home Choice.

## Policy DM7

### ~~Gypsy and traveller accommodation~~ Traveller sites

Planning applications for gypsy and traveller pitches, ~~including pitches or plots~~ for travelling showpeople, will be permitted where:

- ~~a) The need cannot be met on another suitable site in Mid Devon which has~~  
~~consent or is allocated for gypsy and traveller pitches;~~
- ~~b) Local services can be accessed without the use of a car;~~
- ae) Suitable onsite facilities will be provided including space for children's play;
- bd) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and

- ce) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople.**

**Where development proposals are considered under ~~S12 or~~ <sup>[PL1]</sup> S13 local services can be accessed without the use of a car.**

**Where development proposals are considered under S14, the need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches.**

**Sites with associated employment or storage elements may be permitted where there is specific justification and the location of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.**

4.28 To ensure that sites will meet the needs of the travelling communities and the settled community a criteria based policy will be operated as set out above to determine applications for traveller sites. In order to ensure that users of sites will have access to facilities, national policy indicates that local planning authorities should very strictly limit new traveller site development in countryside that is away from existing settlements or outside allocations in the development plan. Sites will therefore only be permitted where facilities will be accessible without recourse to a car either by walking, cycling or utilising public transport. However, sites must also be in locations where the local environment is of satisfactory quality, so locations adjacent to noisy or polluting land uses or in areas of floodplain will not be suitable.

4.29 The need for gypsy and traveller accommodation is identified to be in the region of 25 pitches across the plan period. These are to be included within allocated developments at Tiverton Eastern Urban Extension, North-West and East Cullompton, and Pedlerspool in Crediton. Where gypsy and traveller pitches are provided on housing allocations, these are to be counted against the affordable housing targets for that site. There are also existing consented sites in Mid Devon. Proposals for gypsy and traveller accommodation will not be permitted in other locations unless it is demonstrated that the existing consented or allocated sites will not be available to the prospective occupiers in a reasonable timescale.

## Policy DM8

### Rural workers' dwellings

**Applications for rural workers' dwellings will be permitted where:**

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available at most times;**
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;**

- c) **The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site; and**
- d) **The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.**

**Where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:**

- (i) **An essential need for one or more workers to be readily available at most times**
- (ii) **A firm intention and ability to develop the enterprise**
- (iii) **Sound financial planning**

**Permissions for rural workers dwellings will be subject to an occupancy condition. Removal of such a condition will only be permitted where there is clear evidence that there is no need for the condition to remain in place.**

4.30 With the majority of Mid Devon's population living outside its main towns the contribution of rural areas is a very important part of the district's overall economy. Therefore, it is important that the Council's planning policies support rural enterprises. To promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural communities. However, an exception to this approach can be justified where it can be shown that a rural worker has an essential need to be available at most times as part of the operation of a rural business in accord with national policy. Essential need means a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance. Such need would relate to any particular event or combination of events that could lead to adverse animal welfare, crop or product quality, or health and safety consequences which might threaten the stability and economic well-being of an enterprise. In all cases, these would be events which could not be properly managed within normal working hours. Security concerns on their own will not be sufficient to justify a new dwelling. On working family farms, the Council recognises that retired farmers may continue to live on the farm and there could be a need for additional accommodation to meet the needs of the next generation. In these cases the existing dwelling will not be treated as available alternative accommodation pursuant to criterion b) of the policy, though the Council may require a Section 106 Agreement (planning obligation) to ensure the existing dwelling remains occupied by agricultural workers.

4.31 Applications for rural workers' dwellings will need to be accompanied by evidence which conclusively demonstrates the essential nature of the need and that suitable accommodation can only be provided through the construction of a new dwelling. In order for such dwellings to remain affordable for rural workers and to protect the intrinsic beauty of the countryside proposed dwellings will need to be of a size which matches the scale of the operation and other buildings on the site. As such development will take place in areas where the development of new houses would not normally be permitted, it will also be important to ensure that its design reflects its immediate context and its wider rural setting. Permitted development rights may be removed to prevent further enlargement of the dwelling without planning permission, to keep the dwelling at a size and value that will be affordable for rural workers.

4.32 Where a rural business is not yet established, the Council will consider granting a temporary mobile home, subject to appropriate evidence of essential need, a firm intention to develop the enterprise and sound financial planning. A 'firm intention' and sound financial planning might be demonstrated by a combination of measures such as the construction of new buildings; the purchase of stock needed to operate a rural business; appropriate agricultural or rural business training and qualifications; work experience; and evidence of sufficient finances to establish the enterprise.

4.33 Consent is granted for rural workers' dwellings as an exception to normal policy to support the rural economy. Therefore such planning permissions will be made subject to an occupancy condition which ensures the dwelling remains tied to the agricultural or other appropriate occupational use and is not sold or rented to unsuitable occupants. To prevent abuse of the exception for rural workers dwellings the removal of such conditions will need strong evidence to show that the occupancy by a rural worker is no longer justified, such as evidence of marketing at an appropriate price for a period of at least 18 months and an assessment of the demand for rural dwellings in the area.

4.34 In appropriate circumstances the Council will also seek Section 106 Agreements to ensure that a temporary dwelling is not put in place until associated development or infrastructure has been completed, and to tie the rural workers' dwelling to the operation and associated land which has the essential need to prevent the splitting of the dwelling from the operation.

## Policy DM9

### Conversion of rural buildings

**The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:**

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;**
- b) The building can be converted without significant alteration, extension or rebuilding;**
- c) The design will retain the original character of the building and its surroundings; and**
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.**

4.35 The buildings within Mid Devon's countryside are an essential part of its character and when they become redundant or disused they can provide a useful resource to allow the delivery of sustainable economic or residential development. In many cases the conversion of a rural building to an alternative use will be permitted development, requiring only a prior notification to the Local Planning Authority rather than a full planning application. However, if the relevant criteria for permitted development do not apply, planning permission is still

required and it is important to ensure that such conversions take into account their rural setting and the need to deliver good design.

4.36 National policy supports the sustainable re-use of rural buildings for economic and residential uses, requiring development to be sustainable and recognise the intrinsic beauty of the countryside. Development must be well designed and achieve a good standard of amenity for all existing and future occupants of land and buildings. Specifically in relation to residential conversions national policy states that they should lead to an enhancement to the immediate setting.

4.37 To ensure a conversion does not have a detrimental impact on the countryside and is sustainable, it is important that its development does not involve works that will have a harmful impact. The building should retain its original character in order that the converted building continues to positively contribute to the area's rural character. It is therefore important that any changes to the buildings are kept to a minimum, as reflected in the policy. Negative impacts could include the creation of a new access across an open field or light pollution in areas away from existing development. In order to ensure highway safety it is also important that a suitable access can be provided and the road network can support the proposed use. The rural nature of Mid Devon's highway network means that traffic intensive uses such as distribution or the movement of heavy and or bulky goods will not be appropriate in many locations. Further, rural buildings' role in the character of the countryside means that buildings in a ruinous state should not be re-used, the visual impact of the converted building should be no greater than that of the original building and local vernacular architecture should be retained. The Council will require a structural survey to be submitted to demonstrate that the building can be converted without significant alteration, extension or rebuilding, and may impose a planning condition which restricts permitted development rights for subsequent extensions and alterations.

4.38 Redundant rural buildings often serve as bat roosts or habitats for other protected species. The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives designate 'protected species' with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species' habitat. The Council will require a habitat survey to accompany any planning application for the conversion of a rural building, to identify protected species within the application site, set out any mitigation measures where appropriate and include recommendations for the enhancement of biodiversity.

4.38a Policy DM9 refers to the conversion of existing buildings to a residential, tourism or employment use. Proposals for new-build employment and expansion of existing businesses will be assessed against DM18. Other policies in the Local Plan will also be applied as appropriate.

## Policy DM10

### Replacement dwellings in rural areas

**The construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights.**

4.39 Situations can arise where a replacement dwelling is sought because the cost of repairing or altering an existing building exceeds the cost of its total replacement. As the principle of development is established by the existing dwelling its replacement will generally be acceptable. However, to ensure that the character and amenity of the area are not harmed, and the rural dwelling stock remains affordable for local residents, the size of the new dwelling should be restricted to that of the previous dwelling except where there are any unspent permitted development rights. In all circumstances, the permitted development rights for the replacement dwelling will be removed. The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot. Policy DM10 refers to the replacement of existing dwellings, the use of which has not been abandoned.

## Policy DM11

### **Residential extensions and ancillary development**

**Extensions to existing dwellings and other ancillary development will be permitted provided that they:**

- a) **Respect the character, scale, setting and design of existing dwelling;**
- b) **Will not result in over-development of the dwelling curtilage; and**
- c) **Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.**

4.40 Rather than moving house to gain extra space many people extend their existing property and permitted development rights allow many extensions to be built without the need to apply for planning permission. However, there are still situations where planning permission is required and where extensions needing planning permission are proposed. It is important that the design of the extension is suitable for the building it will extend and for its immediate surroundings. For example it would not be acceptable for an extension to dominate the existing dwelling or to block light into principal rooms in an adjacent dwelling. The living conditions of neighbours should not be significantly harmed, and the Council will have regard to a number of factors affecting living conditions, such as light, privacy and overbearing or over-dominating effects. However, there is no right to a view across someone else's land, so the loss of a view will not in itself be a reason for refusal of planning permission. There are also occasions where ancillary development to a dwelling may need planning permission and in such cases it will also be important to ensure that the design and location of ancillary development is acceptable.

## Policy DM12

**Design of housing****Housing Standards**



New housing development should be designed to deliver:

- ~~a) High quality local places taking into account physical context, local character, density and land use mix;~~
- ~~ab) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;~~
- ~~be) 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 with external space for recycling, refuse and cycle storage;~~
- ~~d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey;~~
- ~~ec) Private amenity space that reflects the size, location, floorspace and orientation of the property; and~~
- ~~f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;~~
- ~~gd) On sites of 10 houses or more the provision of 30% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'; and,~~
- ~~h) Car parking in accordance with Policy DM5.~~

4.41 National policy states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is particularly important for the design of the homes that people live in and the spaces that surround those homes. The aim in Mid Devon is to deliver high quality buildings and spaces that meet the needs of users, taking account of an aging population whilst ensuring compatibility with surrounding development and uses. Though compliance is delivered through building regulations, criterion (g) will be implemented through a condition attached to the planning permission.

## Policy DM13

### Dwelling sizes

~~Newly constructed dwellings should meet or exceed the following minimum internal floorspace requirements (measured in gross square metres, 'sqm'). The internal Design Standard requires that:~~

- ~~a) Every dwelling provides at least the gross internal floor area and built-in storage area set out in the below table;~~
- ~~b) Every dwelling with two or more bedspaces provides at least one double (or twin) room;~~
- ~~c) In order to provide one bedspace, every single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide;~~
- ~~d) In order to provide two bedspaces, every double (or twin room) has a floor area of at least 11.5sqm;~~
- ~~e) One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide;~~

- f) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area (GIA) unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1sqm within the GIA);
- g) Any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any lower than 900mm is not counted at all; and
- h) The minimum floor to ceiling height of the main living space is 2.5m for at least 75% of the GIA;
- Minimum gross internal floor areas and storage (sqm)

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

Notes: GIAs for one-storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. \*Where a studio has a shower instead of a bathroom, the floor area may be reduced from 39sqm and 37sqm, as shown bracketed. GIAs for two and three-storey dwellings include enough space for one bathroom and one additional WC (or shower room). Built-in storage areas are included within the overall GIA and include an allowance of 0.5sqm for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.

4.42 Homes should be designed to have sufficient space based on the expected number of occupants, in order to avoid problems of lack of privacy, insufficient areas for moving around the house and not enough storage space. National and local research has demonstrated that homes have not been built to a sufficient size to meet the needs of the occupants. In recent years, it has also been the case that some market housing has been built to a smaller standard than would be deemed acceptable for affordable housing. In response to local concerns about unacceptably small dwelling sizes Mid Devon has previously operated a space standard which set agreed minimums which applied across all tenures.

4.43 The Government has subsequently proposed a new national space standard, to replace all existing size standards being used. In order to continue to ensure that houses of a sufficient quality continue to be built within the district, the Local Plan incorporates the Government standard into planning policy. Should changes be made to the Government standard, the application of the policy will be amended to align it with the latest approach.

## Retail, business and tourism

### Policy DM14

#### Town centre development

The Council will promote the sustainable growth and regeneration of Tiverton, Cullompton and Cridton ~~and Bampton~~. Within defined town centres, development proposals for ~~retail, leisure, commercial, office, tourism, cultural~~ main town centre uses, community and residential development will be supported where they:

- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;
- b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and
- c) Are readily accessible by public transport, walking and cycling.

Within defined primary shopping areas, the shopping function will be safeguarded and enhanced. Development and change of use of ground floor premises to alternative uses will not be permitted where:

- i) The primary retail role and character is undermined, causing unacceptable fragmentation and isolation of the remaining shops;
- ii) The proposed use would harm the vitality and viability of the primary shopping area; and
- iii) There would be a detrimental effect on the visual character and amenities of the surrounding area.

Within primary shopping frontages, at ground floor level the proportion of A1, A2 and A3 ~~retail~~ uses will not be permitted to fall below ~~65~~85% of all units.

- 4.44 The town centre is at the heart of a market town's community. The Local Plan distributes development according to the location, role and function of the towns of Tiverton, Cullompton and Crediton, with Cullompton expected to expand considerably over the plan period. Other Local Plan policies will also apply as appropriate, such as Policy DM1 on high quality design.
- 4.45 Retail markets change quickly and it is important that local planning policies are flexible enough to respond to rapid change. For this reason, Policy DM14 sets out a wide range of permissible uses in town centres, seeking to diversify customer choice while protecting and enhancing the viability of the town centre, its historic character and its accessibility by the most sustainable modes of transport. This applies to change of use applications as well as new-build development.
- 4.46 Primary shopping frontages have been defined within Tiverton and Crediton town centres, showing where retail development is concentrated. The primary shopping frontage (identified on the Policies Map) should include a high proportion of retail uses which may include food, drinks, clothing and household goods. These are the core town centre retail uses and should be protected, while other uses such as takeaways and professional services may be located elsewhere in the town centre.
- 4.47 Planning applications within the primary shopping areas will be not be permitted if any of criteria i-iii of Policy DM14 apply. The assessment of such applications will include consideration of:
- The location and prominence of the premises within the shopping frontage
  - The floorspace and length of frontage of the premises
  - The number, distribution and proximity to other premises within use classes A2-A5, or within planning permissions for such use
  - The particular nature and character of the use proposed, including the level of pedestrian activity associated with it
  - The level of vacancies in ground floor properties
  - Whether the proposed use would give rise to noise, smell or other environmental problems

## Policy DM15

### Development outside town centres

Within Tiverton, Cullompton and Crediton ~~and Bampton~~ the Council will apply a sequential approach to planning applications for main town centre uses, according to the following descending order of preference:

- a) Town centre
- b) Edge of town centre
- c) Out of town centre

Edge of centre and other out of centre proposals must be well related to the town centre and accessible by public transport, walking or cycling. Proposals in these locations must

also demonstrate that no suitable sites are available in a more sustainable location according to the order of preference given above.

The Council will require an impact assessment to be submitted for any proposals for retail, ~~and~~ leisure and office development outside of town centres, where the proposed total gross floorspace would exceed 500 square metres. The impact assessment must include an assessment of:

- i) The impact of the proposal on existing, committed and planned public and private investment in the town or other centres in the catchment area of the proposal; and
- ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made, or ten years in the case of major development, taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations.

4.48 National policy requires local authorities to apply a sequential approach to ~~retail development in towns~~ main town centre uses, to ensure the vitality and viability of town centres are not harmed by out-of-centre development. A proportionate, locally set threshold may be applied to retail, leisure and office floorspace proposed outside of town centres, over which an impact assessment should be required. The Mid Devon Retail Study recommends a threshold of 500 square metres gross floorspace. The need for an impact assessment will be considered in the context of each application and will be required where the development will result in total gross floorspace of over 500 square metres, either itself or cumulatively with other existing or proposed development of a similar type.

4.49 In considering development proposals in edge of centre or out of centre locations, the Council will assess whether there are suitable sites in a more sustainable location according to the order of preference and apply a flexible approach where justified. The nature, scale, car parking requirements and market demands of the proposal will be taken into account.

4.50 National policy defines 'edge of centre' as follows:

*For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.*

4.51 A retail impact assessment submitted in accordance with Policy DM15 should have regard to the findings of the Retail Study 2012. The assessment should consider the effect on existing stores and centres of committed and allocated developments and the development being proposed, based on:

- (i) the turnover of existing facilities in the catchment area (including any completed since the Retail Study 2012)
- (ii) the expected trade diversion from these facilities to any retail sites under construction, with planning permission or allocated for development
- (iii) the trade diversion resulting from the proposed development

Applications for leisure development over 500 square metres floorspace should use a similar approach based on the Tourism Study and any other appropriate evidence.

4.51a Where specific allocations of this plan contain proposals for uses which are subject to the sequential test, a proportionate approach to the application of the test will be required, reflecting the strategic decisions already made through the local plan process. However, the local planning authority will still fully consider the potential impact on town centre vitality and viability to ensure that the primary role of the town centres in meeting such development needs is maintained.

4.51b Where proposals are predicted to have a likely adverse impact (including cumulative) on town centre health, planning permission should be refused. The Mid Devon Retail and Tourism Studies are available on the Mid Devon District Council website at <http://www.middevon.gov.uk/evidence>.

## Policy DM16

### Fronts of shops and business premises

**Proposals for the alteration, replacement or construction of fronts for shops or business premises must be well proportioned and suited to the character of the building, adjacent buildings and the surrounding street scene. Where security measures such as grilles or shutters are proposed, these should be designed as an integral part of the building's front, maintaining the visibility of the building's interior and minimising visual impact. Independent ground floor access to the upper floors must be retained.**

4.52 The fronts of shops and business premises visually dominate town centres and have a considerable impact on the town centre's character and appearance. Attractive shop fronts that respect their surroundings have a positive effect on the overall quality and attractiveness of a town centre. This policy should be read in conjunction with Policy DM1 on high quality design and Policy DM25 on heritage assets.

4.53 National policy emphasises the importance of residential development in bolstering the vitality of town centres. Policy DM14 therefore promotes residential development in town centres where possible, and Policy DM16 supports this further by ensuring that access to accommodation above ground floor commercial units is not lost through redevelopment of the building's ground floor front.

4.54 Advertisements including fascia and projecting signs often go hand-in-hand with the design of shop fronts and other business premises. Applications for Advertisement Consent are determined outside of the Development Plan, under the 'Control of Advertisements' regulations. Such applications are determined on the basis of public amenity and highway safety. National policy provides additional guidance.

## Policy DM17

### Rural shopping

**Retail development will be permitted within defined villages, where it will meet local needs and is accessible by a range of transport modes.**

**Adjacent to defined villages and elsewhere in the open countryside, proposals for retail development must demonstrate that:**

- a) The location and scale of the development would not harm the vitality and viability of town centre or village shopping facilities;**
- b) The development would not lead to an unacceptable impact on the local road network; and**
- c) There would not be an unacceptable adverse impact to the character and appearance of the countryside.**

4.55 Policy S13 defines the villages in Mid Devon that are considered suitable for limited growth, due to their physical characteristics and the availability of a range of facilities and services. The Council supports the sustainable growth and expansion of business and enterprise in rural areas, while protecting the predominance of town centres for meeting the district's retail needs. Policy DM17 refers only to retail development, while Policy DM18 will be applied to non-retail business development. Policy DM1 (high quality design) also applies.

## Policy DM18

### Rural employment development

**In countryside locations, planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:**

- a) The development would not lead to an unacceptable impact on the local road network;**
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and**
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.**

4.56 The Council recognises the importance of retaining and providing rural employment opportunities outside settlement limits as a means of ensuring a diverse and healthy rural economy. There is a range of employment activities, particularly those associated with tourism, recreation and rural diversification that can be accommodated in countryside locations, without any adverse effects upon the character of Mid Devon's rural areas or existing development. It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment. It is also important that development outside settlement limits only occurs where there are insufficient alternatives available otherwise such development would not be sustainable. The policy is not intended to relate to large scale strategic development which would be contrary to Policy S2.

4.57 Policy DM18 refers to new-build developments and expansion of existing businesses. Proposals for conversion of existing buildings to an employment use will be assessed against Policy DM9. Other policies in the Local Plan will also be applied as appropriate.

## Policy DM19

### Protection of employment land

**Non-employment use or development of employment land or buildings, including sites that are established, allocated or have planning permission, will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Alternative uses will be permitted where it is demonstrated that:**

- a) Firstly, there is a sufficient range of suitable and available employment sites in the local area; then**
- b) There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months; and**
- c) A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:**
  - i) Mixed use of the site that incorporates an employment-generating use, then**
  - ii) Non-employment use.**

4.58 One of the Council's five key objectives is a thriving economy. The Local Plan allocates commercial land sufficient to meet the district's future needs to 2033, but many people in the district will continue to commute to other areas and it is important to protect the sites that are currently providing jobs in Mid Devon. Employment land is a scarce and valuable resource which needs to be retained to ensure that the Council can deliver one of its key objectives.

4.59 National planning policy discourages the long-term protection of allocated employment sites where there is no reasonable prospect of a site being used for that purpose, and requires local planning authorities to have regard to market signals. Policy DM19 sets out local requirements that help to establish whether individual sites can provide employment. In assessing the range of suitable and available alternative employment sites in the local area (criterion a), the Council will have regard to the specific and wider conclusions of the Employment Land Review (2013), which describes a shortage in small employment allocations in Mid Devon. For the purposes of Policy DM19, the 'local area' means the Mid Devon district and, if an application site is in a parish adjacent to the district's boundary, a neighbouring district.

4.60 Applicants will also be required to demonstrate that there is no commercial interest in the re-use of the site for employment purposes. In view of the on-going fluctuations in the national economy, an 18 month marketing period is considered appropriate and will be kept under review in subsequent local plans. In relation to the appropriate price referred to in criterion (c) the price should reflect the price of similar employment sites or buildings which have been marketed within the previous two years or result from an independent assessment of the value of the land or buildings where this is not feasible. If there is no interest in the site as a result of marketing, the potential of the site for mixed use development including employment must be considered in preference to the total loss of employment. This will involve determining whether the site still has the potential to be developed viably for mixed use development or can only be viable if the whole site is developed for non-employment



uses. In all cases, the proposed use must not significantly harm any other existing uses in the area, or be harmed by those uses. For example, housing development may not be acceptable in close proximity to general industry, depending on the nature and scale of the industrial use.

## Policy DM20

### Agricultural development

**Agricultural development will be permitted where:**

- a) **The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;**
- b) **The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;**
- c) **The development will not have an unacceptable adverse impact on the environment; and**
- d) **The development will not have an unacceptable traffic impact on the local road network.**

4.61 Agriculture is an important element of the Mid Devon economy. Agricultural development is essential to support modern farming and ensure a sustainable rural economy. This policy permits new agricultural development outside of the defined settlements, whilst seeking to balance the needs of modern farming with protecting the countryside and residential amenity.

4.62 Proposals for the development of new buildings for livestock need to take account of waste product storage or removal, and the effect this can have on the amenity of local residents and the environment. Such proposals will need to be accompanied by a Waste Management Plan, which sets out how the development limits any adverse effects. Where the development is likely to cause demonstrable harm to the environment, for instance where drainage from the site threatens the ecological integrity of a water body, a hydrological or drainage report will be required in accordance with Policy DM4 (pollution). A planning condition may be imposed to ensure that appropriate mitigation measures are implemented.

## Policy DM21

### Equestrian development

**Horse-related facilities and equestrian enterprises in the countryside will be permitted where they are well integrated with their surroundings, being of appropriate location, scale, design and materials so as not to harm the character and landscape of the rural area or the amenity of nearby residents.**

**Equestrian development must not result in an unacceptable increase in traffic on the local highway network.**

4.63 The use of land for horse keeping is a common feature of the Mid Devon landscape. Equine activities are an established part of the rural economy, providing opportunities for recreation and employment. Equestrian activities are typically located in the open countryside, away from settlements, where most forms of development are restricted.

4.64 New equine facilities can have a negative impact on the rural nature of an area, adversely affecting landscape character and natural beauty, by their appearance, scale, materials or design. Individually, equestrian developments may seem inconsequential, but cumulatively they may, over time, significantly alter the character of an area. It is therefore important that any new developments are designed and located as to minimise their impact, taking account of local character and landscape. Where proposals are part of an existing agricultural development, any new facilities should be integrated with, or located near to existing farm buildings or structures.

4.65 Commercial establishments or large scale domestic operations including racing stables, horse riding centres and liverys will have a greater impact on a local area, through their size, associated traffic generation and greater use of local roads for exercising of horses. Such establishments should demonstrate how they will not result in an unacceptable increase in traffic on local roads.

## Policy DM22

### Tourism and leisure development

**Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:**

- a) **Respect the character and appearance of the location;**
- b) **Where possibleappropriate, involve conversion or replacement of existing buildings; and**
- c) **Demonstrate that the need is not met by existing provision within nearby settlements.**

4.66 Tourism plays an important role in generating income for local residents. Devon is a very popular tourist destination, providing leisure and recreation activities for its own residents and those visiting the county. Despite a number of small scale attractions and places to stay across Mid Devon, tourism is less developed than within other parts of the county, partly reflecting the district's inland location and distance to the coast.

4.67 Tourism and leisure development is generally welcomed, providing employment and a means of supplementing rural incomes. However, it can have negative impacts on the surrounding area if located insensitively, being out of scale with its context or by failing to take account of local character and appearance. The policy seeks to locate most development within or close to defined settlements, where local shops and facilities are most accessible and stand to benefit the most. Sustainable development will be approved in accordance with Policy S1.

4.68 Applications for tourism and leisure development in the countryside will need to be justified by the applicant. The Council will require a marketing strategy and business plan to be submitted, to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure development should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside settlement limits, applicants should have regard to the Council's Tourism Study, available [at on the Mid Devon District Council website http://www.middevon.gov.uk/evidence](http://www.middevon.gov.uk/evidence).

4.69 Evidence supporting a countryside location should be proportionate to the scale and nature of the tourism proposal being considered. For instance, the conversion of a barn to tourist accommodation is permissible in principle under Policy DM9 (conversion of rural buildings) and is often dependent on an agricultural character which would not be found in a nearby town or village. Larger tourism attractions such as animal sanctuaries, museums, outdoor activity centres or hotels may have a significant impact on the countryside and the local road network, so in these cases more comprehensive supporting evidence will be required.

## Community facilities

### Policy DM23

#### Community facilities

**The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.**

**Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.**

4.70 Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They include pubs, post offices, shops, village halls, allotments, places of worship and various recreational facilities. National policy seeks to retain and develop local services and community facilities and guard against their unnecessary loss, [while the vision for this Local Plan recognises the importance of providing safe, healthy and crime free neighbourhoods](#). Policy DM23 therefore builds on

this guidance and seeks to protect those existing services whilst permitting some redevelopment where it is necessary to ensure viability.

4.71 The Council will guard against the unnecessary loss of valued community facilities and services. In circumstances where a community facility is proved to be no longer economically viable in a particular location, the Council will consider an alternative use. Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months.

4.72 Local communities can nominate buildings as 'assets of community value' to be added to a register held by the Council. Once on the register the owners of a facility will need to notify the Council if they intend to sell the asset, at which point the community will be offered the opportunity to purchase it. Mid Devon District Council will compile this list as community assets are brought forward. Applicants should contact the Council for further advice should they wish to apply for planning permission or change of use on a community facility that has been included on the register. The Council cannot refuse planning permission purely on the basis that a community asset is on the register.

## Policy DM24

### Protection of Local Green Space and recreational land/buildings

**Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:**

- a) **An assessment has been undertaken which demonstrates that the site is surplus to requirements, including requirements within the parish for alternative forms of open space, sports or recreational use; or**
- b) **The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or**
- c) **The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.**

**Designated areas of Local Green Space will be protected from development unless the development meets the criteria set out in national policy for the protection of Green Belts.**

4.73 This policy aims to protect open space, sport and recreational land or buildings from redevelopment, with the exception of any sites allocated for alternative use.

4.74 The Open Space and Play Area Strategy (2014) identifies sites of public open space, sports and recreational land in the district. Where the strategy shows a surplus of play areas or other open space according to the standards set out in Policy S5, the Council will consider which open spaces are most important for long-term maintenance and retention. Those which include a flexible mix of uses such as equipped play space, sports and informal recreation land will normally be considered a priority for retention, and also those which are an integral and well-functioning part of an existing housing estate. Proposals for redevelopment of surplus open space must demonstrate that the site is less preferable for public recreational

use than the alternative open spaces within an accessible distance of the development. If this is not the case, criteria b) or c) of the policy apply.

4.75 Sites which are particularly important to local communities may be designated as Local Green Space, through the preparation of local or neighbourhood plans. The Local Plan designates Local Green Space at the following locations:

- [Millenium Green, Bampton](#)
  - ~~Church Green, Bickleigh~~
  - Joan's Orchard, Bickleigh
  - Recreation Ground, Bickleigh
- 
- Nick's Farm Field, Bradninch
  - [Millenium Green, Sandford](#)
  - Millennium Green, Thorverton
  - Sports Field, Witheridge

4.76 Neighbourhood plans produced by local communities may designate further areas in addition to the above list. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character and not cover an extensive tract of land. National policy applies a level of protection equivalent to Green Belts.

## Environment

### Policy DM25

#### Development affecting heritage assets

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- Apply a presumption in favour of preservation in situ in respect of the most important heritage assets;
- Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting ([including views to or from](#)), [appearance, design, layout](#) and local distinctiveness, and the opportunities to enhance them;
- Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of paragraph 133 of the National Planning Policy Framework are met;
- Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and
- Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from ~~English Heritage: "The Setting~~

**of Heritage Assets”Historic England: ‘The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3’.**

4.77 The historic environment is an asset of great cultural, social, economic and environmental value. It is a non-renewable resource that contributes significantly to our quality of life and to the character of the district. Heritage assets are defined as those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest over and above their functional utility and covers both designated and non-designated assets.

4.78 A heritage asset is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. This includes designated heritage assets such as listed buildings, scheduled monuments, registered parks and gardens and conservation areas, and undesignated sites that can include archaeological sites, locally listed assets and any asset included on the Devon County Historic Environment Record.

4.79 Where proposed development will have the potential to impact upon a heritage asset or its setting, the Council will require the applicant to submit sufficient information to enable a description of a heritage asset affected and a consideration of the impact of the development upon it. This may take the form of an appropriately detailed desk-based assessment and, where necessary, a field evaluation. The level of detail required should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. If physical preservation of a heritage asset in situ is not appropriate or feasible, “preservation by record” may be acceptable and implementation required by a condition attached to planning permission. Non-designated heritage assets of archaeological interest that are of equivalent significance to a scheduled monument, will be considered subject to the policies for designated heritage assets.

4.80 Proposed development that would lead to substantial harm or total loss of significance of a designated heritage asset will be assessed against national policy, which requires that such proposals should be refused unless there are substantial public benefits that outweigh the harm, or all of the following considerations apply:

- The nature of the heritage asset prevents all reasonable uses of the site
- No suitable viable use of the heritage asset can be found in the medium term through appropriate marketing
- There is no possibility of conservation as a result of grant-funding or charitable or public ownership
- The harm or loss would be outweighed by the benefit of bringing the site back into use

4.81 Balancing the importance of conservation with the challenge of tackling climate change represents a priority for the district. Proposals for measures to mitigate the effects of climate change that affect listed buildings or buildings in a conservation area can sometimes conflict negatively with the principles of conservation. Therefore prior to determination, the Council will work with applicants to identify feasible solutions that deliver climate change mitigation with less or no harm to the significance or setting of the heritage asset. Where conflict is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of the heritage assets affected.

4.82 Further background information in relation to Mid Devon's historic environment can be found within the Town and Village Character Assessment and Conservation Area Appraisals. Where these are available, applications should make reference to how the proposed development contributes towards the priorities set out in these documents. Specific studies may also be relevant to development proposals depending on their location. For instance, where development would affect the setting of Knightshayes Court or Killerton Park, the Council will have regard to The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment (The Parks Agency; Sept 2007), or the Killerton Park Setting Study (Land Use Consultants; final report, April 2013), as appropriate. These documents are available on the Council's website and will be a material consideration when planning applications are determined. Applicants are encouraged to contact the Council to check if their site falls within the setting study areas surrounding Knightshayes or Killerton, and consider the implications of this at the design stage. It should also be noted that the areas covered by setting studies do not represent a finite limit of setting.

4.83 Details of Mid Devon's non-designated heritage assets are on the register of heritage assets, which is available on the Council's website at [www.middevon.gov.uk/heritageassets](http://www.middevon.gov.uk/heritageassets). ~~The Council's online Public Access system at [www.middevon.gov.uk/online-applications](http://www.middevon.gov.uk/online-applications) has a property address search facility that identifies where heritage assets are present.~~ Further details of heritage assets are ~~also~~ available from English Heritage/Historic England and the Historic Environment Service at Devon County Council, which holds the Devon County Historic Environment Record. The Council will publish a local register of non-designated heritage assets.

4.84 Existing registers of heritage assets are not an exhaustive list of heritage assets. The Mid Devon local list is regularly reviewed to take account of new information. A development proposal might draw attention to a heritage asset that had not previously been identified or assessed. The absence of an asset from the heritage asset register at the time an application is submitted does not indicate that the asset has no heritage value.

## Policy DM26

### Green infrastructure in major development

Major development proposals must demonstrate that green infrastructure will be incorporated within the site as follows:

- a) Biodiversity mitigation, resulting in a net gain in biodiversity;
- b) Flood and water resource management;
- c) Green corridors and public rights of way to link the site to the wider GI network, provide walking and cycling opportunities and avoid habitat fragmentation; and
- d) New green infrastructure such as the creation of native woodland where possible.

Where evidence demonstrates that meeting these criteria in full would render the development unachievable, the Council will balance the benefits of the development against the objectives of this policy. Where appropriate, the Council will seek

contributions toward off-site green infrastructure where on-site green infrastructure is unfavourable.

4.85 Green infrastructure is a network of multi-functional green space with recreational, visual and ecological value. It includes:

- Natural and semi-natural green spaces such as grassland and nature reserves
- Green corridors such as hedgerows, verges and public rights of way, or 'blue infrastructure' such as watercourses and other water bodies
- Public or private spaces such as gardens, parks, village greens and allotments

4.86 Biodiversity is in long-term decline, with habitats becoming increasingly fragmented and degraded as a result of changing land use and agricultural practices. National policy seeks to reverse this trend, halting overall biodiversity loss and reintroducing well-functioning and coherent ecological networks for the benefit of all. There is an opportunity for development in Mid Devon to play its part in improving the quality and connectivity of green infrastructure. Green infrastructure in some cases can also serve the purpose of protecting or enhancing heritage assets.

4.87 Major applications (defined in the glossary) should be accompanied by a habitat survey describing what flora and fauna are present on the site, with particular regard to protected species. In permitting the development, the Council must be satisfied that onsite biodiversity mitigation, where required, is sufficient to make the development acceptable in planning terms.

4.88 Green infrastructure provided within major development sites should normally serve a variety of purposes such as flood attenuation, leisure and recreation, provision of natural habitats, and shading and cooling of buildings and public areas. Green infrastructure functions can co-exist in one place, so the land coverage does not have to be extensive in every case. Green infrastructure within the site should be achieved as part of the broader objectives for high quality design set out in Policy DM1 (high quality design). Applicants should have regard to the Town and Country Planning Association document, Biodiversity by Design, and should explore opportunities for green infrastructure to deliver wider environmental measures, such as those set out in the SW River Basin Management Plan.

4.89 This policy should be considered alongside Policy S5, which sets local standards for the provision of public open space in new development.

## Policy DM27

### Protected landscapes

**Development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:**

- a) Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and



- b) Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.**

**Major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional cases.**

4.90 National policy accords the highest status of protection to the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and National Parks. The Mid Devon district incorporates a very small part of Dartmoor National Park in the Cheriton Bishop parish, for which Dartmoor National Park Authority is the Local Planning Authority. The district shares boundaries with both Dartmoor and Exmoor National Parks.

4.91 The Blackdown Hills Area of Outstanding Natural Beauty (AONB) is a nationally important landscape designation, aiming to preserve and enhance the natural and historic landscape features, flora and fauna of the AONB. The Blackdown Hills Management Plan outlines measures for the protection and management of this landscape. Development should not in any way undermine the special qualities that led to the designation of this landscape as AONB.

4.92 Part of the western side of the district falls within the transition area for the North Devon Biosphere Reserve. Biosphere Reserves are areas nominated by national governments and designated under UNESCO's 'Man and Biosphere Programme.' These areas are recognised for their high biodiversity value combined with sustainable use of natural resources for the benefit of local communities. The purpose of the biosphere reserve is to reconcile the conservation of biodiversity with human development needs. The part of the reserve within Mid Devon is known as a 'transition area'. This does not benefit from the very high level of environmental protection found in the 'core area' at Braunton Burrows, but contains agricultural activities and local communities that are recognised for their progress towards achieving this environmental and economic balance.

4.93 Further information on the cultural heritage, character, appearance and setting of the district's landscapes may be found in the Mid Devon Landscape Character Assessment, the Devon Landscape Character Assessment and Devon County Council's Historic Environment Record, which the Council may use as a background to decision-making. Where a development proposal would have potentially significant landscape impact, a Landscape and Visual Impact Assessment and ecological report will be required. For applications not supported by specific studies, such as small-scale proposals with no likely significant effects on the landscape or biodiversity, the requirements of the policy should be met through the Design and Access Statement where one is required.

4.94 Where major developments are proposed within or adjoining protected landscapes or adjoining the National Parks, it must be demonstrated that they are sufficiently in the public interest to overcome any detriment to the landscape in question. National policy criteria will be applied, including an assessment of the need for the development, consequences of approval or refusal, opportunities for an alternative location and the extent to which any detrimental effects on the environment could be mitigated. The impact of light pollution should also be considered with particular regard provided for the Dark Sky Reserve status of Exmoor National Park.

## Policy DM28

### Other protected sites

Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or priority habitats defined under the UK and Devon Biodiversity Action Plans, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it. Planning permission will be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;
- b) The development could not be located in an alternative, less harmful location; and
- c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate.

Where development proposals would lead to an individual or cumulative adverse impact on Natura 2000 sites, planning permission will be refused unless the proposal complies with criteria b) and c) above, and the fundamental integrity of the features of the Natura 2000 site would not be affected.

4.95 Natura 2000 sites include habitats protected under European Legislation, such as Special Areas of Conservation and Special Protection Areas for birds. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation. However, there is a European-designated Special Area of Conservation (SAC) adjacent to the district's boundary on the A361 road near Rackenford, within North Devon district. While the policies in this plan incorporate counter-acting measures to reduce effects on SACs, the protection of European sites is of the utmost importance. Development that would adversely affect a Natura 2000 site will not normally be permitted, given the stringent tests applied in Policy DM28 and the National Planning Policy Framework.

4.96 Within the Mid Devon district, the Council accords the highest degree of importance to Sites of Special Scientific Interest, as these are sites of national importance with regard to flora, fauna, geological and physiographical (landform) features. They are statutorily protected from harmful operations under the Wildlife and Countryside Act 1981. Proposed development that has an adverse effect on a Site of Special Scientific Interest, whether individually or in combination with other developments, will not normally be permitted. Paragraph 118 of the National Planning Policy Framework will be applied.

4.97 Ancient woodland will be accorded the same level of importance as Sites of Special Scientific Interest, as it comprises a number of woodland habitats that are a national priority for improvement under the UK Biodiversity Action Plan. Ancient woodland and trees are irreplaceable. As such, the opportunities for mitigation under criterion c) of the policy are limited, and planning permission is likely to be refused for development that would result in

the loss of ancient woodland or trees unless the need for, and benefits of, the development in that location clearly outweigh the loss. Where the Council becomes aware of ancient trees not previously identified and under threat from development, a Tree Preservation Order will be considered.

4.98 Regionally Important Geological Sites, being of regional significance, are also accorded a high degree of importance. Mid Devon only has six such sites, within the parishes of Crediton, Crediton Hamlets, Zeal Monachorum, Kentisbeare and Uffculme. More information is available in the glossary. Any development proposal that impacts upon one of these sites would need to be extremely well justified.

4.99 County Wildlife Sites are undesignated sites selected because of the presence of important habitats or species. There are over 200 such sites in Mid Devon, representing a variety of habitats. Development proposals adversely affecting a County Wildlife Site will be considered on a case-by-case basis, according to the amount of information available about the site and its significance, relative to the type, scale and benefits of the development being proposed. The same position will be taken on proposals that impact on Local Nature Reserves and priority habitats (other than ancient woodland) defined in the UK and Devon Biodiversity Action Plans.

4.100 Priority habitats include certain classifications of grassland, heathland, woodland or marsh. While the loss of irreplaceable habitats will not normally be permitted, the Council will seek the replacement of a priority habitat where it is significantly affected and its replacement can be achieved, through a planning obligation as appropriate.

4.101 The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives also designate particular 'protected species' with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species' habitat. These provisions are set out in law and apply in addition to relevant policies in the Local Plan. The Council will require a protected species survey to be carried out in support of any relevant planning application, including when the application site is not a protected site under Policy DM29 but may affect protected species such as bats and birds.

4.102 Policy DM29 affords protection to sites of significant wildlife or geological importance. Where adverse impacts are likely, planning permission will be refused unless there is particular justification that clearly outweighs the impact in that case. The Council will consider the wider implications of any adverse impact to a protected site, such as its role in providing a vital wildlife corridor, attenuating flood risk or ensuring good water quality in a catchment. National policy criteria will be applied. Where development is permitted and would lead to an adverse impact, appropriate mitigation measures should be put in place. Compensatory measures in some cases, where mitigation measures are not possible, may be considered appropriate. Compensatory measures are not possible in cases and will depend on the context of the protected site. In the case of Natura 2000 sites, compensatory measures may only be considered if the proposal is deemed to be of overriding public interest and would involve engagement with both Central Government and European Commission.

4.103 The protected sites listed in Policy DM29 are identified on the Policies Map where they are within or adjoining a defined settlement. Larger sites are also identified on the

district-scale map. Up-to-date mapping and information for County Wildlife Sites are held by Devon Biodiversity Record Centre (DBRC). Applicants are advised to contact DBRC when the full extent of a County Wildlife Site is in question.

## Enforcement

### Policy DM29

#### Planning enforcement

**The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.**

4.104 Investigating suspected breaches of planning control is an important function of a Local Planning Authority. Unauthorised development can be detrimental to the local environment and be a source of social tension. Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

4.105 When undertaking investigations, the Council will act in proportion to the scale of the suspected breach to which it relates. The Council will then take enforcement action where it deems such action to be appropriate, having regard to the scale of the breach and the impact on public amenity.

4.106 To ensure that enforcement is managed proactively and in a way that is appropriate to Mid Devon the Council will publish a Local Enforcement Plan. This document will set out the Council's approach to enforcement, including timescales for action and stating in detail how the Council will respond to suspected breaches of planning control.