

CHAPTER 7

Housing

INTRODUCTION

7.1 This Chapter is concerned with the planning issues relating to housing. Government objectives, as set out in PPG3 'Housing', underpin the housing policies and proposals contained in this Plan: -

- ◆ *To provide a greater choice of housing in a manner which does not reinforce social distinctions;*
- ◆ *To provide everyone with the opportunity of a decent home;*
- ◆ *To promote more sustainable patterns of development and make better use of previously developed land and buildings; and*
- ◆ *To ensure new housing in residential environments are well designed and make a significant contribution to promoting urban renaissance and improving the quality of life.*

7.2 The policies and proposals in this Plan aim to provide a choice of housing to meet the needs of the whole community including those requiring affordable or specially adapted housing. A mix of house types and sizes is therefore encouraged in locations that are easily accessible to jobs and services including education and health facilities, shops and leisure.

7.3 In addition to the policies contained in this Chapter, other policies and proposals contained elsewhere in the Plan will also control and influence the location and type of housing. Policies contained in the Chapters on Development Standards, the Environment and Travel, Transport and Communications will be particularly relevant in assessing residential development proposals.

HOUSING REQUIREMENTS

7.4 The Structure Plan sets out the housing requirements for North Devon for the period 1995-2011, which is about 6,800 dwellings. A key role of this Plan is to ensure there is an adequate and continuous supply of land and buildings to meet this requirement in a manner which achieves the Government objectives as summarised in paragraph 7.1. The overall housing requirements for North Devon will be met through a mixture of developments already completed since 1995, existing commitments, new housing proposals and 'windfall' sites.

Table 6 : Housing Requirements 1995-2011

	Dwellings
Devon Structure Plan First Review Requirement (1995-2011)	6,800
Completions 1995-2003	3,691
Commitments at 31.3.03*	1,158
Balance of dwellings required to 2011	1,951

* Commitments comprise unimplemented planning permissions and dwellings under construction.

7.5 As illustrated in Table 6, much of the housing required between 1995 to 2011 has already been built, is under construction or will be achieved through the implementation of existing planning permissions. A 10% non-implementation rate has been deducted from the outstanding planning permissions, in recognition that some will never be built. The balance of housing required to 2011 is therefore for about 1,950 dwellings.

HOUSING SUPPLY

7.6 The balance of dwellings required to 2011 will be met through new housing proposals and 'windfall' developments. The Government has revised the delivery of housing through the planning system by introducing a 'Plan, Monitor and Manage' approach. An essential feature of the Government policy is the introduction of a sequential approach to the release of land for housing. This approach gives priority to the reuse of previously developed sites and the existing building stock within urban areas followed by urban extensions and finally new development around nodes in good public transport corridors. The Government target is that by 2008, 60% of new housing should be provided on previously developed land and through maximising the existing building stock.

'Windfalls' are defined as those houses built on sites which have not been specifically identified because they are too small (sites of less than 0.4 hectares in size) or they arise unexpectedly during the Plan period.

7.7 To reflect Government objectives, an Urban Capacity Study has been undertaken to establish the housing potential arising from land and buildings within the urban areas of the main settlements in the District in order to assess the amount of greenfield land that needs to be identified in order to meet the outstanding balance. The Urban Capacity Study is a key supporting document to the Plan and has ensured that greenfield sites have only been identified as a final option to meet strategic housing requirements. Based on the findings of the Urban Capacity Study and in accordance with the Strategy of the Plan (see Chapter 3), about 50% of the new housing proposed for North Devon will be built in the Sub Regional Centre of Barnstaple with significant allocations also proposed for the Area Centres of South Molton and, albeit to a lesser extent, Ilfracombe.

7.7A In selecting sites specifically allocated for housing in the Action Plans, the following criteria have been applied: -

- ◆ *The existing or potential accessibility to jobs, shops and services by modes of transport other than the car;*
- ◆ *The existing or potential capacity of physical and social infrastructure to support additional growth;*
- ◆ *The ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and*
- ◆ *Physical and environmental constraints including flood risk and contamination.*

Table 7 : Housing Supply 2003-2011

	Dwellings
Balance of Requirements (2003-2011)	1,951
Estimated windfall allowance	350
Proposed housing sites: - ¹	
◆ Previously developed land ² and buildings	1,082
◆ Greenfield ³	608
Anticipated provision (2003-2011)	2,040

¹ - Land at Roundswell, Cross Farm (Braunton) and Moors Yard (South Molton) are not included in these figures as they already have planning permission.

² - A 25% discounting rate has been applied to a figure of 1,443 dwellings to more accurately reflect their availability;

³ - A 10% discounting rate has been applied to a figure of 675 dwellings.

POLICY HSG1A (TOTAL HOUSING PROVISION)

PROVISION WILL BE MADE FOR ABOUT 3,200 DWELLINGS FOR NORTH DEVON IN THE PERIOD 2003-2011 AS FOLLOWS:

- ◆ **IN BARNSTAPLE - ABOUT 1,375 DWELLINGS;**
- ◆ **IN SOUTH MOLTON - ABOUT 540 DWELLINGS;**
- ◆ **IN ILFRACOMBE - ABOUT 420 DWELLINGS;**
- ◆ **IN BRAUNTON - ABOUT 185 DWELLINGS; AND**
- ◆ **ELSEWHERE IN THE DISTRICT, INCLUDING THE LOCAL CENTRES - ABOUT 680 DWELLINGS.**

The Sequential Approach and Phasing

7.10 Based on the potential sites identified in the Urban Capacity Study, **the aim is to provide at least 60% of all new homes on previously developed sites.** To ensure that priority is given to the use of previously developed sites and buildings within the urban areas in order to meet the 60% target, the sequence in which residential development schemes come forward on greenfield land will be controlled through phasing. The phased release of greenfield land will apply to both proposed and windfall sites. Phasing will help manage, monitor and plan the overall pattern and rate of urban growth and ensure there is a sufficient supply of land and buildings available to meet the strategic housing requirements set by the Devon Structure Plan. Phasing will also help ensure that physical and social infrastructure is properly co-ordinated.

7.11 The development of greenfield sites for housing will not be permitted unless and until they are needed to meet strategic housing requirements and where monitoring has clearly demonstrated the following circumstances: -

- ◆ *That dwelling completions are significantly lower than expected based on the implied building rate to meet strategic housing requirements; and*
- ◆ *There are insufficient previously developed sites within the urban areas currently available to meet immediate strategic housing requirements.*

7.12 To further help manage, monitor and plan the release of housing land, two phasing periods have been identified for the Plan for reasons of practicality; up to April 2006 and post April 2006. The phased release of land generally only applies to Barnstaple, Ilfracombe, South Molton and Braunton and Wrafton as these are the only settlements with a variety of site specific proposals on both previously developed and greenfield sites. Most of the greenfield proposals subject to phasing have a specified release date post April 2006. The only exception is where a greenfield site will assist the redevelopment of a previously developed site as part of a comprehensive scheme by virtue of its locational relationship.

POLICY HSG1 (THE SEQUENTIAL APPROACH)

AT LEAST 60% OF ALL NEW HOUSING SHOULD BE PROVIDED ON PREVIOUSLY DEVELOPED LAND AND THROUGH THE CONVERSION OF EXISTING BUILDINGS. IN ORDER TO PRIORITISE THE REUSE OF PREVIOUSLY DEVELOPED SITES AND EXISTING BUILDINGS WITHIN URBAN AREAS, THE DEVELOPMENT OF A GREENFIELD SITE FOR HOUSING WILL ONLY BE PERMITTED WHERE THERE IS A NEED TO INCREASE THE SUPPLY OF LAND TO MEET STRATEGIC HOUSING REQUIREMENTS.

THE LOCATION OF NEW HOUSING

Introduction

7.13 The distribution of new housing across North Devon is based on the strategy outlined in Chapter 3. It has also been guided by the analysis of the rural settlements summarised in Table 2 at pages 23 and 24.

The Towns and Villages with a Development Boundary

7.14 Development boundaries have been defined for all the towns, large villages within the Priority Area for Rural Regeneration (PARR) and all the villages, with the exception of Bratton Fleming, within the Area of Strategic Landscape and Development Constraint (ASLDC). The concept of development boundaries is explained at paragraphs 3.34 to 3.36. Within a development boundary new housing will generally be acceptable unless a proposal involves land or buildings that are either protected for environmental, recreational or social reasons, or specifically allocated for other types of use in the Plan. A proposal that prevents the implementation of an allocation or existing planning permission or the development of a potential building plot will not be permitted. Similarly, any proposal that harms the character of a settlement, its setting or the amenities of neighbouring residents will not be acceptable in accordance with the range of policies contained in the Development Standards and the Environment Chapters.

7.15 The bulk of new housing will be concentrated in Barnstaple to reflect its Sub Regional role. A significant level of housing is also proposed for the Area Centres of South Molton and Ilfracombe. A modest amount of new housing is also directed to the large villages in the PARR identified at paragraph 3.19 with a particular emphasis given to Chulmleigh and Witheridge in view of their role as local service centres. These villages, in addition to Bishops Nympton, Burrington, Landkey and Swimbridge are reasonably self sufficient and are situated outside any nationally designated landscape areas. A moderate level of new housing in these settlements may prevent local services such as schools and shops from becoming unviable and help create more mixed and balanced communities. Particular support will be given to schemes that facilitate the provision of a facility required for the local community and to improve the self sufficiency of a settlement in the form of a development package.

7.16 Development boundaries are applied restrictively to the villages in the ASLDC to reflect their location within high quality landscapes. All the villages identified in this area are listed at paragraph 3.27. These villages tend to be subject to strong development pressures for new housing. Many contain a significant proportion of second homes and retired people from outside Devon. This situation reduces the housing opportunities for the local people by inflating house prices and may harm the viability of key services and facilities as a result of an imbalanced community. In order to address these concerns, whilst protecting the environmental qualities of these areas, new housing opportunities will be generally restricted with encouragement given to the provision of affordable homes for local people. Although development boundaries have been applied restrictively, limited housing opportunities exist within these villages, particularly Braunton, Combe Martin and Woolacombe to reflect their size and roles in the settlement hierarchy. Some growth potential has also been identified for North Molton in order to retain its level of services and to reflect its strategic position as a gateway to Exmoor.

7.17 In addition to the housing opportunities within a village, affordable housing schemes may be permitted on land adjacent to a development boundary. This 'exceptions' approach applies to all villages and rural settlements defined in paragraphs 3.22, 3.27 and 3.29 providing the affordable housing scheme meets the requirements of Policy HSG8.

POLICY HSG2 (DEVELOPMENT BOUNDARIES)

RESIDENTIAL DEVELOPMENT WILL BE PERMITTED WITHIN THE DEVELOPMENT BOUNDARY OF A TOWN OR VILLAGE WHERE IT DOES NOT HARM THE CHARACTER AND SETTING OF THE SETTLEMENT.

Small Villages within the Priority Area for Rural Regeneration

7.18 The small villages within the PARR are identified at paragraph 3.22. Due to their size and, in most cases, limited range of facilities, employment opportunities and travel options, these villages cannot support or justify significant levels of new housing. However, allowing a limited amount of new housing will help sustain and support rural community life and in particular maintain or enhance the level of existing services and facilities within small villages.

7.19 The scale of new housing should be compatible with the size, form and character of the village and its function in relation to the level of services and facilities available. A less modest level of housing may be acceptable where it supports the provision of a facility required for the local community and to improve the self sufficiency of a settlement as part of a development package. Such facilities could include those relating to sport and recreation or a community use such as a village hall. In assessing the need for a particular facility, account will be taken of any community or parish appraisals prepared for a particular area.

7.20 Affordable housing schemes may also be permitted in small villages where they meet the requirements of Policy HSG8. Whatever the form of housing development, it must be well related to the main built up area of a village and follow a logical and defensible boundary. Proposals that harm the character of the countryside or the settlement itself will not be permitted.

POLICY HSG3 (SMALL VILLAGES IN THE PRIORITY AREA FOR RURAL REGENERATION)

RESIDENTIAL DEVELOPMENT WILL BE PERMITTED WITHIN AN IDENTIFIED SMALL VILLAGE WHERE:-

- A) THE SCALE OF DEVELOPMENT IS APPROPRIATE TO THE SIZE, FORM AND CHARACTER OF THE VILLAGE AND THE LEVEL OF FACILITIES AVAILABLE;**
- B) IS WELL RELATED TO THE MAIN BUILT UP AREA OF THE SETTLEMENT AND DOES NOT HARM THE RURAL CHARACTER, SETTING AND FORM OF THE VILLAGE AND SURROUNDING COUNTRYSIDE.**

Rural Settlements

7.21 The rural settlements within the District are identified at paragraph 3.29. Providing limited housing opportunities in these selected locations will help support local services that are vulnerable to closure and meet the needs of the local population ensuring these rural communities remain vibrant and healthy.

7.22 Policy HSG4 has been framed so that the dispersed settlement pattern of North Devon is not exacerbated, the landscape quality of the District is not compromised, and any conflicts with the principles of sustainability are minimised. New housing will be restricted to those sites that are well related to the main built up area of a settlement. Any development that damages the rural character of the surrounding countryside or the settlement and its setting will not be permitted in accordance with those policies contained in the Development Standards and Environment Chapters.

7.23 The primary purpose for allowing limited housing in small rural settlements is to sustain their vitality and to meet the needs of the local community. New dwellings coming forward on single plots will be subject to secure arrangements to ensure their occupancy is limited both initially and in the future to:-

1. Existing residents who have lived in the locality for a continuous period of at least five years and are in need of a separate home (defined as those setting up a new household as a result of co-habitation, marriage, divorce or separation, or those that have, or are about to leave, tied accommodation on retirement) or whose present accommodation is sub-standard or unsuitable to their present circumstances because of their age, an impairment, medical condition or to meet the needs of a growing family;
2. A person who has worked in the parish for a continuous period of at least five years; or
3. Someone currently employed within the parish in an agricultural related activity, as a professional health, care or social worker or as a primary teacher; or
4. People who have moved away but have strong established and continuous links with the parish by reason of birth or family and still have a parent or guardian living there.

Restricting the occupation of a new dwelling in this manner will help ensure there is a stock of homes to meet the housing needs of the local community. A cascade approach will be applied to any property not let or sold within a reasonable period in accordance with the guidance contained at paragraph 7.48. Where a site is capable of accommodating more than one dwelling, consideration will be given to permitting an element of open market housing as a means of enabling the provision of affordable housing to meet the needs of the local community. On such sites, at least 50% of new homes must be affordable and restricted to meeting the needs of the local community in accordance with HSG7 and the guidance set out in paragraphs 7.45 and 7.48. Affordable housing to meet the specific needs of lower income groups in the local community will also be permitted in the identified rural settlements through the 'exceptions' approach providing any scheme meets the requirements of Policy HSG8.

POLICY HSG4 (RESIDENTIAL DEVELOPMENT IN IDENTIFIED RURAL SETTLEMENTS)

RESIDENTIAL DEVELOPMENT IN AN IDENTIFIED RURAL SETTLEMENT WILL BE PERMITTED WHERE:-

- A) IT IS WELL RELATED TO THE MAIN BUILT UP AREA OF THE SETTLEMENT;**
- B) IT DOES NOT HARM THE RURAL CHARACTER AND SETTING OF THE SETTLEMENT AND THE SURROUNDING COUNTRYSIDE;**
- C) IN THE CASE OF A SINGLE DWELLING, SECURE ARRANGEMENTS ARE MADE TO ENSURE THE DWELLING REMAINS AVAILABLE TO MEET THE NEEDS OF THE LOCAL COMMUNITY BOTH INITIALLY AND IN THE LONG TERM PROVIDED THE NEED EXISTS; AND**
- D) IN THE CASE OF A SCHEME INVOLVING MORE THAN ONE DWELLING, AT LEAST 50% OF THE TOTAL NUMBER OF DWELLINGS PROVIDED ARE AFFORDABLE TO MEET THE HOUSING NEEDS OF THE LOCAL COMMUNITY.**

MAXIMISING THE USE OF LAND AND BUILDINGS

7.24 In order to make the best use of available housing land, Government guidance advises that net densities should be no lower than 30 dwellings per hectare and in many circumstances should be higher. Residential development with a net density of less than 30 dwellings to the hectare will therefore not be acceptable other than in exceptional circumstances. This standard should be considered as a starting point. Residential schemes should be developed at the highest density compatible with achieving good standards of design and layout sensitive to the location, characteristics of the site and its surroundings. The highest densities will generally be most appropriate in locations close to public transport and within easy walking and cycling distance of local facilities and employment opportunities.

7.25 When assessing residential schemes net, rather than gross, densities will be used. A net measurement is a more refined estimate and includes only those parts of a site that will be developed for housing and directly associated uses. Net densities include private garden spaces, car parking, incidental open spaces, landscaping and children's play areas but excludes major distributor roads, schools, open spaces serving a wider area and significant buffer strips. Where possible, the density of development expected in new residential schemes is identified in the site specific proposals.

7.26 A high standard of design and layout is also integral to the efficient use of land and buildings. In particular, PPG3 explains that new housing development must be influenced by the surrounding context including the townscape and landscape of the wider locality and should '*create places and spaces with the needs of people in mind*'. More detailed guidance on design issues for all forms of development is contained in Chapter 4 (see Policy DVS1).

7.27 To further maximise the use of land and buildings, Government guidance advises that car parking provision should not exceed an average of 1.5 spaces per dwelling in residential schemes. However, the actual level of parking required should reflect both the location and intended occupants of a scheme and will need to take account of any on street parking problems in a particular area. More detailed policy advice on parking standards is contained in Chapter 6 of the Plan (see Policy TRA8 and paragraphs 6.41 to 6.43).

7.28 The conversion of vacant commercial buildings, the sub division of large houses into smaller units and the use of upper floors above shops and commercial premises provide an important source of additional housing as recognised in the Urban Capacity Study. Maximising the use of the existing building stock also provides an effective means of creating accommodation for smaller households, particularly single persons, the elderly and students. Support will therefore be given to proposals that make better use of the existing building stock in towns and villages. Proposals for the conversion and re-use of existing buildings in urban areas should not harm residential amenities of surrounding properties and will be assessed against the appropriate policies including those contained in the Development Standards Chapter, together with the Supplementary Planning Guidance produced by the Council on 'Houses in Multiple Occupation'.

POLICY HSG5 (RESIDENTIAL DENSITY)

RESIDENTIAL DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT IS DEVELOPED AT THE HIGHEST NET DENSITY HAVING REGARD TO THE CHARACTER AND APPEARANCE OF THE SITE AND THE SURROUNDING AREA.

MIXED COMMUNITIES AND AFFORDABLE HOUSING**Mixed Communities**

7.29 The advice in PPG3 places increasing emphasis on the creation of ‘*mixed and inclusive communities*’. On sites of at least 0.2 hectares or involving 5 or more dwellings, residential schemes should include a mix of accommodation types, sizes and tenures where such a range is required to meet the varying needs and demands of the local community. More detailed advice on special needs housing is contained at paragraphs 7.49 and 7.50.

7.30 A Housing Needs Assessment covering the whole of North Devon has been carried out. It provides a detailed assessment and overview to the year 2011. This assessment will be used as a guide to ensure that residential schemes incorporate an appropriate mix of accommodation. The Housing Needs Assessment has shown the tendency of the market to over provide larger accommodation whereas the apparent need is for smaller accommodation. The mismatch between the type and size of dwellings in the existing stock and the stated requirements of households who are either intending to move or are emerging is summarised in Table 8.

7.31 Providing a better mix of dwellings will help meet the needs of specific groups such as the elderly, single people, childless couples and the mobility impaired. It will also assist in maximising densities and creating varied designs and layouts.

Table 8 : Housing Mix

Dwelling Type	Existing Stock	Moving Households Requirements	Emerging Households Requirements
Bedsit/One Bedroom	7%	11%	39%
Two Bedrooms	25%	30%	53%
Three Bedrooms	45%	42%	9%
Four or more Bedrooms	22%	16%	0%

POLICY HSG6 (MIXED ACCOMMODATION)

RESIDENTIAL DEVELOPMENT WILL ONLY BE PERMITTED WHERE PROVISION IS MADE FOR A CHOICE AND MIX OF DWELLING TYPES AND SIZES TO MEET THE HOUSING NEEDS OF THE LOCAL COMMUNITY BASED ON TABLE 8.

Affordable Housing

7.32A Research commissioned by the Joseph Rowntree Foundation has revealed that North Devon is ranked 25th in the UK and 7th in the South West in terms of having the highest house prices to average incomes. Of more concern, the District is ranked 6th in the UK in having the highest proportion of households unable to purchase even the lowest priced houses.

7.32 The following indicators confirm the findings of this research and provide an overview of the housing problems experienced in North Devon:-

- ◆ 2,970 households on the housing register (April 2005);
- ◆ Average total re-lets per annum – 258
- ◆ Average total homelessness acceptances per annum – 165
- ◆ Average household income in North Devon in 2004 - £25,750;
- ◆ Average house prices in North Devon (second quarter of 2005) - £191,537;
- ◆ 9% of households state they find it difficult or very difficult to pay the rent or mortgage;
- ◆ North Devon contains 1,774 second homes and dwellings used as holiday accommodation (4.4% of total household spaces) (2001 Census).

Sources : Various including North Devon Housing Needs Assessment (June 2001), Housing Register, 2001 Census and HM Land Registry

7.33 In order to help resolve the housing problems experienced in North Devon, the planning system is expected to facilitate the provision of affordable homes for lower income groups in four main ways:-

- ◆ *Securing a mix of dwelling sizes and types in residential schemes;*
- ◆ *Securing an element of affordable housing in residential schemes;*
- ◆ *Allowing affordable housing in rural settlements on sites that would not otherwise be developed; and*
- ◆ *Maximising opportunities for the direct provision of affordable housing by, for example, Registered Social Landlords.*

The Affordable Housing Target

7.34 The survey undertaken as part of the Housing Needs Assessment has revealed that over the next three years, 345 affordable dwellings are required per annum. However, given the impracticalities of providing this amount against the overall housing requirements for the District, a target has been set that at least 1,200 new affordable homes should be provided in North Devon between the years 2003 and 2011.

Defining Affordable Housing

7.35 The term 'affordable home' embraces all forms of tenure, accommodation type and size of unit. Set out below are definitions of the most common forms of affordable homes provided through the planning process. Whilst there is scope for other tenure models to meet the housing needs of local people, to ensure they are truly affordable in the context of North Devon, affordable housing for the purposes of Policies HSG7 and HSG8 should be based on the principles defined below:-

- ◆ *In respect of housing for rent, the rent should not exceed the levels recommended by the Housing Corporation; and*
- ◆ *In respect of housing for sale, the maximum price should not exceed three times the average annual household income for North Devon.*

These guidelines represent the maximum affordability levels that the Council considers reasonable, taking account of lowest quartile and average house prices, rents and average household incomes in North Devon and the practical requirements of developers and lending institutions.

Affordable Housing in Residential Schemes

7.36 To help achieve the affordable housing target for the Local Plan, the Council will secure an element of affordable housing on residential sites where such a need exists. In the towns of Barnstaple, Ilfracombe and South Molton the size threshold of sites to trigger a possible affordable housing provision is 0.5 hectares or 15 dwellings and above. In Braunton the trigger threshold is 0.2 hectare or 5 dwellings and above. For all the other settlements in North Devon, the trigger threshold is any site capable of delivering more than one dwelling so that, where a need for affordable housing exists, some provision will be secured. In identified and unidentified rural settlements set out in paragraphs 3.29 and 3.31 of the Plan respectively, the provision of affordable housing will often be on a one for one basis. The low or zero trigger threshold applying to all the settlements in North Devon is to maximise the opportunities for securing affordable housing. These thresholds also reflect the relatively limited housing opportunities in the rural settlements in the context of the pressing need for affordable accommodation amongst local communities.

7.37 Most of the residential allocations have an affordable housing target that will be reviewed at the time a planning application is submitted. In reviewing the target or deciding the proportion of affordable housing to be secured in a residential scheme on a 'windfall' site or involving the renewal of a planning permission that meets the trigger threshold, account will be taken of the following factors:-

- ◆ *The extent of the affordable housing need in a particular locality having regard to the results of the Housing Needs Assessment, the Housing Strategy and the Housing Register, all of which will be subject to reviews during the lifetime of the Plan;*
- ◆ *The opportunities for meeting local housing needs on other sites within a particular settlement of the District;*
- ◆ *The character of the site and the surrounding area;*
- ◆ *The proximity of local services and access to public transport and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.*

7.38 Affordable housing secured in Barnstaple, Ilfracombe and South Molton should be available, in the long term provided the need exists, to all those in housing need throughout the District through the involvement of an RSL or by the imposition of a condition or planning obligation. In all other settlements, affordable housing will meet a more localised housing need and should be restricted to those residents with a strong connection to the parish or adjoining parishes as explained in paragraph 7.45. This approach will ensure that the provision of affordable housing relates to the principles of sustainability and the varying needs of North Devon's communities. For the purposes of Policy HSG7, a 'housing need' is defined as a household currently occupying accommodation that is unsuitable for its requirements and with both an income that is too low to buy or rent accommodation appropriate to their circumstances on the open market. The Council's housing allocations policy also defines the term 'housing need' to which Policy HSG7 will apply.

7.39 In providing an element of affordable housing, a range of house types, sizes and tenures will be expected although the exact mix will depend on the housing needs in a particular locality. Affordable housing should be well integrated and mixed throughout an overall scheme in order to create a balanced and inclusive community.

7.40 As an alternative to the provision of affordable housing on a site, a financial or other contribution may be secured to facilitate provision elsewhere in the District. This approach, however, will only be used in exceptional circumstances where it is agreed that there are clear advantages in locating the affordable housing elsewhere. A planning obligation will be used to control the way in which the contribution is made and used.

7.41 Exceptionally, the requirement to provide or contribute towards the provision of affordable housing may be reduced or waived where such costs would prejudice the achievement of other more pressing environmental, social or economic aims. This exception may extend to a previously developed site where there is substantive evidence to prove that its redevelopment is economically marginal.

POLICY HSG7 (AFFORDABLE HOUSING IN RESIDENTIAL SCHEMES)

- 1. AT LEAST 1200 AFFORDABLE HOMES SHOULD BE PROVIDED IN NORTH DEVON DURING THE PLAN PERIOD. IN ORDER TO HELP ACHIEVE THIS TARGET, WHERE A SITE SATISFIES THE TRIGGER THRESHOLD RESIDENTIAL DEVELOPMENT WILL ONLY BE PERMITTED WHERE AN ELEMENT OF AFFORDABLE HOUSING IS PROVIDED TO ADDRESS IDENTIFIED NEEDS.**
- 2. THE AFFORDABLE HOUSING WILL BE SUBJECT TO SECURE ARRANGEMENTS TO ENSURE IT REMAINS AVAILABLE TO MEET THE NEEDS OF THE COMMUNITY BOTH INITIALLY AND IN THE LONG TERM PROVIDED THE NEED EXISTS.**

Affordable Housing In Rural Areas

7.42 Annex B of PPG3 recognises that in the absence of sufficient housing opportunities, a 'rural exception policy' may be required to release sites to meet local affordable housing needs. Such sites will only be released as an exception to normal housing policies applying in rural areas. Exception schemes will be limited to the Area Centres identified in Policy STY2 and those villages defined in paragraphs 3.16, 3.19, 3.22, 3.27 and 3.29 in the interests of sustainability.

7.43 In order to justify an exception scheme, the Council must be satisfied that a local housing need exists within a community. Applicants promoting a rural exception scheme should seek the advice of the Rural Housing Enabling Officer and will need to demonstrate that there is a genuine need for the affordable housing in the locality by undertaking a survey in partnership with the relevant Parish Councils. The survey must identify the local people who are in housing need, those who expect to have a housing need in the near future and take account of any other known alternative provision that may come forward. The applicant should demonstrate that the proposed scheme will effectively meet the needs of the target groups identified in terms of the number, tenure and size of units.

7.44 Where a single affordable dwelling is being promoted, equally clear evidence will be required to demonstrate that this is an appropriate response to the housing needs of the local community. Except where an RSL will be involved in the management of the dwelling, sufficient information will also be required to determine whether the house provided is affordable (i.e the size of the dwelling and likely construction costs are appropriate for an affordable house).

7.45 For the purposes of Policy HSG8, a 'local housing need' is defined as a household which has an income too low to occupy available market housing appropriate to their circumstances for either rent or sale. In addition, the household must have a specific need to live in a particular parish, or in certain circumstances an adjoining parish, including those in Exmoor National Park (defined as 'the locality') in which the scheme is situated. Such households will tend to fall into one of the following categories: -

- ◆ Existing residents who have lived in the locality for a continuous period of at least five years and are in need of separate accommodation (defined as those setting up a new household as a result of co-habitation, marriage, divorce or separation, or those that have, or are about to leave, tied accommodation on retirement);
- ◆ Existing residents who have lived in the locality for a continuous period of at least five years and whose present accommodation has become either substandard or unsuited to their circumstances because of their age, an impairment, medical condition or to meet the needs of a growing family;
- ◆ People who have worked in the parish for a continuous period of at least five years or someone currently employed in an agricultural related activity, the emergency services, as a professional health, care or social worker or as a qualified primary or secondary school teacher and working within the parish and those who provide an important service and need to live closer to the local community; and
- ◆ People who have moved away but have strong established and continuous links with the locality by reason of birth or family and still have a parent or guardian living there.

The Council's housing allocations policy also defines the term 'housing need' to which Policy HSG8 will apply.

7.46 A planning condition will be imposed removing permitted development rights to retain control over the size of all properties permitted under the exceptions approach. This control will help ensure the dwellings remain affordable to meet the future housing needs of the local community.

7.47 Affordable housing provided under the exceptions policy must be located within or adjoining the main built up area of a settlement. In assessing a proposal, full account will be taken of environmental considerations. The design, layout and landscaping of any proposal should reflect the sensitive nature of any exception site.

7.48 Affordable housing provided under Policy HSG8 must be subject to secure arrangements to ensure they are occupied by local people in housing need in the long term provided the need exists. The involvement of a RSL will be the most effective means of ensuring that the houses provided are used in the intended way both initially and in the future. In addition a planning condition or obligation will be used to restrict occupancy initially to those with a connection to the parish or, in certain circumstances, the adjoining parishes as well. Restricting occupancy in this manner will give households with a connection to the immediate locality the first opportunity to occupy or purchase a property when it becomes vacant or comes onto the housing market ensuring the affordable housing meets the long term needs of the local community. However, a cascade approach will be applied so that if a property is not let or sold to a household connected to an immediate locality at a price reflecting its restriction within a reasonable period, it will become available to those in housing need from a wider catchment area eventually culminating in North Devon as a whole. This vacancy period should be for a minimum of one month in the case of a rented scheme, or six months in the case of an owner occupied or shared ownership scheme. The cascade approach ensures that affordable homes do not remain unoccupied, provides a degree of flexibility to the owner or manager of a property and satisfies the requirements of lending institutions. Documented evidence must be provided to prove that a property has been adequately and genuinely marketed before it becomes available to households from a wider area.

7.48A To complement the policies contained in this Plan, more detailed guidance is contained in the Council's Supplementary Planning Guidance Code of Practice on Affordable Housing.

POLICY HSG8 (AFFORDABLE HOUSING IN RURAL AREAS)

A PROPOSAL FOR AFFORDABLE HOUSING TO MEET A LOCAL HOUSING NEED IN A RURAL AREA WILL ONLY BE PERMITTED WHERE:-

- A) THE SITE IS WITHIN OR IMMEDIATELY ADJOINING THE MAIN BUILT UP AREA OF AN IDENTIFIED VILLAGE OR RURAL SETTLEMENT TO WHICH POLICIES HSG2, HSG3 AND HSG4 APPLY;**
- B) THERE IS AN ESTABLISHED LOCAL HOUSING NEED WHICH CANNOT BE MET IN ANY OTHER WAY;**
- C) THE NUMBER, TYPE AND SIZE OF DWELLING(S) PROPOSED ARE THE MOST SUITABLE TO MEET THE HOUSING NEED(S) IDENTIFIED;**
- D) THE SITING, SCALE AND DESIGN OF THE DEVELOPMENT RESPECTS THE CHARACTER OF THE SETTLEMENT AND SURROUNDING COUNTRYSIDE;**
- E) IN THE CASE OF A SINGLE AFFORDABLE DWELLING, IT IS AN APPROPRIATE SIZE TO MEET THE IDENTIFIED LOCAL NEED; AND**
- F) SECURE ARRANGEMENTS ARE MADE TO ENSURE THE AFFORDABLE HOUSING REMAINS AVAILABLE TO MEET THE NEEDS OF THE COMMUNITY BOTH INITIALLY AND IN THE LONG TERM PROVIDED THE NEED EXISTS.**

HOUSING FOR PEOPLE WITH SPECIAL NEEDS

7.49 The Housing Needs Assessment reveals a high level of special needs housing which are likely to increase particularly with the continued growth of the elderly population. In order to provide the necessary care and support, effective co-ordination between Housing, Social Services and Health agencies will be required within the terms of the Supporting People initiative. Whilst the provision of accommodation for people with special needs, including the elderly and those with drug or alcohol abuse problems, vulnerable people and the mentally and physically impaired, may be met through the conversion or adaptation of existing dwellings, this may not always be practical. Furthermore, many of those with special needs cannot afford to adapt their homes. The Housing Needs Assessment has revealed that 11% of those expecting to move over the next three years require specialist or adapted accommodation; 50% of these movers require sheltered accommodation with a warden. To help address these issues, new residential schemes should include a range of dwelling types, including a proportion of housing to Joseph Rowntree Foundation Lifetime Homes Standards, to reflect the requirements of Policy HSG6.

In 1991 the Joseph Rowntree Foundation 'Lifetime Homes' concept was developed following concern about the quality of housing and in particular how inaccessible and inconvenient many dwellings were for large segments of the population including those with young children through to frail older people and those with temporary or permanent disabilities. Life homes have sixteen design features that ensure a new house or flat will meet the needs of most households. The accent is on accessibility and design features that make the home flexible enough to meet whatever comes along in life.

7.50 Support will be given to residential schemes that specifically cater for those sections of the community with special needs. In the interests of sustainability, such schemes should be located within the built up areas of the towns and larger villages where they are easily accessible to the appropriate health facilities and social services required on a regular basis for the particular client groups. Moreover, it is important to ensure that any special needs housing scheme does not result in a concentration of a particular client group on such a scale as to create an imbalanced community. Such schemes should therefore be related to the size of the settlement taking into account the cumulative impacts of any other existing or committed schemes.

HOUSING IN THE COUNTRYSIDE

7.51 Government advice in PPG7, *'The Countryside – Environmental Quality and Economic and Social Development'*, states that one of the few exceptions when new housing in the countryside may be justified is for accommodation required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work. To avoid attempts to abuse such a concession, all proposals must satisfy a range of criteria including a 'functional' and a 'financial' test. The purpose of the former test is to establish an essential functional need for a worker to live on the site based on a period of employment covering a standard working year. Such a need may be justified where, for example, either livestock or agricultural processes require essential care and attention at short notice. The purpose of the financial test is to show that the farming enterprise is economically viable. PPG7 provides explicit advice on this matter by stating that new permanent accommodation should only be allowed where:-

- ◆ *the unit and agricultural activity concerned have been established for at least 3 years;*
- ◆ *it has been profitable for at least one of them and is financially sound; and*
- ◆ *it has a clear prospect of remaining financially sound.*

7.52 In assessing the need for a dwelling, particularly in cases where there is concern about possible abuse, the history of the holding may be investigated in order to establish the recent pattern of both the use of land and buildings. The recent sale of any dwellings or buildings suitable for conversion from the holding may, for example, be taken as evidence of a lack of need.

7.53 Where a need has been established, existing accommodation and buildings suitable for conversion should be utilised if possible, in preference to new build. When the construction of a new dwelling is proven to be essential, its siting should be appropriately related to the whole of the holding, having regard to the agricultural or forestry purposes for which it is intended. Where possible, the siting and design should be closely related to existing buildings and respect the character of the surrounding countryside. In addition, the size of the dwelling should be commensurate with the established functional requirement. The financial test should provide evidence to determine the size of dwelling that the holding or enterprise could sustain. Control may be retained over the size of the dwelling by removing permitted development rights.

7.54 More detailed advice regarding agricultural dwellings is contained in the Council's Supplementary Planning Guidance *'Planning Control and Agricultural Workers Dwellings'*. For the purposes of Policy HSG9, holding is defined as the land relating to either a farm or forestry enterprise.

POLICY HSG9 (PERMANENT DWELLINGS IN THE COUNTRYSIDE)

- 1. A NEW DWELLING IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS:-**
- A) THERE IS A FUNCTIONAL NEED FOR AN AGRICULTURAL OR FORESTRY WORKER TO LIVE ON THE HOLDING;**
 - B) THE HOLDING HAS BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAS BEEN PROFITABLE FOR AT LEAST ONE OF THEM, IS CURRENTLY FINANCIALLY SOUND AND HAS CLEAR PROSPECTS OF REMAINING SO;**
 - C) THERE IS NO SUITABLE EXISTING OR ALTERNATIVE ACCOMMODATION AVAILABLE, EITHER ON THE HOLDING OR IN THE LOCALITY INCLUDING BUILDINGS SUITABLE FOR CONVERSION;**
 - D) THE PROPOSED DWELLING IS RELATED TO THE WHOLE OF THE HOLDING AND SHOULD, WHERE POSSIBLE, BE CLOSELY RELATED TO EXISTING BUILDINGS IN TERMS OF ITS SITING AND DESIGN; AND**
 - E) THE SIZE OF THE DWELLING IS NO LARGER THAN CAN BE JUSTIFIED BY THE ESTABLISHED NEED.**
- 2. A NEW DWELLING PERMITTED IN THE COUNTRYSIDE, TOGETHER WITH ANY EXISTING ACCOMMODATION ASSOCIATED WITH THE ACTIVITIES ON A HOLDING, WILL BE SUBJECT TO A CONDITION RESTRICTING ITS OCCUPATION TO THOSE PEOPLE SOLELY OR MAINLY EMPLOYED OR LAST EMPLOYED IN AGRICULTURE OR FORESTRY IN THE LOCALITY, A WIDOW OR WIDOWER OF SUCH A PERSON AND ANY RESIDENT DEPENDENTS.**

7.54A Government guidance also accepts that, where special justification exists, a new dwelling in the countryside may be acceptable where it is required in association with a rural based enterprise. Such dwellings must relate to an enterprise which is permitted in that rural location. It should satisfy the same 'functional' and 'financial' tests applying to applications for agricultural and forestry workers' dwellings (see paragraph 7.51) in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

POLICY HSG9A (PERMANENT DWELLINGS IN THE COUNTRYSIDE FOR RURAL BASED INDUSTRIES)

A NEW DWELLING IN THE COUNTRYSIDE WILL BE PERMITTED PROVIDED IT PROVIDES ESSENTIAL ACCOMMODATION TO HOUSE STAFF ASSOCIATED WITH A RURAL BASED INDUSTRY.

Temporary Accommodation on New Farm and Forestry Enterprises

7.55 Where accommodation is required to support a new or recent farm or forestry activity either on a newly created unit or on an established one, it should be provided for at least the first three years by temporary accommodation such as a caravan or mobile home. Such temporary accommodation should be sited so that it is related to the whole of the building having regard to the agricultural or forestry purposes or which it is intended. However, planning permission will only be granted where there is clear evidence of the functional need for accommodation, the enterprise has been planned on a sound financial basis and there is a firm intention and ability to develop the business such as a significant investment in new farm buildings.

7.56 As a viable unit can generally be established within three years, successive extensions to a temporary permission beyond this period will not normally be granted. Permission will not be granted where the functional need for accommodation can be provided by an existing dwelling elsewhere. Temporary permissions will not be granted in locations where permission would normally be refused on other planning grounds including siting and access.

POLICY HSG10 (TEMPORARY ACCOMMODATION ON NEW FARM OR FORESTRY ENTERPRISES)

- 1. WHERE ACCOMMODATION IS REQUIRED FOR A NEW OR RECENT FARMING OR FORESTRY ACTIVITY, IT WILL ONLY BE PERMITTED WHERE:-**
 - A) THE ACCOMMODATION IS OF A TEMPORARY NATURE;**
 - B) THERE IS CLEAR EVIDENCE OF A FIRM INTENTION AND ABILITY TO DEVELOP THE ENTERPRISE CONCERNED;**
 - C) THERE IS A FUNCTIONAL NEED FOR A WORKER TO LIVE ON THE HOLDING;**
 - D) THERE IS CLEAR EVIDENCE THAT THE PROPOSED ENTERPRISE HAS BEEN PLANNED ON A SOUND FINANCIAL BASIS;**
 - E) THERE IS NO ALTERNATIVE ACCOMMODATION AVAILABLE EITHER ON THE HOLDING OR IN THE LOCALITY; AND**
 - F) THE TEMPORARY ACCOMMODATION IS APPROPRIATELY RELATED TO THE WHOLE OF THE HOLDING.**
- 2. TEMPORARY ACCOMMODATION IN THE COUNTRYSIDE WILL BE SUBJECT TO A CONDITION RESTRICTING ITS OCCUPATION TO THOSE PEOPLE SOLELY OR MAINLY EMPLOYED OR LAST EMPLOYED IN AGRICULTURE OR FORESTRY IN THE LOCALITY, A WIDOW OR WIDOWER OF SUCH A PERSON AND ANY RESIDENT DEPENDENTS.**

Occupancy Conditions

7.57 Where permission is given for residential development in the countryside in accordance with Policies HSG9 or HSG10, a condition will be imposed restricting its occupancy to those who are, or have recently been, employed in agriculture or forestry including their dependants. When granting planning permission for such a new dwelling, an occupancy restriction may also be imposed on any existing accommodation on the holding clearly associated with the activities, but not subject to such a tie. This action will help protect the countryside against the risk of pressures for new housing. In addition, a planning obligation may also be used to tie a new agricultural dwelling to the holding or adjoining farm buildings in order to prevent them being sold off without the benefit of planning permission.

7.58 Once an occupancy condition has been imposed, it will only be removed if it can be demonstrated that there is no long-term need for the dwelling to accommodate persons in agriculture or forestry within the locality. For the purposes of Policies HSG9, HSG10 or HSG11, locality is defined as the parish and adjoining parishes in which the dwelling is situated. As part of the assessment to establish the existing functional need for such a dwelling, the property should be properly marketed for a reasonable period at a price that reflects the occupancy restriction. The reasonable period for marketing must take account of both the restricted market for the dwelling and the prevailing state of the economy, but should normally be for a period of at least 12 months. This period could be relaxed where a housing need exists and the dwelling can be sold, let or licensed directly to a registered social landlord.

7.59 Where there is a clear justification to remove an agricultural or forestry restriction and evidence of housing need in the locality, the condition will normally be modified rather than lifted to retain some control over the occupancy of the dwelling. In these circumstances, the original condition will be modified so that the occupation of the dwelling is limited to meeting the needs of the local community as defined at paragraph 7.23

7.60 Restricting former agricultural and forestry workers' dwellings in this manner will help ensure there is a stock of more affordable housing to meet the needs of the local community and any housing requirements that may arise from rural diversification schemes. This approach will also safeguard the principles of the settlement strategy by restricting the availability of dwellings in the countryside.

POLICY HSG11 (OCCUPANCY CONDITIONS)

1. THE REMOVAL OF AN OCCUPANCY RESTRICTION FROM A DWELLING IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS IT IS DEMONSTRATED THAT:-

- A) THERE IS NO LONGER A FUNCTIONAL NEED FOR THE DWELLING ON THE HOLDING OR IN THE LOCALITY; AND**
- B) THE DWELLING HAS BEEN SUITABLY MARKETED FOR A PERIOD OF AT LEAST TWELVE CONSECUTIVE MONTHS AT A PRICE THAT REFLECTS THE OCCUPANCY RESTRICTION UNLESS AN RSL IS DIRECTLY INVOLVED IN THE MANAGEMENT OF THE PROPERTY AND IT MEETS AN IDENTIFIED NEED IN THE COMMUNITY.**

2. WHERE THE REMOVAL OF THE ORIGINAL RESTRICTION IS JUSTIFIED IN ACCORDANCE WITH THE CRITERIA ABOVE AND IT HAS BEEN DEMONSTRATED THAT THERE IS A HOUSING NEED IN THE LOCALITY, THE ORIGINAL RESTRICTION WILL BE MODIFIED TO LIMIT THE OCCUPANCY OF THE DWELLING TO MEET THE NEEDS OF THE LOCAL COMMUNITY.

Extensions to Small Dwellings in the Countryside

7.62 Small dwellings in the countryside play an important part in meeting the housing needs of rural communities in North Devon. However, in recent years the stock of small dwellings within the District has gradually dwindled as many have been significantly extended. The extension of small dwellings is undermining the mix and balance of house types and sizes available in the countryside to cater for a range of housing needs. This situation is of especial concern given the limited opportunities to build new dwellings in these locations. In order to retain a stock of affordable homes in the countryside to meet the needs of the local community, proposals to extend small dwellings will be resisted. Exceptionally, a proposal to extend a small house in the countryside may be permitted where it has been continually occupied by the same household for a period of at least five years and who demonstrably cannot afford alternative property in the locality or where the extension is required to:-

- ◆ *Meet the needs of a growing family; or*
- ◆ *Improve the standard of accommodation to make it fit for human habitation in accordance with the Housing Act 1985.*

7.63 Where an extension to a small dwelling is justified, its design must accord with the principles set out in Policy DVS1. In particular, it should be well integrated with its form and layout and not create the appearance of a separate unit of accommodation.

7.64 For the purposes of Policy HSG12, a small dwelling is defined as one which does not exceed 100 square metres gross floorspace (measured externally and excluding any garage) and has a residential curtilage of 0.1 hectares or less. Dwellings above this size or with a residential curtilage in excess of 0.1 hectares are less likely to meet the affordable housing needs of rural communities.

POLICY HSG12 (EXTENSIONS TO SMALL DWELLINGS IN THE COUNTRYSIDE)

A PROPOSAL TO EXTEND A SMALL DWELLING IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS THE EXTENSION IS REQUIRED EITHER TO MEET THE NEEDS OF A GROWING FAMILY OR TO IMPROVE THE ACCOMMODATION TO AN ACCEPTABLE STANDARD.

THE CONVERSION OF RURAL BUILDINGS

7.65 PPG7 emphasises the importance of facilitating the conversion and adaptation of existing rural buildings for business purposes in preference to residential reuse. In the context of this advice, proposals for the residential reuse of buildings outside a village or rural settlement identified in paragraphs 3.22, 3.27 and 3.29, will be considered against Policy ECN5 contained in the Economy Chapter. Generally, residential conversions will only be acceptable where it meets the housing needs of a worker employed in agriculture or forestry, or it forms a subordinate part of a scheme for business reuse. In the latter case, a condition may be imposed requiring that the work necessary to establish the business enterprise is completed before the dwelling is occupied (in order to ensure that the business reuse materialises) and that the occupancy of the dwelling is tied to the operation of the business enterprise (in order to prevent it from being sold separately). Alternatively, residential conversions may also be acceptable where they meet the housing needs of the local community. Such conversions will be subject to a local occupancy condition.

7.66 In recent years many rural buildings in the countryside have been converted to holiday accommodation, often as part of a farm diversification scheme. There is, however, growing concern that the amount of tourist accommodation available in rural areas is becoming excessive as a result of changing trends. To resolve this problem and provide further opportunities to increase the stock of affordable homes in rural areas, holiday conditions on conversions may be modified so the accommodation is available to meet the housing needs of the local community. A holiday occupancy condition will only be modified where there is evidence to demonstrate that:-

- ◆ *The accommodation is no longer required to meet the tourism needs of the locality based on the advice from any specialist organisation including the North Devon Marketing Bureau;*
- ◆ *It would meet a local housing need within the locality as defined in paragraph 7.45.*

7.67 Where such grounds exist, the original condition may be modified or a planning obligation sought so that its availability is restricted to those persons in the community with a local housing need as explained at paragraphs 7.45 and 7.48. The involvement of a registered social landlord will be the most effective means of ensuring that the converted building remains available to meet the affordable housing needs of the community both initially and in the future. A condition will be attached removing permitted development rights for extensions to further ensure the building remains affordable to the local community. Policy HSG13 relates to the removal of holiday conditions on converted rural buildings only and does not apply to other forms of tourist accommodation.

POLICY HSG13 (THE MODIFICATION OF A HOLIDAY CONDITION IN A CONVERTED RURAL BUILDING)

- 1. A HOLIDAY CONDITION RELATING TO A CONVERTED RURAL BUILDING WILL BE MODIFIED TO LIMIT ITS OCCUPANCY TO MEET A LOCAL HOUSING NEED WHERE:-**
 - A) THERE IS NO LONGER A NEED FOR THE HOLIDAY ACCOMMODATION WITHIN THE LOCALITY;**
 - B) IT WOULD MEET AN IDENTIFIED LOCAL HOUSING NEED FOR AFFORDABLE ACCOMMODATION IN THE LOCALITY;**
 - C) THE BUILDING IS CAPABLE OF BEING PERMANENTLY OCCUPIED WITHOUT THE NEED FOR MAJOR EXTENSION OR ALTERATION; AND**
 - D) SUFFICIENT CURTILAGE SPACE IS PROVIDED WITHOUT HARM TO THE SETTING OF THE BUILDING OR THE SURROUNDING AREA.**
- 2. SECURE ARRANGEMENTS WILL BE SOUGHT TO ENSURE THE PERMANENT PROVISION OF ADEQUATE CURTILAGE AND THAT THE CONVERTED RURAL BUILDING REMAINS AVAILABLE TO MEET THE AFFORDABLE HOUSING NEEDS OF THE COMMUNITY BOTH INITIALLY AND IN THE LONG TERM PROVIDED THE NEED EXISTS.**

GYPSY ACCOMMODATION

7.68 Following the Criminal Justice and Public Order Act 1994, the term 'gypsies' is defined as '*persons of nomadic habit or life, whatever their race or origin ...*'. The Court of Appeal in June 1994 held that gypsies are '*persons who wandered or travelled for the purpose of making or seeking their livelihood, and did not include persons who moved from place to place without any connection between their movement and their means of livelihood*'.

7.69 The 1994 Act repealed the duty of local authorities to provide and manage gypsy sites. However, they still have discretionary powers to provide sites and have the role of assessing where they should be located. Information from the six monthly counts of gypsies undertaken by the Environmental Health Unit, reveals that there were 20 caravans between July 1997 and July 2000 in North Devon. In view of this low level of demand there is considered to be no current requirement for additional gypsy sites in the District. Consequently no sites have been specifically proposed although the need for new ones may arise in the future. In assessing any application for new gypsy sites, the need for additional provision will be taken into account based on the latest information deriving from the six monthly counts.

7.70 In selecting sites a distinction is drawn between short term or transit sites, where only a basic level of services are needed, and longer term sites where higher standards are required due to their more permanent nature. Long-term sites should be within easy walking distance (i.e within 400 metres) of a town or village identified at paragraphs 3.22 or 3.27, to enable easy access to key community facilities.

7.71 Given that gypsy sites may include business activities and are likely to generate significant vehicle movements, they should be located where they will not cause nuisance to neighbouring uses or disrupt or conflict with the functioning of local businesses. Where practicable, sites should be able to accommodate a mix of uses having regard to the safety of the occupants and their children.

7.72 As gypsy sites can have a visually damaging effect on the countryside, all sites should be landscaped to reduce their impact. In view of their impact, it is considered inappropriate to allow sites in locations that would harm the Area of Outstanding Natural Beauty, the Heritage Coast, Coastal Preservation Areas and the setting of Exmoor National Park.

POLICY HSG14 (GYPSY ACCOMMODATION)

1. A SITE FOR USE BY GYPSIES WILL ONLY BE PERMITTED WHERE:-

- A) IT IS SUITABLE FOR A MIX OF RESIDENTIAL AND BUSINESS USES HAVING REGARD TO THE SAFETY OF THE OCCUPANTS, OR WHERE THIS IS NOT PRACTICABLE, ANY SUBSIDIARY BUSINESS USE IS WITHIN EASY WALKING DISTANCE;**
- B) THE USE OF THE SITE, INCLUDING ANY ASSOCIATED BUSINESS ACTIVITIES, DOES NOT HARM THE AMENITIES OR OPERATIONS OF NEIGHBOURING USES;**
- C) IN THE CASE OF A LONG TERM SITE, IT IS WITHIN EASY WALKING DISTANCE OF A TOWN OR IDENTIFIED VILLAGE AND IT CAN BE ADEQUATELY SERVICED BY ELECTRICITY, DRINKING WATER SUPPLIES, WASHING FACILITIES, SEWAGE DISPOSAL AND REGULAR REFUSE COLLECTIONS; AND**
- D) IN THE CASE OF A SHORT TERM OR TRANSIT SITE, IT HAS A CONVENIENT DRINKING WATER SUPPLY, MEANS OF SEWAGE DISPOSAL AND REFUSE COLLECTION POINT.**

2. A SITE FOR USE BY GYPSIES WILL NOT BE PERMITTED IN A LOCATION WHICH WOULD HARM THE AREA OF OUTSTANDING NATURAL BEAUTY, HERITAGE COAST, EXMOOR NATIONAL PARK OR THE COASTAL PRESERVATION AREA.

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