

## Chapter 8 - Meeting housing needs for all

People need homes not just for shelter, health and well-being. They need decent housing that they can afford to live in, where they can be warm, safe and secure, that provides stability and meet the household's needs now and as their needs change.

This is a strategic policy which addresses the Council's aspirations towards meeting the housing needs of East Devon. It is an overarching approach for the suite of policies in this chapter.

### **39. Strategic Policy HN01:**

#### **Housing to address needs**

All proposals for housing, including those affecting the existing housing stock, will contribute to creating sustainable, inclusive and mixed communities in East Devon. This will be achieved by providing an appropriate mix of decent, good quality homes which meet identified needs for housing over the plan period, at locations consistent with the settlement hierarchy and the spatial strategy.

#### **To achieve this the Council will:**

- a. Seek to maximise the delivery of affordable housing across East Devon in order to meet identified needs of people who are not able to access the general housing market
- b. Support proposals for the development of specialist accommodation that increase choice, including for older, vulnerable and disabled residents
- c. Support development of dwellings most suited to younger people noting the importance of homing, supporting and nurturing a younger workforce in the district
- d. Seek the use of good quality adaptable housing designs that provide flexible internal layouts and will allow for cost-effective alterations to meet changing needs over a lifetime and reduce fuel poverty
- e. Work with developers, registered providers, landowners and relevant individuals or groups to address identified local demand for self and custom build homes as identified in the East Devon Self and Custom Build Register
- f. Support the retention and improvement of private rented accommodation, the provision of shared accommodation for single people, and proposals for the development of community-led housing schemes.

Proposals for housing development will be supported where they broaden choice and reflect and respond to the existing and future needs as identified in the Local Housing Needs Assessment or successor documents, and in up-to-date local housing need evidence assessments.

Proposals for housing development will provide a mix of house types, tenures and sizes appropriate to the area. This will be subject to the ability of a site to accommodate a mix of housing, and relevant, up to date evidence of market conditions. Housing mix will be achieved by:

- a. Inclusion of affordable housing to meet affordable housing needs over the plan period, particularly the needs of younger people.
- b. A range of housing suitable for households with specialist needs, including:
  - Dwellings for older people who want to retain independent living;
  - Adaptable and accessible housing and wheelchair user housing
  - Use Class C2 accommodation including care homes
- c. Market housing for rent as well as for home ownership
- d. Serviced plots of land for self-build and custom housebuilding
- e. Gypsy and Travellers and Travelling Showpeople accommodation

### **Justification for inclusion of policy**

It is vital that housing development addresses the needs of the area. The plan therefore includes a strategic policy about achieving housing mix and high quality homes focused on meeting housing needs to support communities.

This policy also aligns with the national policy in the NPPF which stresses that the local plan should provide a framework for addressing housing needs. The policy encompasses housing matters which national policy requires the local plan policies to address. It provides the overarching context for the other housing policies and helps to avoid repetition and duplication in those policies.

Housing needs are diverse and change over time. The non-strategic housing policies are necessarily wide ranging. These policies address local issues relevant to East Devon and they fully reflect national planning policies. The policies address the Council's aspirations set out in the Council Plan, and the Council's Housing Strategy.

The key evidence about housing need is provided by the Local Housing Needs Assessment 2022 – see Report of Findings for East Devon: [East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment 2022](#). This provides evidence about Local Housing Need, Affordable Housing Need, and the needs of particular groups of people.

### **Affordable housing**

Affordability and lack of sufficient affordable housing is a major issue in East Devon. We have a combination of high house prices, high private rents and a low proportion of social and affordable rent properties.

Additional affordable housing is needed particularly for newly forming, young households. National planning and housing policy, and the Council Plan are seeking to increase the delivery of affordable housing. The amount of affordable housing changes through losses from Right to Buy and demolitions, but also through stock additions and tenure changes.

**40. Policy HN02:  
Affordable Housing**

To foster balanced and mixed communities affordable housing will be required on all developments (unless exempted under this policy) with a capacity of 5 or more dwellings in designated rural areas and 10 or more in non-designated rural areas. Specifically included under policy are schemes for specialist housing for older people where the site is delivering self-contained units (C3 and C2). Provision must accord with the levels set out below.

Location	Affordable housing as a percentage of the site total	Tenure mix of the affordable housing requirement
Second new town	New town % to be defined through bespoke viability work for the new town	Mix to be determined through bespoke viability testing
Rest of East Devon (excluding Cranbrook Plan area)	% to be determined through viability work	X% Social Rent  X% Intermediate forms of affordable housing  % to be determined through viability work

Affordable housing secured through policy must:

- remain affordable in perpetuity. Legal agreements will make provision for achieving clawback on long term, phased schemes if affordable housing is converted to another tenure, and
- be provided on-site and dispersed in small clusters across the site in a way that is indistinguishable in terms of design and materials from any market housing.

Off-site provision or financial contributions will only be acceptable where on-site provision cannot be achieved or is non-viable or it can be clearly established that off-site provision will generate better affordable housing delivery outcomes.

Affordable housing should provide a mix of property sizes and types across the site, demonstrating how the site responds to robust, up to date evidence about housing need.

Where the requirements set out in this policy are not proposed to be met, applicants must submit development viability evidence to justify departure. Where a lower level of provision is agreed on viability grounds developers will be required to enter into an agreement that allows affordable housing contributions to be made in the future should higher levels become viable (e.g. through an 'overage' clause). The Council will also reappraise viability on subsequent phases of large schemes.

On Build to Rent schemes, X% will be affordable private rent homes provided on site at a X% discount, subject to viability. All homes on the scheme will be managed collectively by a single build to rent landlord.

The following types of developments are exempt from this policy:

- a. Residential institutions (inc. C2 care homes), student accommodation etc
- b. Gypsy and traveller accommodation
- c. Live work units where the main use is predominantly employment, and non-residential development.

### **Justification for inclusion of policy**

This policy focuses on affordable housing delivered through development. It supports the Strategic Policies on addressing housing need and affordable housing provision aligned with the local plan's vision, objectives and strategies. The policy is needed to ensure delivery of additional affordable dwellings in the plan period. This policy is complemented by the Policy on Rural Exception sites in the countryside which are aimed at extending the opportunity to deliver affordable housing in rural areas.

For the avoidance of doubt, this policy does not supersede Policy CB10 Cranbrook Affordable Housing in the Cranbrook Plan DPD.

Some affordable housing will be delivered by Registered Providers. Currently these are primarily by Housing Associations. The District Council is exploring ways of increasing social and affordable housing. However, contributions from market housing development negotiated through S106 agreements are likely to remain the principal mechanism for delivering additional affordable housing for the foreseeable future.

Justifying the local components in this policy relies on local evidence. The chief evidence about affordable housing need is in the East Devon Local Housing Needs Assessment September 2022 (ORS). It assesses the scale and type of affordable housing need in the district over the plan period. In addition, the Council has evidence about the supply of affordable housing from completions, commitments and potential allocations.

#### **41. Policy HN03:**

##### **Housing to meet the needs of older people**

The Council will support development that widens choice by securing a more diverse supply of market and affordable housing for older people in East Devon. Specialist affordable housing for older people, falling under this policy, will specifically include:

- Residential care homes and nursing homes
- Extra care housing or housing-with-care
- Retirement living or sheltered housing
- Age-restricted general market housing

We will aim for at least 1,630 net additional specialist dwellings in East Devon to meet older person needs and also to widen housing option and choices. Provision is to be delivered at new towns, at/on major residential development sites and in Tier 1 to 4 settlements under plan strategy.

Any development proposals with housing to meet older people will need to:

- demonstrate how the design and layout addresses the health and well-being needs of older people including those with dementia and other long-term conditions;
- be within 400m walking distance of local facilities and shops;
- be well-served by public transport
- have high levels of accessibility with flat or relatively flat neighbouring topography, dropped kerbs and pedestrian road crossings to promote access by ambulant older people, wheelchair users and mobility scooters;
- provides adequate communal facilities, including accommodation for essential staff, on site.

Planning applications for different types of specialist housing for older people, will be determined on the basis that:

- a. **Use Class C3 (dwellings)** - Market accommodation for older people in the form of age restricted general market housing, retirement living or sheltered housing and extra care housing or housing with care are in Use Class C3 (dwellings).
- b. **Use Class C2** - Residential care home and nursing home accommodation (including end of life/hospice care and dementia care home accommodation) are in Use Class C2.
- c. The Use Class of other specialist housing products will be determined taking into consideration the level of care and scale of communal facilities.

The following will apply when determining planning applications:

1. For all general housing proposals - where there is up to date evidence of specialist accommodation need in East Devon, and subject to viability, all housing schemes will be required to deliver specialist housing for one or more of the specialist types of accommodation for older people as follows:
  - a. Schemes for X to X dwellings should include at least X% in the light of 2024EI047-Devon-Housing-Commission-Final-Report-v8.pdf (exeter.ac.uk), any other assessment, viability evidence and practicality consideration) of dwellings on-site as specialist older person dwellings (Use Class C3)
  - b. Schemes for X or more dwellings should include at least X% (again need to review - threshold is probably too low and should be increased) - as on-site specialist older person dwellings as C3 dwellings or C2 equivalents.
2. There will need to be Care Needs Assessment evidence to justify the development proposal's scale, tenure and accommodation type.
3. Planning permission will be refused in the following circumstances:

- Where a proposed development would exceed up to date identified need or would significantly undermine the creation of sustainable, mixed communities; Or
- Where development proposed would result in the loss of specialist housing for older people, unless evidence demonstrates that:
  - o There is no longer a need in East Devon for that type of housing; and also
  - o The housing cannot be converted to meet other types of older person need, or that conversion, remodelling, or redevelopment to specialist housing to meet other social care and health needs is not viable.

### **Justification for inclusion of policy**

Planning for the housing needs of older people is important because East Devon has an ageing population that is growing. Based on the dwelling-led Local Housing Need projection, the LHNA 2022 concludes that the number of over 75s in East Devon is projected to increase by around 13,300 in the period 2020-40; of which approximately 5,300 will be over 85 years old.

The NPPF specifically identifies older people as one of the groups in the community whose assessed needs should be reflected in planning policy.

Data clearly shows that East Devon has an ageing population profile and this is partly driven by middle aged people moving into the district and on into retirement and also people moving directly into the area to retire. The needs of older people are diverse and may change over time. Their health, lifestyles, income and wealth differs greatly, as will their housing needs. Offering older people a better choice of accommodation to suit their changing needs helps them to live independently for longer within their communities. Given this, there is an increasing demand for housing that is specialised for older people, with a requirement for both open market and affordable provision.

It is, however, noted that some older people may not want or need specialist housing, at least not immediately, but prefer to stay or move to general housing that is already suitable, including homes that can be adapted.

This policy focuses on widening choice, reflecting the Council Plan and complementing the Council's Housing Strategy. Having a local plan policy that is focused on providing the right type of housing in the right place that meets the needs of older people is essential.

Based on the dwelling-led Local Housing Need projection 2022, the number of over 75s in East Devon is projected to increase by around 13,300 in the period 2020-40. The demand for extra care housing and sheltered accommodation is 2,473 units and 3,751 units respectively. Given the current rates of provision, it is expected that 40 units of extra care housing and 1,590 units of sheltered accommodation need to be provided during the plan period.

Market and affordable dwellings will meet part of the need. Other specialist housing will be needed such as residential care homes and extra care homes (Use class C2 – Residential institution). In line with PPG, the LPA counts housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. This takes into account the Government's formula used for the Housing Flow Reconciliation Return statistics to convert C2 bed spaces (gains and losses) to C3 dwelling equivalents. The Use Class of other specialist housing options will be determined taking into consideration the level of care and scale of communal facilities.

Policy relating to the subdivision of existing dwellings and buildings works in tandem with this policy, to support the development of housing for older people and changes to the existing dwelling stock.

Planning applications should demonstrate how the proposed development widens choice to meet the range of needs for older persons housing and should reference Care Needs Assessment evidence to justify the development proposal's scale, tenure and accommodation type.

#### **42. Policy HN04:**

##### **Accessible and Adaptable Housing**

To ensure that new homes provide quality living environments for residents both now and in the future, the following standards from Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) (or replacement standards) will apply to new dwellings, subject to consideration of site suitability and site viability:

- X% of all new dwellings will meet building regulation M4 (2) requirements (accessible and adaptable dwellings).
- X% of all new specialist accommodation for older people will meet regulation M4 (3) requirements (a) or (b) (wheelchair user dwellings).
- X% of new specialist accommodation for older people will meet regulation M4 (3) (2) (b) requirements (wheelchair accessible dwellings) for those dwellings where the local authority is responsible for allocating or nominating a person to live in a dwelling.
- At least X% of all new affordable housing for rent will meet building regulation M4 (3) (2) (a) requirements (wheelchair adaptable).
- At least X% see housing register data for evidence of all new affordable housing for homeownership will meet regulation M4 (3) (2) requirements (a) or (b) (wheelchair user dwellings).

When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up to date information on specific need for this type of housing in the local area.

##### **Justification for inclusion of policy**

The Government's approach to health and adult social care is underpinned by the principle of sustaining people at home for as long as possible. This is reflected in building regulations relating to adaptations and wheelchair accessible homes, with 3 categories of dwellings:

1. M4(1) Category 1: Visitable dwellings – mandatory, broadly about accessibility to all properties
2. M4(2) Category 2: Accessible and adaptable dwellings – optional, similar to lifetime homes, and
3. M4(3) Category 3: Wheelchair user dwellings – optional, equivalent to wheelchair accessible standard

The East Devon Local Housing Need Assessment 2022 provides the evidence in relation to need for nationally described standards for accessible and adaptable homes (Part M4(2)) and wheelchair

users (Part M4(3)). It demonstrates that need is largely driven by a growing population of older persons, as the PPG recognises.

The Council considers that this evidence is robust and can be relied upon to justify this policy. It demonstrates that an additional 12,959 households will either need adaptations to their existing housing or suitable new housing to be provided by 2040.

M4(2) Category 2: The study estimates 76% of households would live in dwellings that can be converted to meet the M4(1) Category standard. The study concludes that at least 30% of the need for adapted housing could not be met by adaptation of existing homes, a total of 5,119 households. They would need M4(2) Category 2. However, there is a significant overlap with the 6,400 older persons dwellings need identified by the study. Nevertheless, the requirement for adapted housing would still be high.

M4(3) Category 3 wheelchair users housing: Based on gross modelled need, the ORS study forecasts a net additional 1,010 households over the plan period in East Devon will need wheelchair adapted housing. This equates to about 6% of the local housing need. The 5,119 net adapted need housing already encompasses households counted as having a health problems or disability that affects their housing need. That figure already includes households with wheelchair users so the latter should not be double counted. There's also a very significant overlap between wheelchair users housing need and the forecast additional 6,224 specialist older persons housing need. The study concludes that it may be appropriate to adopt a target of 100% wheelchair accessible housing. This could reduce the proportion of general needs housing that would need to meet the M4(3) Category 3 requirements.

The Policy sets out the Council's approach towards the optional standards regarding access to and use of buildings under Regulations M4(2) and M4(3). This approach is consistent with NPPF, and PPG on Housing for Older and Disabled People, including the guidance that where an identified need exists, plans are expected to make use of the optional technical housing standards (footnote 46 of the NPPF) to help bring forward an adequate supply of accessible housing. The percentage of dwellings for the categories, and the circumstances where they are required by policy are guided by the evidence in the LHNA 2022 and the Local Plan spatial strategy.

The Council is mindful that its ability to require wheelchair accessible housing is constrained to those dwellings where the Council is responsible for allocating or nominating a person to live in those dwellings. These are affordable dwellings for social rent or affordable rent which are and secured through the preparation of the S106 legal agreement which is an integral part of the development management process. The legal agreement must be completed before planning permission is granted. The planning application should be accompanied by an Affordable Housing Statement indicating the number and types of affordable housing and the relevant dwelling units.

Where there is evidence that site conditions or viability preclude the provision of specialist housing required by policy, then building regulations require that housing is provided to at least M4(1) standard.

#### **43. Policy:**

##### **Market housing mix**

**In the draft plan we had a policy about the mix of properties sought by bedroom numbers in any development. We are now planning to delete this.**



#### **44. Policy HN05:**

##### **Self-Build and Custom Build Housing**

As part of meeting housing needs, securing greater housing diversity and encouraging high quality design, proposals for custom and self-build housing, to be occupied by those persons commissioning or undertaking the construction, will be supported.

At least X% of dwellings on sites of X homes or more must be delivered as serviced custom and self-build plots.

The agreed plots should:

- a. Be actively marketed to individuals and custom build companies (as appropriate) in accordance with a marketing and pricing strategy that shall be agreed in writing with the Local Planning Authority in advance of a plot/s being first marketed. All plots shall be marketed at a reasonable price to reflect market conditions for at least 24 months from being fully serviced and developable. Any plots that have not been sold after 2 years of being continuously marketed in accordance with this policy shall be made available for development on the open market;
- b. Have suitable road access delivered at an early stage in the development;
- c. Be of a size that reflects local demand and, where more than one plot is provided, a variety of sizes should be offered to reflect the range of local demand;
- d. Be offered for sale with no legal or physical restrictions that would prevent immediate purchase and development;
- e. On sites of over 250 dwellings, a proportion of plots must be made available for affordable housing, to be secured through legal agreement, subject to viability;
- f. On sites of over 100 dwellings, design codes should be used flexibly to encourage high quality housing design and the agreed design code should be used to provide 'plot passports' that provide a simple, succinct summary of each plot as a reference point for the purchaser.
- g. Be completed within 3 years of the self or custom builder purchasing the serviced and developable plot.

##### **Justification for inclusion of policy**

Custom and self-build housing is part of the overall housing supply picture. This is additional to the mainstream housing delivered by large house builders and registered providers. Not only is it a route into securing new homes it enables housing to be tailored to meet individual needs and specifications. It can benefit individuals and communities. For example, self-build can lead to savings relative to buying a 'ready-made' product because there is no developer profit and it has the potential to boost and accelerate the supply of housing and can diversify the land supply, widening choice.

Communities benefit from homes with a better design, build quality and environmental footprint and a more diverse and resilient housing supply. By using modern methods of construction and building

to high specifications, self-builders often improve the sustainability of the housing stock. Self-build can also be good for local businesses and provide additional employment opportunities. It can form an attractive market to small and medium house builders because there is less risk, since contracts are settled earlier in the development process. This enables construction to be financed through the customer's mortgage stage payments, which reduces business finance and improves profitability. Supporting smaller builders can help local economies by using more local supply chains than volume house builders and creating opportunities for local tradespeople.

This policy does not apply to off-plan housing, which are homes purchased at the plan stage prior to construction but without input into the design and layout from the buyer.

Some owners of self-build properties are individuals that directly organises the design and construction of their new home. Other delivery models could include independent community collaboration where a group of people acquire a site and split it into plots for self-build homes, sharing labour and expertise. Supported community self-build is another delivery model where a social landlord or supportive body helps people build a group of homes together. The policy can apply to self-build and custom build development by different organisations such as Community Led Housing Groups, Community Land Trusts, Co-operatives and Cohousing groups.

Under the Self Build and Custom Housebuilding Act 2015, the Council is required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. There are also duties to have regard to this and to give enough suitable development permissions to meet the identified demand. The 2015 Act (as amended) contains a legal definition of Self-Build and Custom Build housing.

Since 2016 we have kept a register of people who want to build their own home in East Devon. This gives us a general indication of the level of interest in self-build and we also collect information on things like how much people have to spend on a plot and their location preferences.

## **Sub-dividing or replacing existing dwellings**

Self-contained flats resulting from house conversions can be a valuable addition to the housing stock. They can be effective in meeting some households' changing needs for housing. The reuse of existing dwellings and building conversions significantly reduces the embodied carbon footprint of the development, as well as re-using existing resources, and locating development within existing communities.

The replacement of existing buildings is restricted by the proposed policy on embedded carbon. This seeks to promote the retention of existing buildings, so that their replacement will only be supported in exceptional circumstances. The following policy sets out the criteria that should be met if a replacement dwelling meets the exceptional circumstances set out in the embedded carbon policy.

#### **45. Policy HN06:**

##### **Residential Sub-division of Existing Dwellings and Buildings and Replacement of Existing Dwellings**

Any residential Sub-division of existing dwellings or buildings should:

- Avoid any materially adverse impact on the character and amenities of the surrounding area or on the existing building;
- Minimise hard surfacing of front gardens and ensure hard surfaced areas are permeable and/or discharge to a soakaway (subject to soil conditions being suitable);
- Ensure that adequate space is provided for bicycle/mobility scooter storage; and
- Provide an adequate external area for car parking, waste/recycling storage and for any shared use area such as outdoor drying of washing.

##### **Outside of a settlement boundary**

- Any applications for residential subdivision or conversion that involves extensions to accommodate the conversion will be judged against the relevant criteria set out below for replacement dwellings outside of a settlement boundary.

##### **Replacement of existing dwellings**

Exceptionally, where replacement dwellings can be justified all the following criteria should be met:

- Prior to the first occupation of any replacement dwelling, the dwelling which is to be replaced must be demolished;
- The replacement dwelling must be positioned on the footprint of the existing dwelling, unless there is a clear planning or environmental benefit to justify an alternative location within the existing curtilage; and
- The height of the replacement dwelling should be no higher than the dwelling to be replaced unless it can be demonstrated that an increase in height will be compatible with neighbouring residential amenities, the street scene or the wider landscape

##### **Outside of a settlement boundary**

The following criteria should also be met:

- The footprint of any replacement dwelling (or subdivided building) must not exceed by more than 30% of the external volume of the dwelling to be replaced (or the building to be converted/subdivided) and
- The curtilage of the proposed replacement (or sub-divided/converted) building should be no greater in area than that of the existing dwelling/building.

##### **Justification for inclusion of policy**

This policy supports the Council's Housing Strategy and is also part of the local plan's strategy for supporting the transition to a low carbon future, in line with the NPPF.

For this policy, a dwelling is a building with planning permission for use class C3 (residential) or its residential use is evidenced as lawful; and 'existing' means the dwelling is habitable and permanent

(meaning the planning permission is not temporary, i.e. the dwelling approved is not conditioned to be removed or subject to a legal agreement requiring removal; or the unit cannot be moved i.e. not a caravan or mobile home). This avoids creating a new dwelling in a place where a dwelling does not exist, including derelict and abandoned properties.

The policy does not impose a specific restriction on the size of conversion or replacement dwellings within settlement boundaries, but outside of these restrictions are proposed so that smaller dwellings are retained, mindful that larger dwellings are generally more expensive, and affordability is a significant issue, particularly in rural areas. The strategy of the plan only to define settlement boundaries for certain settlements means that there will be settlements where the scale of replacement dwellings/sub-divisions/conversions will be limited in line with the criteria proposed.

Some forms of housing development in the countryside such as re-use of redundant or disused buildings in the countryside and Use Class Q permitted development (for change of use from agricultural building to residential use, covered by GPDO legislation), are not replacement dwellings so are not subject to this policy, although other local plan policies may apply.

Part of this policy relates to the subdivision of existing dwellings and conversion of other buildings, to create self-contained dwellings which add to the dwelling stock. There is a separate policy in the plan on multiple occupancy of housing, a type of development which generally does not create net additional self-contained dwellings.

NPPF makes clear that the local plan should promote an effective use of land in meeting the need for homes. This policy aligns with the broader strategy in the plan for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed land, boosts housing supply through subdivision, and meets need.

This part of the policy aligns with Policy on embodied carbon within an existing building, and with NPPF which encourages the reuse of existing resources. By allowing subdivision/conversion, this approach also reduces the risk of dwellings being left vacant, becoming derelict over time, and eventually being lost from the dwelling stock. This helps to avoid the need for additional housing to be built elsewhere to replace that loss.

The policy focuses on reducing and mitigating the impact of conversions. For example, conversion to flats can have undesirable environmental effects such as hard surfacing of garden areas, external staircases and unattractive refuse storage areas that can damage the area's character and amenity.

Replacement of a dwelling can be beneficial where it improves the quality of the housing and is sensitive to the area's characteristics and qualities. However, the cumulative impact of development that replaces existing dwellings can lead in the long term to the urbanisation and erosion of the character of countryside areas.

The policy focuses on reducing and mitigating the impact of replacement dwellings, such as the impact on neighbours. Not all replacement dwellings occupy the same footprint as the existing dwelling, so the policy also ensures there is a mechanism to avoid the risk of creating a second dwelling or planning unit on the site, for example by requiring the existing dwelling is demolished before the replacement dwelling is occupied.

The policy addresses issues related to the conversion of existing dwellings and buildings to residential use and the replacement of existing dwellings. The policy reflects national planning and housing policy, particularly regarding the opportunity to boost housing supply and mix of housing to meet needs.

#### **46. Policy HN07:**

##### **Householder Annexes, Extensions, Alterations and Outbuildings**

Proposals for ancillary or incidental annexes, extensions, alterations, and outbuildings, relating to existing dwellings shall:

- provide a written justification detailing the existing use of the main dwelling and the proposed use and requirement for the development; and
- be of a subordinate scale, form, and mass to the main dwelling and curtilage, and shall accord with the design principles of the Local Plan; and
- be located entirely within the existing curtilage of the main dwelling; and
- not increase the habitable Gross Internal (floor) Area<sup>1</sup> of the original dwelling by more than 30%, unless the increase is required to enable the host dwelling to conform to nationally described technical housing standards<sup>2</sup> for its original intended use. In exceptional circumstances, development may be considered where a minor increase above 30% is justified to improve design standards.

The development of annexes, extensions, alterations, and outbuildings, will not usually be permitted where the host dwelling is:

- an affordable dwelling
- an agricultural worker's dwelling
- in use as a dwelling house permitted only by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent version of that order

A condition and/or legal agreement may be required to control future use as incidental or ancillary to the use of the main dwelling, preventing subdivision or use as a separate planning unit, in perpetuity. Permitted development rights for future extensions or outbuildings may also be restricted by condition.

Technical housing standards – nationally described space standard - GOV.UK ([www.gov.uk](http://www.gov.uk))

Technical housing standards - nationally described space standards [Technical housing standards – nationally described space standard - GOV.UK \(\[www.gov.uk\]\(http://www.gov.uk\)\)](#)

#### **Justification for inclusion of policy**

The Council receives many planning applications for householder extensions and alterations, and for annexes and outbuildings. This type of development enables occupiers to meet their changing needs and lifestyles without the need to move.

This policy contributes to meeting the changing housing needs of households. It aligns with the NPPF and PPG on making effective use of land. Continuing the use of existing dwellings reduces the embodied carbon footprint of the development by avoiding the need for additional new build, as well as re-using existing resources, and locating development within existing communities. The

policy also aligns with the approach that all developments should maintain acceptable living standards.

### **Annexes**

Residential annexes can also provide genuinely flexible, accommodation that can be adapted and re-adapted to meet the changing needs of family circumstances over time. Creation of an annexe to an existing dwelling, whether the main dwelling is located inside or outside settlement boundaries, can often create a useful facility for the support and care of family members.

This is a type of residential accommodation which might reasonably be construed as being self-contained and capable of being occupied without undue call upon the principal residence/ host dwelling. An annexe might provide bathroom and kitchen facilities and sufficient space for living and sleeping. To avoid creating an additional dwelling or separate planning unit the use of the annexe needs to be restricted to being an ancillary and subordinate part of the principal residence/host dwelling. The annexe size should not undermine its subordinate role. Nor be so large that it is impractical and is then let separately from the main dwelling, creating sub-standard accommodation with inadequate access, amenity and space.

### **Residential extensions, alternations, and outbuildings.**

This type of development adds to diversity and flexibility in the housing stock but it needs to respond positively to the context and character of existing areas. Extensions, alterations and outbuildings are part of the principal residence/host dwelling. Some development creates ancillary accommodation which provides habitable rooms but does not extend to such an extent that it can be construed as providing facilities that would enable its independent occupation without call upon the principal residence/ host dwelling.

There can be concern that extensions in combination would lead to an increase in the proportion of larger dwellings, reducing the availability of smaller housing and creating an imbalance in the local dwelling stock. There are additional concerns that extensions and subsequent subdivision can create additional dwellings in the countryside, and not be consistent with policy. A further complication can arise with Class Q permitted development, where the approval is implemented, changing the use to residential, swiftly followed by a full application to extend the unit creating a larger dwelling. This can be very difficult to resist.

Permitted development rights allow house extensions and outbuildings without needing to apply for planning permission if specific limitations and conditions are met. This policy addresses the issues for those extensions, alterations, and outbuildings that exceed the specific limitations and conditions. In many cases an application for householder planning permission will be required. Occasionally other types of planning permission are necessary.

Annexes, extensions, alterations and outbuildings should not cause unacceptable impacts for the occupants in the main building, annexe or outbuilding, or for neighbours from e.g. amenity, light, noise, odour, smoke, dust, privacy, visual impacts, overbearing, over-shadowing, scale, form, mass, design, material and any other pollutants

#### **47. Policy HN08:**

##### **Hostels and Houses in Multiple Occupation (HMOs)**

In circumstances where planning permission is required for the conversion or change of use of existing homes and buildings in other uses to shared accommodation including hostels and houses in multiple occupation, permission will be granted on sites at locations that are suitable for the use, where it can be demonstrated that there will be no significant impact on the following:

1. Privacy of existing homes and gardens of neighbours - must be maintained and ensured for new occupiers. The existing home or building must be capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
2. Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours. Provision must be made for on-site car parking and cycle storage facilities, unless it can be demonstrated that the site is sustainably located with access to regular public transport or is within an 800 metre walking distance of a defined town centre;
3. Service provision – there should be sufficient space for communal areas at an appropriate standard, to accommodate adequate bin storage and collection, and accommodate other ancillary functions for the increased number of residents;
4. living spaces and communal facilities are of a good standard and suitable for the intended occupiers, individually and in total;
5. Housing stock – to protect the existing small family housing stock, and to allow for adequate residential space standards in the proposed subdivided dwelling. The subdivision of existing properties of less than 4 bedrooms will not be permitted;
6. Applicants will be expected to submit evidence to demonstrate that there will be no significant impact on the criteria outlined above;
7. Hostels and Houses in Multiple Occupation will need to evidence how a good standard of management will be provided;
8. The Council will resist the loss of existing hostels and HMOs, unless there is evidence of a lack of demand for this type of accommodation within the settlement, or there is viability and building condition evidence to demonstrate that retention and improvement of the accommodation is not viable or achievable.

#### **Justification for inclusion of policy**

Houses in Multiple Occupation (HMOs) are properties occupied by unrelated individuals who share basic amenities such as a kitchen or bathroom. The traditional source of HMOs tends to be larger, older single family dwelling houses.

The NPPF does not define Houses in Multiple Occupation or hostels. The definition of HMO used by the plan is listed in the Glossary. HMO development is subject to the use class order:

- Larger HMOs housing more than 6 people. These are classified as sui generis use and require planning permission.

- Class C4 (Small houses in multiple occupation). Small shared dwelling houses occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Change of use between C3 (residential use) and C4 use classes is permitted development and does not require planning permission (unless an Article 4 direction applies). New build C4 or change of use from non-C3 use to C4 (and vice versa) requires planning permission.

Hostels are a type of HMO providing no significant element of care. They fall into the sui generis use class for the purposes of planning.

The Council expects the need for hostels and Houses in Multiple Occupation to continue to meet the need for low cost, private rented housing. Many people living in this type of housing will only be able to afford shared accommodation, and so they are important for people on low incomes and those seeking temporary accommodation. This policy addresses the development issues related to this type of housing. Loss of HMOs through conversion to self-contained dwellings will be resisted unless the applicant can demonstrate the absence of need for this type of accommodation.

The policy does not include a size threshold as this is subject to the Town and Country Planning (Use Classes) Order 1987 (as amended) relating to change of use.

As well as planning requirements, some HMOs require an HMO licence. The Council determines HMO Licences in order to protect the health, safety and welfare of the occupying tenants of such residential premises. The mandatory HMO licensing scheme covers properties occupied by five or more people making up two or more households. The District Council maintains a register of all HMOs in East Devon that are licenced by the Council under the 2004 Housing Act. Licencing relies on a different definition and more details are on the Council's website.

### **Provision for Gypsy and Travellers, and Travelling Showpeople Sites**

The Gypsy and Traveller Accommodation Assessment (September 2024) identifies a need for:

- Around 32<sup>17</sup> permanent pitches to accommodate Gypsies and Travellers;
- a joint protocol (with Exeter, Mid-Devon and Teignbridge Councils) for quantifying and addressing transit need, and the potential for permanent public transit provision; and
- 0 plots for Travelling Showpeople (noting that need can already be met through existing, consented but undeveloped plots at Clyst St Mary)

### **New Sites**

- 15 permanent, serviced pitches are to be provided as part of the mixed use development at the New Settlement in East Devon. At least 10 of these must be delivered during the plan period.
- 5 permanent, serviced pitches are to be provided on a site east of the M5 and south of the Exeter-Waterloo line
- 15 serviced permanent pitches are to be provided at the Cobdens and Treasbeare Expansions Areas in the adopted Cranbrook Plan DPD.



## **48. Strategic Policy HN09: Provision for Gypsy and Travellers, and Travelling Showpeople Sites**

### **New Sites**

Proposals for permanent or transit sites (allocated and/or permissible) will need to satisfy the following criteria:

- Located inside or adjoining a settlement boundary, or within 15 minutes travel time by safe, walking, cycling or public transport providing access to a range of services including school and health services
- The size of site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range of services and infrastructure. Sites shall not exceed 15 pitches as a maximum.
- The site can be assimilated into the surrounding landscape without significant adverse effect
- Acceptable vehicular access, on site turning, parking and servicing can be achieved
- The site is not vulnerable to flooding or affected by any other environmental hazards that may affect the residents' health and welfare
- Essential utilities - water supply, sewerage, drainage, waste disposal- are available on or close to the site and will be connected.
- Preference will be given to the expansion and intensification of existing sites, subject to maximum site threshold of 15 pitches. If expansion or intensification is impractical, then account will be taken of the cumulative impacts of additional sites on the character of the local area and on the local community

In addition to meeting these requirements, planning applications for gypsy and traveller pitches, or plots for travelling showpeople, on windfall sites in the countryside outside settlement boundaries must demonstrate:

- the status of the applicant / intended occupant/s meet the national definition for gypsy, traveller or travelling showpeople and the pitch or plot will be occupied by at least one person with a strong local connection to East Devon district;
- there is a proven unmet need for new pitches or plots, having regard to the supply of deliverable pitches or plots and their availability to gypsies and travellers or travelling showpeople who have a strong local connection to the district.

### **Safeguarding Sites**

Existing authorised sites, sites with planning permission, and allocations for Gypsy and Traveller Use or for Travelling Showpeople use will be safeguarded for the number of pitches/plots permitted.

If, in exceptional circumstances (such as long term vacancy and a demonstrable lack of need), changes of use or redevelopment to non-Gypsy/Traveller or Travelling Showperson's accommodation use are permitted, then, if need exists in the District, suitably located and laid out alternative provision must be provided prior to the loss of the existing site or part of thereof.

## **Justification for inclusion of policy**

National planning policy<sup>18</sup> requires the LPA to assess the accommodation needs of Gypsies, Travellers and Travelling Showpeople and to set pitch and plot targets for Gypsies and Travellers and for Travelling Showpeople that address the likely permanent and transit site accommodation needs of travellers in the District, working collaboratively with neighbouring local authorities.

## **Need**

Evidence of the needs for Gypsy and Traveller and Travelling Show people accommodation is provided by a Gypsy and Traveller Accommodation Assessment, not by the 2020 LHNA. Evidence in the GTAA 2024<sup>19</sup> establishes that there are existing pitches distributed throughout East Devon, mainly concentrated in western areas of the District, close to main travel routes, particularly the A30. Most of the immediate need arises from overcrowding of, and newly formed families (usually children reaching maturity and having their own children), on existing sites who wish to stay close to their extended family.

A new GTAA has been produced to cover the period 2024-2045. This provides detailed evidence at a District level and was produced collaboratively with the four Councils of East Devon, Exeter, Mid Devon and Teignbridge.

Transit Provision- The GTAA does not identify a specific need for a transit site, or indicate a preferred scale of provision or location within the 4 Districts. Instead, it recommends making temporary or 'negotiated' stopping places available at times of increased demand such as fairs or cultural festivals (none of which currently occur in East Devon). It is recommended that the authorities jointly monitor and manage unauthorised encampments and work collectively to consider a joint protocol for addressing transit need, and the potential for permanent public transit provision.

Permanent Provision- The GTAA shows that in the period up to 2045 there is a need for :

- 20 pitches for households that met the planning definition. This is made up of 1 household on an unauthorised development; 8 concealed or doubled-up households or single adults; 3 pitches from a 5-year need from teenage children; and 8 from new household formation<sup>3</sup>, using a rate of 1.20% derived from the household demographics.
- Up to 8 pitches for undetermined households. This is made up of 4 households on unauthorised developments; and 4 from new household formation, derived from the household demographics using the ORS national formation rate of 1.50%.
- 4 pitches for households that do not meet the planning definition (but are recognised as 'cultural' Gypsies or Travellers). This is made up of 1 household on an unauthorised development; 1 concealed or doubled-up household or single adult; and 2 from a 5-year need for teenage children. There is no need from new household formation as there are no children under the age of 13.
- 0 plots for Travelling Showpeople

In general terms need identified in a GTAA is seen as need for pitches. As set out in Chapter 4 of this report, the now withdrawn Government Guidance on Designing Gypsy and Traveller Sites recommended that, as a general guide, an average family pitch must be capable of accommodating

an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area.

The approach to allocating pitches recognises that, whilst some Gypsies and Travellers do not meet the planning definition (for example because they have ceased to travel), they have the right under the Equalities legislation to live in a way which is culturally appropriate. Sufficient pitches have therefore been allocated to ensure that all of the need for pitches is met.

## **Supply**

Planning policy requires the LPA, in producing a local plan, to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets; and identify a supply of specific, developable sites, or broad locations for growth for years 6-10. The allocated sites at Cranbrook are anticipated to be delivered within the first 5 years and will meet this initial requirement.

Existing planning permissions - The plan requires up to date evidence about the supply of pitches available from sites with planning permission that have not yet been implemented. It is needed both for plan making and for assessing the 5 year supply position for Gypsy, Traveller and Travelling Showpeople accommodation. The latest evidence is published in "Status of Traveller Sites" monitoring reports which are updated at least every 5 years and the most up to date version will inform planning decisions.

Allocations - Sites providing pitches for gypsy and traveller and travelling show people use are allocated in the development plan. The Cranbrook local plan provides for 15 pitches on the Cobdens and Treasbeare Expansion Areas in 2 site allocations. These sites would contribute to supply in the 2020-2040 plan period and enable families on the overcrowded Sowton and Broadclyst sites (as well as others) to remain living locally as family groups. The legal agreement provides evidence that there is a realistic prospect of delivery in the next 5 years so the Council will count them as deliverable for the purposes of the 5 year supply assessment required by NPPF.

An allocation at the new community proposed in this Plan will provide 15 pitches, although delivery is unlikely to commence until the middle of the Plan period. Land for a further 15 pitches will be safeguarded beyond the plan period to meet all/some of the likely future need but this doesn't count towards the need identified in the GTAA.

A further site, east of the M5 and south of the Exeter-Waterloo line is allocated for at least 5 pitches. These could be delivered in the short to medium term and will ensure that there is sufficient supply if provision at the new community is delayed.

Bricks and Mortar housing - As well as a need for sites providing pitches and plots for Gypsy and Traveller and Travelling Showpeople, there could be some requirement for bricks and mortar housing to meet their needs. The new GTAA has not identified any such need but the Council considers that such need will be met by the provision requirement for general housing in Strategic Policy 4 in any case.

Travelling Showpeople sites supply - Prior to 2009 there was one established Travelling Showpeople site in East Devon which predates the planning system. A further site in East Devon close to Exeter and the M5, was granted planning permission for 9 plots in 2011 (09/1486/MFUL at Clyst St Mary). This accommodated three displaced plots in Teignbridge and a further 6 plots for extended family members on other, overcrowded, sites in south west England. To date, 4 of the 9 plots have been developed and the new GTAA considers that the supply of consented but as yet undeveloped plots

would meet the needs of Travelling Showpeople during this plan period. In any case, the GTAA has not identified any likely additional need to 2045.

#### **49. Policy HN10:**

##### **Rural Exception Sites**

Rural exception site proposals will be supported, provided that they are not disproportionate in size and form to the host settlement and they:

1. Are physically well related to the built form of the host settlement; and
2. Provides affordable housing meeting proven, unmet need of the local community, evidenced by the latest East Devon Local Housing Needs Assessment, Housing Needs Surveys or other local data such as a Neighbourhood Plan, Parish Survey or Parish Plan; and
3. Occupiers have a local connection with the settlement or group of settlements. If occupiers meeting the relevant local connection criteria cannot be found then a cascade approach will be agreed, including registered providers, East Devon District Council, Community Land Trusts

For any development allowed under this policy the dwellings must be retained in perpetuity and there will need to be evidence to demonstrate that secure arrangements will be in place ensuring the housing will remain affordable and available to meet the continuing needs of local people.

A small element of market housing may be included on any development, to provide sufficient cross-subsidy to enable the delivery of affordable homes without grant funding. At least 66% of dwellings proposed must be affordable dwellings.

##### **Justification for inclusion of policy**

Exception sites are sites brought forward outside of development plans, beyond settlements, in order to deliver affordable housing. Exception sites deliver housing as an 'exception' to other policies in the development plan which otherwise restrict development.

The policy is essential in this rural area, where affordability is such an issue. It enables the local plan to support the Council Plan's aim to deliver more affordable housing and aligns with the East Devon Housing Strategy, offering new opportunities for the emerging models for affordable housing delivery.

National policy allows a small amount of market housing as a cross-subsidy, enabling affordable housing delivery without the need for grant funding. The proportion of market homes allowed on site is set at a minimum 66%. Exception sites are, by definition, an exception to the standard housing delivery, so the option to make a viability argument on such sites does not apply.

The East Devon Local Housing Need Assessment 2022 provides evidence about the scale of need for affordable housing.

## **50. Policy HN11:**

### **Housing for rural workers**

1. Applications for rural workers dwellings outside settlement boundaries 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;
  - d. The size and scale of rural workers dwellings will be commensurate with the needs of the holding and no bigger than 150 sq m (gross internal area) and designed to reflect the location and setting of the proposed site;
  - e. The development will minimise the visual and environmental impact by locating the dwelling close to existing buildings /dwellings, where practical for its purpose; and
  - c. The rural enterprise has been established for at least three years, is currently financially sound based on functional and economic tests, and the business has clear prospects of remaining viable.
2. The Council will take into account the history of the holding, the recent pattern of land use and building and, recent disposals of land and property when determining a planning application for housing for rural workers.
3. Where an agricultural, horticultural, forestry or other rural business is not yet established or the need is unproven, then a temporary dwelling such as a mobile home or caravan, may be permitted for a time limited period of up to three years, until the economic viability of the enterprise is established, subject to:
  - a. Meeting the criteria of 1b) to 1e) above;
  - b. A firm intention and ability to develop the enterprise; and
  - c. The business has realistic prospects of meeting functional and economic tests.
4. Permission for a rural worker dwelling will be subject to an occupancy condition to ensure that it cannot be sold on or sublet for general accommodation unrelated to the enterprise. 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.
5. Any permission granted will be tied through legal agreement to the business holding.
6. Extensions to or replacement of agricultural or forestry or rural business-related dwellings will require a reassessment of need, excluding minor works.
7. Exceptionally, temporary or seasonal accommodation requirements to serve rural enterprises will be considered on a case-by-case basis.

### **Justification for inclusion of policy**

Housing need includes the need for new dwellings for rural workers. For the purposes of this policy, a rural worker is a person whose place of work is located in, and related to, the countryside and is a person employed in agriculture, forestry or a similar, land-based rural enterprise. Employment on an assembly or food packing line, or the need to accommodate seasonal workers for example, will generally not be sufficient to justify building isolated rural dwellings.

To promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural towns and villages. However, an exception can be justified where it can be demonstrated that a rural worker has an essential need to be available at most times as part of the operation of a rural business in accordance with national policy and PPG regarding the need for isolated homes in the countryside for essential rural workers.

This policy supports enterprises in the rural economy whilst limiting sporadic development in the countryside. From time to time, there may be special circumstances that justify this taking place; for example, it may be essential for a rural worker to live permanently at or very near their place of work. Whether this is essential depends on the needs of the enterprise and not on the personal preferences or circumstances of any of the individuals concerned. Need can include those taking majority control of a farm business.

When considering such proposals, the history of the holding, the recent pattern of land use and building and, recent disposals of land and property, will be taken into account. The recent sale of land and property could constitute evidence of lack of need. Any existing or permitted dwelling serving or closely associated with the holding has been sold or changed from residential use, or separated from the holding or agricultural buildings converted to unrestricted residential development (including Use Class Q) within the previous three years will count against the need assessment.

The policy sets a maximum size of dwelling, at 150 sq.m of Gross Internal Area floorspace, which has been informed by planning precedent in East Devon, including appeal decisions. Internal living space including internal areas/circulation/stairs and storage, plus garage (internal or detached) are counted in that area. This threshold recognises that housing for an agricultural worker may include additional space requirements, such as a boot room, utility and ground floor shower room; and only in respect of the principal dwelling on a holding further space may be required to accommodate an office. Only exceptionally might the Council consider a dwelling above the threshold size, and evidence will be required to demonstrate why the additional floorspace is essential for the proper functioning of the enterprise. For the avoidance of doubt, any uplift from the floorspace standard would not be supported, if proposed simply to provide additional living accommodation.

Robust evidence will need to be provided by applicants regarding functional and economic tests, and occupancy/eligibility criteria. This will require a business plan to set out projected future operations, rural business financial assessment, and demonstrate future operational viability. The detailed tests and criteria will be set out in an SPD].

The approach of permitting a temporary dwelling on the holding for a limited time allows time for evidence to be gathered to demonstrate the viability of a new enterprise. Renewal of the temporary dwelling is only considered where it would provide continued occupation whilst a permanent dwelling is constructed on the holding.

Exceptionally, temporary or seasonal accommodation proposals may be considered. They would need evidence to demonstrate a proven business case for accommodation; that there is no appropriate accommodation available in nearby settlements; and the mitigation of impacts.