
Luppitt Neighbourhood Plan



NEW DEVELOPMENT AND CHANGE OF LAND USE SECTION

with an audio introduction by Louise Summers, a member of this Parish

2021 - 2031

Luppitt Parish Council

Final Draft
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7. New Development and Change of Land Use⁷⁰

7.1 Introduction

The essential character of Luppitt is that of a farming based rural parish occupying a landscape of rolling and dramatic hills where its peace and tranquillity have remained largely unchanged for generations. A comprehensive assessment of this character is provided in the *Luppitt Landscape Character Assessment*⁷¹. Over time very little has changed. In part this is due to the area's relative remoteness, its topography and also to its narrow single track lanes which restrict vehicular access. Since 1991 the landscape has also been protected by its status as an Area of Outstanding Natural Beauty (AONB). In planning terms the parish is defined as a '*countryside area*'⁷² i.e. it does not have a 'built-up area boundary' (BUAB) and is therefore subject to a general presumption against development.

The parish community through its response to the *2018 Luppitt Parish Questionnaire*⁷³ was unequivocal in its desire to protect the landscape and the unique rural character of Luppitt parish. This was its top priority. It was supportive of the presumption against development, but acknowledged that some small-scale development may be required to address particular challenges facing the community. Amongst these is the lack of truly affordable housing for the younger generation and limited accommodation suitable for dependent relatives and the elderly; the lack of tied housing for those involved in agriculture; and few local employment opportunities. In supporting the principle of some small-scale development to address these issues, the community expressed a very strong preference that any such development should be carried out only on previously used 'brownfield land'.⁷⁴ To emphasise the point and to ensure that the unspoilt rural character of the parish is maintained and agricultural land protected, there was no support to develop farmland, woodland or amenity land except for agricultural purposes.

The majority of domestic and farm buildings in the parish originate from the 18th and 19th centuries, many are heritage assets⁷⁵ and a large number are buildings Listed as being of architectural or historic importance. There are no modern housing estates in Luppitt and the former council housing at Millrise is the only grouping of relatively modern buildings. Some small-scale development has taken place over the years but this has tended to be an occasional house adding to existing groupings or the replacement of an existing dwelling. Many properties have been refurbished and extended and there are several examples of converted farm buildings. Away from the four settlements⁷⁶, the buildings are thinly spread

⁷⁰ Appendix 1 - Definitions

⁷¹ Available at www.luppittparishcouncil.co.uk

⁷² Local Plan Strategies 7 and 27 Available at www.eastdevon.gov.uk

⁷³ Available at www.luppittparishcouncil.co.uk

⁷⁴ Appendix 1 - Definitions

⁷⁵ Appendix 1 - Definitions

⁷⁶ Luppitt village, Beacon, Wick and Shaugh

over a wide area at an approximate density of one dwelling per 25 acres (0.10 dwellings per ha) which has changed little over time.

7.2 Aims and Objectives

Aims	Objectives
1. To direct any new development towards 'brownfield land' ⁷⁷ .	1.1 Prepare policies to act as safeguards, additional to those in the Local Plan, to ensure that parish farmland, woodland and amenity land are protected from inappropriate development.
2. To avoid increased risk of flooding and damage to property, ensure that development does not take place in the flood plains of the River Otter or River Love with the exception of buildings for agricultural use.	2.1 Prepare policies to act as safeguards, additional to those in the Local Plan, to protect the flood plain from inappropriate development.
3. To ensure that any new buildings (domestic, commercial or farm-related), extensions, annexes or conversions are sited, designed and built in accordance with guidelines that reflect the traditional rural character of the parish and its heritage.	3.1 Prepare policies to act as safeguards, additional to those in the Local Plan, to further control the siting, design, scale, height, colour and screening of any new buildings in the parish.
4. To ensure that any new buildings (domestic, commercial or farm-related), extensions, annexes or conversions are sited, designed and built in accordance with guidelines to prevent any adverse impact upon the landscape, distant views, the settlements and other existing buildings.	4.1 Prepare a suite of policies to act as safeguards, additional to those in the Local Plan, to further control the siting, design, scale, height, colour and screening of any new buildings in the parish.
5. To facilitate the development of affordable housing for the local community providing that the need for it can be proved.	5.1 Commission an independent 'Housing Needs Survey' to determine the level of need for affordable housing in the parish.
6. In the event that any new open market housing is built in the parish, ensure that it reflects the needs of the local community as determined by the output from the <i>2018 Luppitt Parish Questionnaire</i> ⁷⁸ .	6.1 Prepare policies to make clear that the Parish Council will generally support applications for smaller houses of up to three bedrooms providing they accord with the policies in this Plan, and will generally resist applications for larger housing.
7. To support the conversion of redundant traditional farm buildings for certain uses as a means of protecting the character and heritage assets of the parish and creating additional small housing units and employment opportunities and supporting tourism.	7.1 Prepare clear and unequivocal policies in this plan to clarify which types of conversion of redundant traditional farm buildings the Parish Council will support.
8. To support the subdivision of existing houses into smaller units of accommodation as a means of increasing the supply of residential units in the parish whilst reducing the pressure for new build	8.1 Generally support planning applications for the subdivision of existing houses that provide additional residential units subject to conditions.

⁷⁷ Appendix 1 - Definitions

⁷⁸ Available at www.luppittparishcouncil.co.uk

development.	
9. To control the number of new holiday letting cottages in the parish where planning permission is required	9.1 Prepare a policy that balances the benefits of tourism with the need to retain dwellings for occupation by the local community.
10. To support new small-scale business providing that it leads to employment in the parish and surrounding villages.	10.1 Generally support planning applications for small-scale business premises that accord with the policies in this Plan.
11. Help to sustain the farming community by supporting applications for tied farm dwellings where the need can be proved.	11.1 Generally support applications for farm dwellings, providing that the six criteria in Policy H4 of the Local Plan can be met and that the permission is subject to an agricultural occupancy condition (AOC).
12. To ensure that any new farm buildings and ancillary structures blend easily and sympathetically with the rural landscape and cause the minimum impact upon the settlements, existing dwellings and landscape.	12.1 Prepare a suite of policies to act as safeguards, additional to those in the Local Plan, to further control the siting, design, scale, height, colour and screening of any new farm buildings and ancillary structures.
13. To support small-scale farming diversification where it will be beneficial for local employment and tourism and does not have an adverse impact upon neighbouring properties or the landscape.	13.1 Prepare a suite of policies to clarify the scale and types of farm diversification use that would be acceptable to the parish community.
14. To minimise the disruption to parish residents and damage to roads and Devon banks during the construction phase.	14.1 Prepare a policy that requires a reasonable and caring approach during the construction phase.

7.3 General Planning Principles

The planning policies of the *East Devon Local Plan*⁷⁹ and the guidance set out in the *Blackdown Hills AONB Management Plan*⁸⁰ already determine the type of development that may or may not be considered appropriate in this part of East Devon. Such policies are inevitably district-wide, whereas the policies in this Plan relate only to Luppitt parish and reflect the majority view of parishioners. Therefore, any recommendations made by the Parish Council in connection with future planning applications will be determined largely by reference to the policies in this Neighbourhood Plan. The general principles that run through these policies include the following:

- To make the most appropriate use of parish land, the use of 'brownfield land'⁸¹ for any new development is preferred to farmland, woodland or amenity land.
- New development or change of land use should not result in a significant adverse impact upon the landscape, habitats or the natural environment after taking account of screening or other measures of mitigation.

⁷⁹ Available at www.eastdevon.gov.uk

⁸⁰ Available from www.blackdownhillsaonb.org.uk

⁸¹ Appendix 1 - Definitions

- New development or change of land use should not result in a significant adverse impact upon existing dwellings or upon the distinctive character of the settlements.
- New development should be built to the highest standards of design and reflect the distinctive vernacular style of existing buildings in the parish.
- Wherever possible, new development should incorporate renewable energy sources, and energy and water efficiency as standard, and be constructed to the latest standards for carbon emission and insulation.
- New development or change of land use should positively contribute to the established character of Luppitt parish⁸².

7.4 Planning Applications and Guidance

Anyone intending to submit a planning application or to seek planning guidance in respect of new development or change of land use within the parish is advised to first consider the detailed strategies and development management policies of the **East Devon Local Plan**⁸³, specifically, but not limited to:

Strategy 7 - Development in the Countryside;

Strategy 46 - Landscape Conservation and Enhancement and AONBs;

Strategy 48 - Local Distinctiveness in the Built Environment;

Design Standards - D1 D2 D3.

The policies and principles in this **Luppitt Neighbourhood Plan**, once made, and the guidance contained in the **Luppitt Landscape Character Assessment**⁸⁴ should be read in conjunction with those policies as together they form part of the statutory Development Plan⁸⁵ for Luppitt parish.

Additional guidance is available including the **Blackdown Hills AONB Management Plan**⁸⁶, the **AONB Design Guide for Houses**⁸⁷ and **'What Makes a View'** by Fiona Fyfe Associates⁸⁸, also published by the AONB.

7.5 Understanding the Policies

The following sub-sections (1-14) reflect the output from the **2018 Luppitt Parish Questionnaire**⁸⁹ and are included to assist applicants in understanding the planning policies that follow at the end of this Section.

⁸² *Luppitt Landscape Character Assessment*. Available at www.luppittparishcouncil.co.uk

⁸³ Available at www.eastdevon.gov.uk

⁸⁴ Available at www.luppittparishcouncil.co.uk

⁸⁵ Appendix 1 - Definitions

⁸⁶ Available from www.blackdownhillsaonb.org.uk

⁸⁷ Available from www.blackdownhillsaonb.org.uk

⁸⁸ Available from www.blackdownhillsaonb.org.uk

⁸⁹ Available at www.luppittparishcouncil.co.uk

1. Siting, Design and Scale

The importance of high-quality design in new development and conversion of traditional buildings cannot be over-emphasised. High-quality design and a good standard of amenity is one of the core planning principles set out in *National Planning Policy Framework*⁹⁰.

The overall objective for the Luppitt community is to maintain the unspoilt rural character of the parish and its landscape and to protect its vernacular and heritage buildings and at the same time prevent the parish from being adversely affected by inappropriate development. To that end, previously used 'brownfield land'⁹¹ is preferred for any future development whilst farmland, woodland and existing amenity land will be protected from development other than for agricultural purposes. To provide a benchmark for any future development, the existing character of the landscape and the built environment has been recorded in the *Luppitt Landscape Character Assessment*.⁹²

A majority of the community supported the idea of additional planning safeguards to control the siting, design and scale of any new development in the parish. Chief amongst these is the siting of new buildings to ensure they do not have an adverse impact upon the landscape and fit comfortably within the contours of the land and existing groupings of buildings. Also important is building design that reflects, but not necessarily replicates, the style of the typical vernacular and heritage buildings found in the parish. External building materials should be non-reflective and of colours and tones that blend harmoniously with the surroundings. Screening should ideally comprise Devon species of trees, shrubs and hedging.

The Parish Council will not be architecturally prescriptive in its consideration of applications for new buildings and welcomes high-quality, innovative and original design providing that it respects the distinctive character of Luppitt parish and its vernacular and heritage buildings. The Parish Council will resist any application for development that does not integrate sympathetically with the existing landscape and the character of existing settlements or which has an adverse impact upon neighbouring properties and the landscape.

2. Flood Plain

The two small rivers that flow through the parish, their riverbanks and the bordering countryside, are rich in wetland habitats. To prevent damage to these habitats and the increased risk of flooding and damage to property, the Parish Council will resist any proposals for development in, or affecting, the flood plains associated with the River Otter and the River Love⁹³ with the exception of essential agricultural buildings.

3. Open Market Housing

Support for some new homes in the parish during the Plan period to 2031 was expressed by a majority of respondents to the *2018 Luppitt Parish Questionnaire*. There was an overriding

⁹⁰ Available at www.gov.uk

⁹¹ Appendix 1 - Definitions

⁹² Available at www.luppittparishcouncil.co.uk

⁹³ Appendix 12 - Luppitt Flood Risk Map

preference for any such development to take place on 'brownfield land'⁹⁴ and no support at all for the use of farmland, woodland or amenity land for this purpose. In compliance with national planning policy (*NPPF Rural Housing, Paragraph 77*), the Local Plan recognises that occasionally the local community will need additional houses and has defined '*rural exception sites*'⁹⁵ for that purpose. Rural exception sites are discussed more fully in the following sub-section 4.

As to the type of property that the community felt would be most beneficial to assist those trying to gain a foothold on the housing ladder and for the elderly wishing to downsize, respondents felt that larger houses (above three beds) were least likely to be beneficial to the community, whereas there was significant support for smaller open market housing up to two or three bedrooms to address these particular issues.

To protect the rural nature of Luppitt and its unique landscape, the Parish Council will generally resist the development of any new dwelling that lies outside an existing grouping of dwellings or buildings. The main groupings are the settlements of Luppitt village, Beacon, Wick, and Shaugh, but other smaller groupings of farmstead buildings may also be considered appropriate in certain circumstances. This stance is supported by the *National Planning Policy Framework (Paragraph 79)* which requires planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural/agricultural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

It is also supported by the *Local Plan (Strategy 7)* which resists development in the 'countryside'⁹⁶ except where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Replacement dwellings will only be supported if they replace an existing dwelling of little or no architectural or heritage merit with a dwelling of a similar scale and massing which in all

⁹⁴ Appendix 1 - Definitions

⁹⁵ Appendix 1 - Definitions

⁹⁶ 'Countryside' includes the entirety of Luppitt parish.

other respects complies with the policies in this plan. Exceptions will be considered on their merits.

'Self-build housing' i.e. a house built by an individual for their own occupation will not be treated differently by the Parish Council from any other form of housing development.

4. Affordable Housing⁹⁷

The *Draft Affordable Housing Supplementary Planning Document* produced by EDDC in March 2019 stated that the average house price in East Devon was £264,995, a ratio of 9.8 times average earnings. This makes East Devon less affordable than both England (7.9 times) and the South West region (8.8 times) on average. At a ratio of almost 10 times income, this puts 'open market' home ownership out of the reach of many younger members of the Luppitt community. A majority (73%) of the community therefore considered that affordable housing (i.e. subsidised housing) would be beneficial to the community, providing that the need for it could be proved.

Whilst Luppitt is not a 'sustainable' parish as it is not capable of meeting the everyday needs of residents, the Government recognises the housing needs of such rural communities and points the way to increasing housing stock providing certain criteria are met. To assist rural communities, national planning policy requires local authorities to be responsive to local circumstances and allow housing that reflects local need. Luppitt parish is not defined by a 'built-up area boundary' (BUAB) nor does the Local Plan allocate any housing to the parish. In planning terms, the parish is considered to be 'countryside' in which there is a general presumption against development. However in compliance with national planning policy (NPPF Rural housing, Paragraph 77) the Local Plan recognises that occasionally the local community will need additional houses and has defined '*rural exception sites*' for that purpose:

Rural Exception Sites⁹⁸

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of open market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

To promote sustainable development in rural areas, such sites should be located '*where they will enhance or maintain the vitality of rural communities*'. For example where there are groups of smaller settlements, development in one village may support services in another. To comply with the requirements of the Local Plan, three tests must be satisfied:

1. Demonstrate that the parish is 'reasonably sustainable'

⁹⁷ Appendix 1 - Definitions

⁹⁸ Appendix 1 - Definitions

To help reduce reliance upon the private car, Local Plan Strategy 35 sets out specific sustainability criteria to be met and requires any new scheme to be close to local community facilities and services. These must include at least four of the following defined facilities:

- Place of worship
- Village hall
- Pub
- Shop/post office
- School
- Doctor's surgery
- Public transport service

2. Prove that 'need' exists for additional housing in its parish

Whilst a majority of the community felt that some affordable housing would be beneficial to the community, there is at present no statistical data to prove that demand for such housing exists. To determine whether demand actually exists, the Parish Council will commission Devon Communities Together to provide an independent 'Housing Needs Survey' for Luppitt parish.

3. Identify the 'availability' of suitable sites for development

National Planning Policy Guidance sets the criteria for sites to be considered acceptable for housing in rural areas. To be considered deliverable, *'sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable'*.

For sites to be considered eligible in Luppitt parish, they should be suitable for the scale of development identified in the 'Housing Needs Survey' and satisfy the following criteria:

1. 'Brownfield land'⁹⁹ will be preferred over farmland, woodland or amenity land.
2. Sites should be located in 'Luppitt village' as defined in Appendix A. (Due to their smaller size and lack of facilities, the hamlets of Beacon, Wick, and Shaugh are considered unsuitable for this purpose.)
3. Development of sites should not result in a significant adverse impact upon existing properties, their setting or the wider landscape.
4. Sites must have adequate access from the highway and sufficient room to park all cars on-site.
5. Sites must comply with Local Plan planning policies and the policies in this Plan including the protection of the landscape and historic buildings and fully observe policies for siting, density, design, materials, screening, flooding and consideration for neighbouring properties.
6. Sites must be available for development immediately.

⁹⁹ Appendix 1 - Definitions

7. The scheme must be economically viable.

In the event that affordable housing is permitted as part of a small development that includes open market housing on a *rural exception site*, the Local Plan requires that at least 66% of the total number of units is made available as affordable housing. The occupancy of any affordable housing would be determined by Devon Home Choice¹⁰⁰ applying an established 'local connection criteria'.

If sufficient demand can be established, the Parish Council will pursue the delivery of affordable housing through a community-led approach. Affordable housing is usually provided by private sector developers required under planning conditions to transfer affordable dwellings to a housing association which would oversee the sale, letting and ongoing management of the houses. In other circumstances, housing associations may develop affordable housing direct, or the community may consider granting permission itself through a Neighbourhood Development Order or a Community Right to Build Order. With less Government grant and subsidy available, a Community Land Trust (CLT)¹⁰¹ provides another method of delivering affordable housing.

(The concept of 'Entry Level Exception Sites' was introduced in the NPPF 2018 but is not permitted in an AONB and is therefore not applicable to Luppitt.)

5. Conversion of Traditional Farm Buildings¹⁰²

Given Luppitt's farming heritage, there will sometimes be older traditional stone farm buildings beyond economic repair or unsuitable for modern agriculture which could, in certain circumstances, be converted to more beneficial uses. Proposals will generally be supported where a building's non-designated heritage¹⁰³ is protected through careful and sympathetic refurbishment, using appropriate materials and good craftsmanship, providing there is compliance with the principles and policies in this Plan. *Local Plan Policy D8¹⁰⁴* sets out the local authority's positive approach to the conversion of redundant traditional farm buildings, subject to certain conditions, an approach supported by the Parish Council.

The types of use that the Parish Council would support for such conversions are principally concerned with employment and tourism. As determined by the *2018 Luppitt Parish Questionnaire*, they specifically include studios for artists and artisans; premises for bed and breakfast; guest houses; self-catering holiday lets (subject to sub-section 9 below); and offices. Conversion to residential use may also be supported subject to the size of each unit of accommodation being restricted to one, two or three bedrooms.

There is a range of permitted development rights to support the re-use of agricultural buildings and land within their curtilage. These rights are set out in *Classes Q, R and S, of Part 3 of Schedule 2 (changes of use) to the Town and Country Planning (General Permitted Development) (England) Order 2015*. Permitted development rights do not extend to residential use within an AONB and therefore this relaxation does not apply to conversion of traditional farm buildings within Luppitt parish. In such cases a planning application must be made.

¹⁰⁰ www.devonhomechoice.com

¹⁰¹ Appendix 1 - Definitions

¹⁰² Appendix 1 - Definitions

¹⁰³ Appendix 1 - Definitions

¹⁰⁴ Appendix 15 - Re-use of Traditional Farm Buildings

6. Extensions and Annexes

To assist extended families, the elderly and dependent relatives, extensions and annexes added to existing houses will generally be supported by the Parish Council providing they are in keeping with the existing house in terms of design and external building materials used and that scale and massing are proportionate with the original dwelling. Any extension or annex that has a significant adverse impact upon a neighbouring property or the landscape will not be supported.

7. Subdivision of Houses

A majority of the community is keen to see the use of existing buildings fully maximised which, in turn, could help to reduce pressure for new build development. The subdivision of houses into smaller units of accommodation will, therefore, generally be supported by the Parish Council providing there is no adverse impact upon neighbouring properties and that each unit of accommodation has adequate internal and external amenity space and off-street parking. Each application will be considered on its merits and the Parish Council will support the *Local Plan Development Management Policy H3 - Conversion of Existing Dwellings and Other Buildings to Flats* providing that the development is compatible with environment policies of the Local Plan regulating building conversions in the open countryside and the policies in this Plan.

8. Business Premises

The Luppitt community through the *2018 Luppitt Parish Questionnaire* expressed strong support for new business in the parish providing it leads to additional employment opportunities for parish residents and the surrounding villages. *Development Management Policy E5 of the Local Plan* also supports additional business enterprise in villages and recognises that small-scale economic development in rural areas is needed to promote employment diversification and reduce commuting.

However, whilst there was community support for *new-build studios for artists and artisans*, a majority was not supportive of new-build business units for office, industrial or storage uses. This was justified by the overriding desire to protect the special rural characteristics of Luppitt parish¹⁰⁵, a position generally supported by the policies of the *Blackdown Hills AONB Management Plan (PD2)*.

Any development of new business premises must comply with the siting, design, screening, and materials policies in this plan and not result in any adverse impact upon the landscape, distant views, dark skies or neighbouring properties.

9. Holiday Cottages and Second Homes

In addition to the trend to use houses in the countryside as weekend or second homes - a factor that reduces the availability of parish dwellings for the resident community - the use of dwellings as holiday letting cottages has the dual impact of assisting local tourism, but also reducing the available supply of housing for the community. In the extreme, both have the

¹⁰⁵ *Luppitt Landscape Character Assessment* available at www.luppittparishcouncil.co.uk

potential to negatively impact upon community vitality. Smaller dwellings are often the type that could be occupied by village dependents to start an independent life. A balance therefore needs to be struck and whilst it is recognised that little can be done to control second homes, the planning system can, where planning permission is required, determine how many dwellings in Luppitt parish become holiday letting cottages in the future.

There are approximately 30 holiday cottages and second homes in Luppitt (15% of the total stock) of which some are multi-unit holiday businesses. It is recognised that tourism is a key business sector in East Devon and that visitor expenditure is one of the key drivers of the local economy and sustains many in employment. Short breaks have grown substantially over recent years and this has led to successful holiday cottage businesses in Luppitt which themselves support some local employment. However, the community's response to the *2018 Luppitt Parish Questionnaire* made clear that there is no support for new-build holiday cottages in the parish. On the other hand, the conversion of redundant traditional farm buildings to provide self-catering holiday cottages, guest houses and properties that provide bed and breakfast was supported by a large majority of the community.

Therefore, in considering applications for the change of use of redundant farm buildings and, where planning permission is required, for the change of use of an existing dwelling to holiday letting cottage use, the Parish Council will take into account the percentage of existing holiday cottages to the overall stock of houses in the parish. If, in the judgment of the Parish Council after careful consideration, the percentage is too high, such applications will not be supported. Applications for new-build holiday cottages will not be supported under any circumstances.

10. Farm Buildings and Ancillary Structures

The Local Plan in *Development Management Policy D7* sets out the six policy requirements for new agricultural buildings in East Devon (see Appendix 13 for full text) which are generally supported by the Parish Council.

At community level, residents were asked in the *2018 Luppitt Parish Questionnaire* to think about the future of farming in the parish and what changes to farm buildings and farm land they would support. There was support for new, small farm buildings to reflect the scale of existing farm buildings in the parish but less support for new larger farm buildings. The majority of respondents were strongly against intensive types of animal husbandry (i.e. factory farming) and horticulture (e.g. requiring glass houses and polytunnels) and did not support farm landscaping projects (e.g. large slurry lagoons) which could have a harmful impact upon the landscape, habitats and the wellbeing of the community.

Farming has always been the bedrock of the Luppitt community and the Parish Council will support the farming industry through its planning policies and community actions wherever it can. Therefore, the Parish Council will generally take a positive stance when considering applications for new farm buildings providing they do not have an adverse impact upon the landscape or the community. Parish Council support will not be given, however, to applications for buildings required for intensive farming or horticultural use. Applications for farm landscaping projects as described above will not be supported, except in exceptional circumstances.

It is important that any proposals for new or modified farm buildings do not adversely affect the landscape or neighbouring properties and that wherever possible new buildings are sited within or on the edge of existing groups of farm buildings or farmsteads. If a more isolated location is unavoidable, then the building must be sited within the contours of the landscape so as to cause minimum visual impact and be effectively screened, including the use of local tree and shrub species¹⁰⁶.

Building materials should be non-reflective and external colours should easily blend and be sympathetic with the landscape. External lighting should be kept to the essential minimum, and down lighting/task lighting used of the lowest practical wattage wherever possible to minimise glare and light pollution. Care should also be taken to ensure that traffic movements, noise, smell, surface and foul water drainage, and run off from yards do not cause nuisance to neighbouring properties or land.

All proposals must be compliant with the requirements of the Environmental Pollution Act 1990 and the most up-to-date directives of the Environment Agency. It is also expected that new buildings will be of high quality design and built in accordance with the latest British Standard (currently BS 5502) together with the SSAFO and CIRIA and other regulations as appropriate. Also see '*New Farm Buildings in Devon*'¹⁰⁷, a design guide produced by Devon County Council.

11. Farm Dwellings and Agricultural Occupancy Conditions (AOC)

The Parish Council will generally support planning applications for new farm dwellings that reflect a proven need. It supports the *Local Plan Development Management Policy 'H4 - Dwellings for Persons Employed in Rural Businesses'* concerning the grant of planning permission for a dwelling genuinely required for an agricultural worker. This is provided that the six criteria set out in EDDC Policy H4 (repeated in full in Appendix 14) are fully met and that the application complies in all other respects with the policies of this Plan. In that event, the permission will be subject to an agricultural occupancy condition which will be legally tied to the agricultural holding.

12. Farming Diversification

It is acknowledged that many farms in the region are under financial pressure. Such pressure to survive inevitably leads to changes in farming practices and for some to consider 'diversification' into areas of non-farming business on agricultural land. This in turn may present challenges for the planning system. On a small scale and appropriately sited, some uses may fit into the landscape without adverse impact. Through the *2018 Luppitt Parish Questionnaire* process there was no community support for wedding venues, caravan sites or festival sites or for growing crops to be used as fuel for biomass energy. Further, any large-scale change of land use proposals, including intensive agricultural, contracting or horticultural enterprises, are likely to be strongly resisted. There was support for change of use to vineyards and orchards and some support for seasonal small-scale camping sites and small-scale yurts and shepherds' huts.

¹⁰⁶ Appendix 6 - Native Species

¹⁰⁷ www.devon.gov.uk

The Parish Council will look carefully at proposed schemes and support farming diversification where it can, particularly proposals that create additional local employment and contribute to local tourism. Proposals must comply with the policies and principles in this Plan and not have an adverse effect upon neighbouring properties, landscape or habitats.

13. The Construction Process

Applicants and their contractors should consider the likely impact upon the community during the construction process. All reasonable steps should be taken to ensure that the following are kept to a minimum during the construction period:

- disturbance through noise, dust and vibration
- disturbance through HGV traffic movements and road congestion
- damage to highways and adjoining banks, hedgerows and ditches
- builders' debris on the highway.

Where appropriate, applicants will be required to set out their construction process and community safety proposals in detail, to be agreed in advance by the Local Authority together with a monitoring and repair procedure.

14. Roads and Lanes

The roads in Luppitt are old, narrow, single track lanes, usually surfaced with tarmac laid between high Devon banks. They provide the essential access to the village, hamlets, and outlying properties and are kept in reasonable condition for residents by the highway authority (Devon County Council) and contractors engaged by the Parish Council. So important is the need to keep the lanes and ditches open and in reasonable condition, that they are reported upon monthly at Parish Council meetings. It is up to contractors, other users and landowners to play their part in helping to prevent unnecessary damage to road surfaces and adjoining Devon banks and ditches.



7.6 Policies - New Development and Change of Land Use

Policy ND1 - Location Parameters for New Development

- 1. Brownfield Land¹⁰⁸** To preserve the rural landscape and the character of Luppitt, applications for development or change of land use of farmland, woodland or amenity land will be strongly resisted except for uses connected with agriculture, horticulture and forestry or community uses. The use of previously developed 'brownfield land' is preferred for any development or change of land use.
- 2. Flood Plain** To preserve the rural landscape and prevent an unnecessary risk of flooding, applications for development or change of land use within the flood plains¹⁰⁹ of the River Otter and River Love will be strongly resisted, except for uses connected with agriculture.

Policy ND2 - Materials, Design and Siting

To preserve the unique character of the parish and the rural landscape, great weight will be given to the following criteria in all applications for development or change of land use:

- 1. Adverse Impact** Development and change of land use proposals that avoid adverse and harmful impact upon the landscape, existing settlements and neighbouring properties through adverse visual impact and the effects of noise, smell, vibration or increased traffic movements.
- 2. Design** High quality design, particularly where that design is sympathetic to, and reflects the character of, existing vernacular and historic buildings in the parish¹¹⁰. For housing, reference to the *AONB Design Guide for Houses*¹¹¹ is encouraged.
- 3. Reflecting Rural Character** A scale, mass and height of development that is sympathetic and responds to the immediate built environment and landscape and reflects the traditional rural character

¹⁰⁸ Appendix 1 - Definitions

¹⁰⁹ Appendix 12 - Luppitt Flood Plain Map

¹¹⁰ *Luppitt Landscape Character Assessment* available at www.luppittparishcouncil.co.uk

¹¹¹ Available from Blackdown Hills AONB

of the parish.

4. **Siting** Siting that avoids hill tops and prominence and is sympathetic to and respects the immediate surroundings and landscape contours and does not adversely affect the local landscape character.
5. **Materials** External building materials¹¹² and finished colours and tones that are non-reflective, locally distinctive and used to respond positively to the immediate built environment, natural surroundings and local context.
6. **External Lighting** Lighting that preserves dark skies by keeping external lighting to the essential minimum, using down lighting and task lighting of the lowest practical wattage plus photocells, timers and sensors wherever possible to minimise operating time, glare and light pollution.
7. **Screening** Screening and landscaping that permanently minimises any adverse impact upon the landscape and surroundings using, wherever possible, trees, hedging, shrubs and other plants that are indigenous to Devon.¹¹³
8. **Parking** Parking for cars and other vehicles is provided for on-site and, if necessary, appropriately screened to minimise any adverse impact upon the landscape and surrounding properties.

Policy ND3 – Housing

1. **Rural Exception Sites**¹¹⁴ The scope for new housing development within the parish is strictly limited to 'rural exception sites' as defined in the National Planning Policy Framework (Rural Housing - Paragraph 77). To be eligible for consideration, sites must satisfy the requirements of Local Plan Strategies 7 and 35, be capable of accommodating all parking on-site and comply with the other policies in this Plan.

¹¹² Appendix 5 - Traditional Local Building Materials

¹¹³ Appendix 6 - Natural Species

¹¹⁴ Appendix 1 - Definitions

2. **Affordable Housing**¹¹⁵ Where a Housing Needs Survey demonstrates a need for additional housing, any affordable housing should:

- be located on a 'rural exception site' (see ND3 (1)) within Luppitt village as defined in Appendix 1
- comprise a mix of housing sizes and types to meet the demonstrated need
- comprise at least 66% of the total number of units
- be subject to occupancy restrictions in accordance with EDDC policy
- be designed in accordance with the *AONB Design Guide for Houses* and in conformity with the other policies in this Plan.

3. **Open Market Housing** Where a Housing Needs Survey demonstrates a need for additional housing, any open market housing should:

- be located on a 'rural exception site' (see ND3 (1))
- comprise small housing of up to three bedrooms
- comprise no more than 34% of the total number of units
- be designed in accordance with the *AONB Design Guide for Houses* and in conformity with the other policies in this Plan.

Policy ND4 - Subdivision and Replacement of Houses

1. **Subdivision of Houses** To increase the supply of smaller residential units to encourage the younger generation and other family members to remain in the community, the subdivision of houses into smaller units of accommodation will generally be supported providing there is no significant adverse effect upon the amenity of neighbouring properties and that each unit of accommodation has appropriate internal and external amenity space and off-street parking and that permitted development rights in respect of future extensions are removed.

2. **Replacement Dwellings** The replacement of an existing dwelling with a new dwelling will only be supported if the dwelling to be demolished has little or no architectural or heritage merit and does not contribute to the character of the parish, and the replacement dwelling is of a similar scale and mass to the existing dwelling and in all other respects complies with the policies in this plan. Exceptions will be considered on their merits.

¹¹⁵ Appendix 1 - Definitions

Policy ND5 - Conversion of Redundant Traditional Farm Buildings

To help preserve and protect redundant traditional farm buildings¹¹⁶ which are identified as non-designated heritage assets,^{117 118} conversion to other uses will generally be supported. Uses likely to be acceptable include, but are not limited to, small residential use of up to three bedrooms; office use; holiday cottages; other uses connected with tourism; and studios for artists and artisans. Such uses will be generally supported providing that the building's heritage is protected through careful and sympathetic refurbishment using appropriate materials¹¹⁹ and good craftsmanship and there is full compliance with *Local Plan Policy D8 - Re-use of Rural Buildings Outside Settlements*¹²⁰ and the other policies in this Plan.

Policy ND6 - New-Build Business Premises

To protect the character of the parish and its rural landscape, the construction of new-build business premises will generally be resisted, with the exception of small-scale artisan studios/workshops which will be encouraged. Such development will be supported providing that it complies with policies ND1 and ND2 and creates local employment opportunities. Any new development that significantly increases traffic movements or adversely impacts upon the landscape, distant views, dark skies or neighbouring properties will be resisted.

Policy ND7 - Holiday Cottages

In the interests of promoting community vitality and utilising parish housing stock for full-time resident occupation, the change of use of existing residential dwellings to self-contained holiday accommodation where planning permission is required, and proposals for the construction of new holiday cottages, will be strongly resisted. Other proposals that support tourism, including (but not limited to) guest houses, bed and breakfast, lodges, caravans, tree houses, shepherds' huts, pods, yurts, tents, glamping and camping, will be considered on their merits but will be subject to the provisions of Policy ND10 and must comply with other policies in this plan in regard to their impact upon the landscape and neighbouring properties.

¹¹⁶ Appendix 1 - Definitions

¹¹⁷ Appendix 1 - Definitions

¹¹⁸ See 6.5 Non-Designated Heritage Assets and 6.6 Built and Historic Environment (2)

¹¹⁹ Appendix 5 - Traditional Local Building Materials

¹²⁰ Appendix 15 - Re-Use of Traditional Farm Buildings

Policy ND8 - Farm Workers' Dwellings

To assist local farming enterprise, applications for farm workers' dwellings will be supported providing that the criteria in *Local Plan Policy H4 - Dwellings for Persons Employed in Rural Businesses*¹²¹ can be met and that any permission is granted subject to an agricultural occupancy condition.

Policy ND9 - Farm Buildings

To assist local farming, new smaller farm buildings and ancillary structures will generally be supported providing they are sited within or on the edge of existing groups of farm buildings, reflect the scale of existing buildings and do not adversely impact the landscape or neighbouring properties by visual effect, noise, smell, vibration or lighting and are in full compliance with *Local Plan Policy D7 - Agricultural Buildings and Development*¹²². If a more isolated location is unavoidable, buildings should be sited within the contours of the landscape to cause minimum visual impact and be effectively screened¹²³.

Policy ND10 - Farm Diversification

To assist local farming, support tourism and increase employment opportunities, the diversification from agricultural land use to other uses will be considered on a case-by-case basis subject to the following criteria:

1. Adverse Impact Uses that cause nuisance or adverse impact upon neighbouring properties or the landscape, through visual effect, noise, smell or vibration or are of large scale, will be resisted.

2. Intensive Animal Husbandry Intensive animal husbandry uses (rearing animals inside buildings for all or the majority of the time rather than on pasture) will generally be resisted.

¹²¹ Appendix 14 - Farm Workers Dwellings

¹²² Appendix 13 - Agricultural Buildings

¹²³ Appendix 6 - Native Species

3. Glasshouses and Polytunnels Development and change of land use proposals that include commercial glasshouses and polytunnels will be resisted unless it can be demonstrated that no environmental or landscape harm will occur. In particular, views into, out of, or across the AONB should not be impacted by glare, and expanses of plastic or glass should not be visible.

4. Wedding Venues, Caravan and Festival Sites The change of land use to wedding venues, caravan sites or festival sites will generally be resisted.

Policy ND11 - HGV Traffic

1. **Traffic Movements** To prevent over-use, congestion and damage to parish lanes, adjoining banks, hedgerows and ditches, any development proposal that is likely to result in a permanent and significant increase in HGV traffic movements may be resisted.

2. **Management Plan** To minimise disruption to parish residents and damage to parish lanes, adjoining banks, hedgerows and ditches during construction, a Construction and Environmental Management Plan may be required where appropriate and provisions required for monitoring and repair.

7.7 Community Actions - New Development and Change of Land Use

CA13 Housing Needs Survey - The Parish Council will commission an independent Housing Needs Survey to determine the level of affordable and other housing required in the parish.

CA14 Affordable Housing Delivery - If 'need' is established and a suitable site identified, the Parish Council will investigate the feasibility, and encourage the delivery, of affordable housing.

7.8 Policy Justification

The Luppitt parish community was widely consulted as to the type of development it would support in the period to 2031. This was recorded in the responses to the *2018 Luppitt Parish Questionnaire*¹²⁴. Out of a population of 441 residents, 256 replied to the questionnaire representing a response rate of 56% which statistically speaking provides 95% accuracy.

¹²⁴ Available at www.luppittparishcouncil.co.uk

The replies were independently analysed in a report by consultants Transform Research Consultancy Ltd dated 17th January 2019.¹²⁵

The National Planning Policy Framework requires Local Plan policies to give 'great weight' to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty (Paragraph 172) and to ensuring that the natural environment and habitats are protected (Paragraph 174). The NPPF also requires local planning policies to positively protect heritage assets and the historic environment (Paragraph 184). Within this background, however, the NPPF recognises that planning policies in rural areas should be responsive to local needs for housing and employment:

Paragraph 77 - 'Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this'.

Paragraph 84 - 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

The use of 'brownfield' land over farmland, woodland and amenity land is also supported by the NPPF:

Paragraph 118 c - 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'

The benefit of high-quality and well-designed buildings is recognised in chapter 12 which requires policies to be developed with local communities to reflect the local area character:

Paragraph 125 - Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

¹²⁵ Available at www.luppittparishcouncil.co.uk

The Local Plan deals with development in the countryside through its *Strategy 7 - Development in the Countryside*:

'The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

- 1. Land form and patterns of settlement.*
- 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions*

Development beyond 'Built-up Area Boundaries':

6.21 Beyond Built-up Area Boundaries some forms of development will be permitted. For example at villages (including those without boundaries, but where they have a range of facilities) exception site mixed use development of market and affordable housing will be permissible. The development management policies of the Local Plan will provide more details of this and other development types relating to employment, recreation and other uses that can be acceptable under specified circumstances outside boundaries.

