

## Exmoor National Park Local Plan 2011-2031 - Proposed Main Modifications

### Schedule of Representations – MARCH 2017

ID – Identification Number  
 Rep. No. – Representation Number  
 Leg. Comp. – Legally Compliant  
 MM No. - Main Modification number

LP Ref – Local Plan reference  
 SA – Sustainability Appraisal  
 HRA – Habitats Regulations Assessment

| Respondent          | ID   | Rep No | Leg. Comp. | Justified | Effective | Positive | Consistent | MM No. | LP Ref         | SA / HRA | Detail of representation  | Modifications sought   |
|---------------------|------|--------|------------|-----------|-----------|----------|------------|--------|----------------|----------|---|--|
| Woodland Trust      | 0023 | 001    | Yes        | Yes       | Yes       | Yes      | Yes        | MM 8   | CE-S3          |          | The Woodland Trust strongly supports the inclusion of the following in Policy <b>CE-S3 BIODIVERSITY AND GREEN INFRASTRUCTURE: e) Development resulting in the loss or deterioration of irreplaceable ancient woodland (including ancient semi-natural woodland and plantations on ancient woodland sites) and veteran trees, will not be permitted unless the need for and the benefits of the development are wholly exceptional and clearly outweigh the loss of biodiversity.</b> The Woodland Trust has made a strong case for Local Plans to adequately protect irreplaceable ancient woodland and veteran trees and we believe that, in including this wording, under policy CE-S3, the maximum policy protection is given. We therefore support this modification.   |  |
| Environment Agency  | 0033 | 001    | -          | -         | -         | -        | -          | MM 8   | CE-S3          |          | In general we are satisfied with the proposed modifications from a water environment and flood risk point of view. However, we have two comments in respect of the proposed modifications to Policy CE-S3 (Biodiversity and Green Infrastructure). Firstly we would recommend the addition of text (underlined) to paragraph 'b' of the policy: b) Development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that <u>the ecological status of the local population</u> is at least maintained. Secondly with regard to paragraphs 'c', 'd' and 'e' of the policy the wording under this policy renders it difficult to understand how each judgment will be made. For example 'c' states <i>...unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity...</i> , while 'd' states <i>...unless the need for, and the benefits of the development are exceptional and clearly outweigh the loss of biodiversity...</i> and e states <i>...unless the need for and the benefits of the development are wholly exceptional and clearly outweigh the loss of biodiversity...</i> We consider that it would be prudent to set out clearly on what grounds will each judgment will be qualified. It is important that this is clarified to ensure consistency, robustness and ultimately the protection of biodiversity in situ wherever possible. | Recommend the addition of text (underlined) to paragraph 'b' of the policy: b) Development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that <u>the ecological status of the local population</u> is at least maintained. For example 'c' states <i>...unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity...</i> , while 'd' states <i>...unless the need for, and the benefits of the development are exceptional and clearly outweigh the loss of biodiversity...</i> and e states <i>...unless the need for and the benefits of the development are wholly exceptional and clearly outweigh the loss of biodiversity...</i> We consider that it would be prudent to set out clearly on what grounds will each judgment will be qualified. |
| North Devon Council | 0043 | 001    | -          | -         | -         | -        | -          | MM 1   | After para 3.3 |          | Support the range of special qualities identified.  |  |
| North Devon Council | 0043 | 002    | -          | -         | -         | -        | -          | MM 3   | Para. 3.26     |          | Support proposed clarification of assessment for major developments.  |  |

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| North Devon Council | 0043 | 003    | -          | -         | -         | -        | -          | MM 6   | Policy CE-S1 (2+ 4) |          | Support inclusion of seascape character areas.   |   |
| North Devon Council | 0043 | 004    | -          | -         | -         | -        | -          | MM 6   | Policy Ce-S1 (3)    |          | What is Section 3 Land?  | Define Section 3 land within the supporting text or footnote or glossary. |
| North Devon Council | 0043 | 005    | -          | -         | -         | -        | -          | MM 8   | Policy CE-S3        |          | Support additional protection for priority habitats and species commensurate with their status.  |   |
| North Devon Council | 0043 | 006    | -          | -         | -         | -        | -          | MM 9   | Policy CE-S4        |          | Support additional protection of the setting of heritage assets.   |   |
| North Devon Council | 0043 | 007    | -          | -         | -         | -        | -          | MM 21  | Policy CE-D7        |          | Support additional recognition and protection of the health and amenity of local communities.  |   |
| North Devon Council | 0043 | 008    | -          | -         | -         | -        | -          | MM 25  | Policy CC-D3        |          | Support policy in principle provided that there is clarification to show where on the Policies Map 'suitable areas' are defined. The extent of suitable areas is defined on Map 24 (AM119 and AM120), which appears to address this. |   |
| North Devon Council | 0043 | 009    | -          | -         | -         | -        | -          | MM 26  | Policy CC-D4        |          | Support policy in principle provided that there is clarification to show where on the Policies Map 'suitable areas' are defined. The extent of suitable areas is defined on Map 24 (AM119 and AM120), which appears to address this. |   |
| North Devon Council | 0043 | 010    | -          | -         | -         | -        | -          | MM 27  | Policy CC-D5        |          | Support clarification of the cascade approach proposed for use of non-mains sewerage systems.  |   |
| North Devon Council | 0043 | 011    | -          | -         | -         | -        | -          | MM 28  | Policy HC-S1 (2)    |          | Support additional arrangements for provision of accessible and adaptable housing including onsite provision of affordable housing.  |   |
| North Devon Council | 0043 | 012    | -          | -         | -         | -        | -          | MM 28  | Policy HC-S1 (3)    |          | Support proposed principle of 'Principal Residence' market housing but what constitutes an 'essential need'?   | Clarify what constitutes an 'essential need' within the supporting text.  |
| North Devon Council | 0043 | 013    | -          | -         | -         | -        | -          | MM 28  | Policy HC-S1 (4)    |          | Support proposed confirmation that the policy will be reviewed if government policy changes (again).   |   |

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| North Devon Council | 0043 | 014    | -          | -         | -         | -        | -          | MM 30  | Policy HC-DX (2) |          | It is unclear from the policy why Principal Residence market housing is only permitted when a vacant building is only large enough to accommodate 2 or more dwellings. | Add supporting text to explain why the threshold applies; or cross refer to another policy (HC-D1?) which refers to conversion of vacant buildings as single units of accommodation.   |
| North Devon Council | 0043 | 015    | -          | -         | -         | -        | -          | MM 31  | Policy HC-S2 (2) |          | Whilst it is not a proposed modification, the phrase 'neither too large nor too small' is imprecise, and more so given proposed deletion within this criterion.        | Clarify appropriate standards of accommodation either within the supporting text or as a future SPD.   |
| North Devon Council | 0043 | 016    | -          | -         | -         | -        | -          | MM 32  | Policy HC-S3 (3) |          | Support the cascade approach identified, with relevant district council parts of the park identified as the second cascade.  |  |
| North Devon Council | 0043 | 017    | -          | -         | -         | -        | -          | MM 33  | Policy HC-S4     |          | Support the principle of 'Principal Residence' market housing and the restriction to a person's sole or principal residence.   |  |
| North Devon Council | 0043 | 018    | -          | -         | -         | -        | -          | MM 35  | Policy HC-D2     |          | Support the proposed clarification of this policy and enabled delivery of more than one unit of affordable housing.  |  |
| North Devon Council | 0043 | 019    | -          | -         | -         | -        | -          | MM 47  | Policy SE-S4 (3) |          | If PD rights 'may be withdrawn', it is unclear when this would or would not be likely to occur.  | Clarify within the supporting text or a future SPD the circumstances when PD rights may be withdrawn.  |
| North Devon Council | 0043 | 020    | -          | -         | -         | -        | -          | MM 52  | Policy RT-S2     |          | Support additional criterion (f) to safeguard the natural environment.   |  |
| North Devon Council | 0043 | 021    | -          | -         | -         | -        | -          | MM 56  | Policy AC-D5     |          | Support additional protection of the historic environment from unacceptable adverse impacts in criterion 4(c).   |  |
| North Devon Council | 0043 | 022    | -          | -         | -         | -        | -          | MM 57  | Policy AC-D6     |          | Support additional paragraph (2) in the cascade approach to considering fixed line transmission infrastructure.  |  |
| North Devon Council | 0043 | 023    | -          | -         | -         | -        | -          | MM 60  | After para. 11.3 |          | Support new monitoring policy but the reference to 'existing levels of provision' in paragraph 2(b) is unclear and could be interpreted in different ways.             | Clarify 'existing levels of provision' within supporting text. For example, is it: provision over the most recent year?; average annualised completions over the last 3 years?; completion from 2011 to date?; or, projected completions for the forthcoming year? |

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| National Trust       | 0044 | 001    | -          | -         | -         | -        | -          | ALL    |              |          | In response to the current consultation I just wish to confirm that the Trust supports the modifications arising out of the Statement of Common Ground between ENPA and NT dated 13 June 2016. The Trust hopes the plan can move forward to adoption following Examination.  |                      |
| Business Exmoor (BE) | 0058 | 001    | No         | No        | No        | No       | No         | MM 12  | Para. 4.125A |          | BE objects to the reference to the policy re gross internal area requirement - see other comments below. BE also comments that it is not just the size of any dwelling that has a bearing on its value and affordability over the longer term. Planning conditions restricting the occupancy of dwellings to categories of persons, or applying principal residence conditions will have a far more significant impact on value and affordability than size.   |                      |
| Business Exmoor (BE) | 0058 | 002    | No         | No        | No        | No       | No         | MM 28  | HC-S1        |          | BE objects to the wording of this policy as it applies the proposed policy on vacant building credits. For BE's comments on the application of vacant buildings credits within the National Park please see its previous submissions <a href="http://www.exmoor-nationalpark.gov.uk/data/assets/pdf_file/0010/777529/12.08.2016-Business-Exmoor-comments-on-Examination-documents-EX17-and-EX18.pdf">http://www.exmoor-nationalpark.gov.uk/data/assets/pdf_file/0010/777529/12.08.2016-Business-Exmoor-comments-on-Examination-documents-EX17-and-EX18.pdf</a>   |                      |
| Business Exmoor (BE) | 0058 | 003    | No         | No        | No        | No       | No         | MM 30  | HC-DX        |          | BE objects to this proposed policy on the grounds that it is contrary to national planning policy and represents an attempt by ENPA to circumvent the policy as set out in the Written Ministerial Statement (see reference in link to above submissions) and also emerging national policy. See in particular <a href="https://www.gov.uk/government/consultations/rural-planning-review-call-for-evidence">https://www.gov.uk/government/consultations/rural-planning-review-call-for-evidence</a> . In connection with the introduction of further permitted development rights for the conversion of agricultural buildings to dwellings and <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf</a> which, at page 78 re-confirms that the Government sees the conversion of agricultural buildings to residential use as part of its policy for the re-use of previously developed (brownfield) land. Policy makes it clear that the vacant building credit (vbc) applies to all buildings that are vacant and that have not been abandoned. One of the stated purpose of the policy is to bring vacant buildings in line with the tests for the Community Infrastructure Levy (CIL) and the tests as to whether or not a building is vacant for the purposes of the policy should be consistent with the time periods (in reverse) to the tests for CIL. The tests as set out in MM30 go way beyond that requirement and are excessive and unreasonable. The policy should also not attempt to exclude buildings that are not in a local service centre or village. That is contrary to national policy that encourages the re-use of all existing buildings – particularly vacant buildings. The policy should not attempt to exclude traditional buildings; and should not seek to apply the floorspace limits in HC-D1. That is also contrary to national policy and, as framed, seeks to re-apply an affordable housing obligation for any part of a building over the size thresholds in direct contravention of the national planning policy. |                      |
| Business Exmoor (BE) | 0058 | 004    | No         | No        | No        | No       | No         | MM 33  | HC-S4        |          | Principle residence housing should not be restricted to the change of use of non-residential buildings in settlements and/or to provide enabling development for affordable local needs housing. This is inconsistent with national policy on the re-use of existing buildings and vacant building credits – see comments above (MM30).  |                      |
| Business Exmoor (BE) | 0058 | 005    | No         | No        | No        | No       | No         | MM 35  | HC-D2        |          | Subject also to BE's comments on size limits, BE objects to the size limit of 93 m <sup>2</sup> for accessible and adaptable housing where the application of a size limit could render the dwelling inaccessible for certain users.   |                      |

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| Business Exmoor (BE) | 0058 | 006    | No         | No        | No        | No       | No         | MM 38  | HC-D9                     |          | The application of <u>minimum</u> gross internal floor areas from the Technical housing standards – nationally described space standard to determine the maximum permitted floor area is wholly inappropriate and arbitrary. BE supports the part of the policy that enables a larger dwelling commensurate with the needs of the holding and the particular circumstances of the case but objects to the explanatory text for this policy which allows larger dwellings only where they are the principal or only dwelling and limits the size to a maximum of 124 m <sup>2</sup> . BE objects to that further size limit as arbitrary and preventing applications to be assessed in accordance with their own needs and circumstances. It also objects to the fact that the explanatory text is not part of the policy wording and there is no indication when reading the policy that it will apply to modify and constrain the policy as stated. |                      |
| Business Exmoor (BE) | 0058 | 007    | No         | No        | No        | No       | No         | MM 43  | New paragraphs after 7.26 |          | BE objects to the word “extensively” in the first sentence as introducing an unnecessarily restrictive test. BE considers that managing the land in a way that conserves the National Park’s special qualities to be a sufficient and reasonable objective. For that reason, BE also objects to the word “enhance”. There should be no need for diversification proposals to be assessed on the extent to which they enhance the special qualities of the National Park, albeit those would clearly be a material consideration.   |                      |
| Business Exmoor (BE) | 0058 | 008    | No         | No        | No        | No       | No         | MM 44  | SE-S3                     |          | BE objects to 3.d; 4; 5 and 6 of this proposed policy, all of which are contrary to national planning policy that seeks to encourage both agricultural and other business development in rural areas. The policy as drafted will also prevent new buildings being erected for new employment sites, for example as a diversification of an agricultural business, and the expansion of businesses that need new space alongside an existing business use.  |                      |
| Business Exmoor (BE) | 0058 | 009    | No         | No        | No        | No       | No         | MM 46  | Para. 7.40                |          | BE cannot see how it is lawful for an owner/applicant to be required to maintain a business activity where that underlying business is unviable. To the extent that this policy attempts to do that, BE objects to it.   |                      |
| Business Exmoor (BE) | 0058 | 010    | No         | No        | No        | No       | No         | MM 47  | SE-S4                     |          | BE objects to 3. Where buildings are granted consent, there will be a justifiable need and it is contrary to national policy that seeks to encourage economic activity in rural areas, in part through permitting changes of use to alternative uses by permitted development rights, to seek to remove those rights.  |                      |
| Exmoor Uprising      | 0060 | 001    | Yes        | Yes       | No        | Yes      | Yes        | MM 38  | HC-D9                     | -        | Many, many local inhabitants are angry at the interpretation and application of the planning homes part of the Authority and the Planning Committee towards local inhabitants. It came to a head with 2 local planning applications recently about a family farm and about a pig farm. The details are attached. So is a copy of an email circulating locally around the area. See attached Part 1 [and supplementary email submitted by Exmoor Uprising]. This is the situation regarding the consultation on the Plan for E.N.Park. The rules are fine but they are not being adhered to. Stronger rules are needed. Part 2 attached. Care in the Community is the Government’s mantra at the moment. Part 3 - speech made on behalf of a recent farm succession application - considered only impacts.  |                      |

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| Exmoor Uprising | 0060 | 001    | Yes        | Yes       | No        | Yes      | Yes        | MM 38  | HC-D9  |          | <p>PART 1: This is the situation regarding the consultation on the Plan for Exmoor National Park. It is felt that the actual Policies are good BUT the serious anger that is being exhibited now by local groups and families is the INTERPRETATION of these policies by the House/Home Planners of Exmoor National Park that is failing local inhabitants. It is alleged they vary according to the whims of the Planners. LOCAL INHABITANTS HAVE POLITELY REQUESTED A LEVEL PLAYING FIELD WITH REGARD TO THE DECISIONS OF PLANNERS. It is alleged they feel that there is a deliberate attempt to remove all local many generations of experience with their inherited knowledge, front he communities they were born into. Allegations are being made that when local farmers and workers want to build a house they have to set out in details every penny to be spent, the every day's work, every night up calving or lambing, how many vet bills and put in everything except what they give the Vicar. Then (as shown in the second example below) an applicant comes along who decides that it might affect his future ability to make a living if he gives out these details. I asked for details under the Freedom of Information. I was told that they had given out some of it but some was redacted. Actually it was 5 pages that were redacted. There is a serious antagonism boiling up as can be seen from the people trying to complain. It is alleged that the way this latest local Plan Consultation is being set out, in such a way to make sure that locals don't know how to state their needs and views. This frustration must not be allowed to continue it is unfair. BASICALLY IT IS ALLEGED THAT THE VERY SERIOUS COMPLAINT THEY HAVE IS THAT IT IS THE "INTERPRETATION" THE PLANNERS ARE USING TO GET THE RESULTS THEY WANT varies according to the applicants, and in particular where they live. Both Cutcombe area and Lynton area are alleged to get preference. Example:- Cutcombe: A wooden bungalow has been erected temporarily on land next to fields where there are a couple of sheds. It was alleged three years ago that the daughter of this family had got a 20 year Business tenancy and that if it worked out in three years they would be allowed to build a permanent home in place of it. Since then it is alleged many people have asked to see copies of this Business Tenancy because it is not in the Land Registry. It is alleged they have all been fudged off without sighting it. The three years is up in April allegedly without sight of the agreement. Lynton: A couple bought 14 acres of woodland alongside a steep valley above Barbrook, Lynton. They kept some chickens, turkeys, etc., 5 Berkshire pigs, which they are allegedly breeding from, but there doesn't seem to be a boar so I imagine it must be immaculate conception, and a couple of goats, 4 sheep which apparently had 10 lambs, which must be a record. Yet the committee let them put up a workers cottage because they are building up a business, killing and dressing stock and teaching people how to care for breeding stock. This is the group of people who were allowed to apply without giving their financial details because it might AFFECT THEIR FUTURE BUSINESS!!!! (See Hidden Valley Pigs) The frustration is such that it might be as well to hold a public meeting before this Plan is finalised. We think this should be considered. Although it is alleged that many people that a Public enquiry should requested. [See attached email circulated to various mailing lists].</p> |                      |

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| Exmoor Uprising | 0060 | 001    | -          | -         | -         | -        | -          |        |        |          | <p>SUPPLEMENTARY EMAIL: FOR CONSIDERATION OF HC-D9 RURAL WORKERS: Speech made by Exmoor Uprising, on behalf of Mr Vellacott, to build a larger than 90 sq. metre home on the 200 acres plus 70 acres of grass keep for his son. The farm has been in the family for several generations. Due to the preponderance of second homes and people getting permission for vast extensions on cottages that previously were purchased at a reasonable price by family members local inhabitants cannot afford to stay in the communities they were born and bred in. This acreage easily accommodates two families workwise and in season part time employees as well. In light of the application we see here is desperately important that we look carefully at the Policy and how it is both interpreted and implemented, and that is must not be used as a barrier to appropriate development. When genuine local applicants come forward planning policy must allow development of genuine succession family farms. To support their local communities. It is the long established local succession farms the Exmoor landscape is based on. It is vitally important that these people are kept here and that they are not expected to build houses that are inappropriate in design and size within the Exmoor landscape. A sizeable farmhouse is essential needing plenty of office space to cope with the vast amount of paper work. Also a place to veterinary medicines and drenches safely. A large porch big enough to hold wet muddy clothes and boots so that you can nip off in the "wherewithall" to find a hot shower to allow you to defrost. Drying wet hand machinery and hand tools and of course the dog. These days a dog nearby is absolutely essential for security reasons. Gone are the good old days when you left doors and windows unlocked. A sizeable farm business like this brings seasonal employment to the other local inhabitants of the community. The local inhabitants that are responsible for the local culture and traditions must be encouraged to stay here. The same applies to the local farm workers. They need homes in or near these self same communities. We asked the Head of Planning if a wooden home of 90 sq. m. could have a large porch on the front and back to cover the necessities of local working farm and forestry workers. He absolutely refused. Local people have been deeply disappointed when they see the Policies go against genuine local farming businesses to the detriment of their livelihoods AND THEREFORE TO THE DETRIMENT OF LOCAL WORKERS AND THEREFORE TO THE DETRIMENT OF THE LANDSCAPE OF EXMOOR. Surely it is better that a full development for a genuine succession farm that fits nicely into the landscape is better than having a 90 sq. m. house with sheds etc., dotted around the edge of it to cover it's genuine needs. APPARENTLY NOT!!!!!! We feel that this should be very seriously considered a TEST CASE as to whether the present Policy fulfil these needs. IF NOT WE URGENTLY REQUEST YOU TO TAKE A CAREFUL LOOK AT THE POLICY NOW. This careful look at the Policy must be considered for the sake of the local landscape and the local communities whose skills and experience are so essential to Exmoor's wellbeing and to the future of Exmoor National Park.</p> | <p>Surely it is better that a full development for a genuine succession farm that fits nicely into the landscape is better than having a 90 sq. m. house with sheds etc., dotted around the edge of it to cover it's genuine needs. APPARENTLY NOT!!!!!! We feel that this should be very seriously considered a TEST CASE as to whether the present Policy fulfil these needs. IF NOT WE URGENTLY REQUEST YOU TO TAKE A CAREFUL LOOK AT THE POLICY NOW. This careful look at the Policy must be considered for the sake of the local landscape and the local communities whose skills and experience are so essential to Exmoor's wellbeing and to the future of Exmoor National Park.</p> |

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| Exmoor Uprising | 0060 | 002    | -          | -         | -         | -        | -          | ?      | ?      |          | <p>PART 2: CARE IN THE COMMUNITY IS THE GOVERNMENT'S MANTRA AT THE MOMENT:- When you live in small remote rural communities you NEED the support of family and relatives around. This is the way it has always been. There is very little point in saying CARERS will come from Ilfracombe, or Minehead or Dulverton to help the aged or children's needs when all the roads around you are blocked in snow, or flooded. "Oh dear" we won't bother to go today, we might not get there, or even worse might not get BACK. Tough!!!! you folks out in the sticks. We were not prepared to allow your families to build a home in your garden, or next door to your, because it is not allowed in the Plan. Never mind that you can't get help!!!! Do you think Exmoor National Park care about you locals. No!! The powers that be live safely in Barnstaple or Minehead, not for them to live out in the sticks. They want to have their say, but not necessarily face the consequences of their actions. Well this Government should decide whether they are prepared to throw Exmoor's many generation inhabitants to the wind, or deal with the CARE IN THE COMMUNITY ASPECT, AS THEY SHOULD DO. Also they should force the Home Planning department and particularly this so-called Planning Committee of the National Park to give greater consideration to single homes in the community for relatives and friends who are long term Exmoor inhabitants to cover the "Care" need. You refer to the Exmoor National Park Housing Group which was started over 3 years ago. You state that they have formed a list of people needing affordable homes. Well you will be please to know they are just choosing some people to become ambassadors to find out what people want. I joined as representing Exmoor Uprising hoping matters would be dealt with in house. Oh no!!!! They apply for grants, to apply for grants and get grants for this that and the other. I think up to date £26,000 has been spent and they are still talking about training these ambassadors. This is sick bureaucracy and should be looked into. Also they never come on the moor, they go to Williton or Exeter. You suggest there is a limit to houses being built. That's fine. There were several estates built in previous years, but these affordable houses are not affordable on the wages on Exmoor and several people who took up the rent and facilities costs never dreamt of how high the costs would go so they have moved back in with parents, families or friends. PLEASE NOTE the comparison of Exmoor and Dartmoor Economies in the attached leaflet [not attached], Exmoor is way the biggest loser. Exmoor inhabitants are not asking for groups of houses they are asking for one at a time as and where necessary. When genuine local applicants come forward, Planning policy must allow development of genuine succession family farms and homesteads. To support their local communities. For the first time Local Inhabitants are getting really angry and frustrated because they have lost all say in anything to do with their own locality since the early 2,000, when the management started to change and the local born estate team at the depot and local rangers were allegedly moved from the scene. Then 3 or 4 years ago the Governance was changed by the then chair and vice chairman of the committee and the chair took Resources into her portfolio and the Vice chair, took Planning into his portfolio. At the same time their was a one day Planning and Authority Meeting in the morning both audioed. But then some thing called the "Member's forum" took place after lunch. This was not audioed and no minutes were put out publicly. It is alleged all sorts of plans were either slipped through quickly or held up. So how much was decided at the Member's forum and also why was it not audioed or minuted publicly.</p> |                      |



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| Exmoor Uprising      | 0060 | 003    | -          | -         | -         | -        | -          | MM 31  | HC-S2  |          | PART 3: SUCCESSION APPLICATON. Speech made by Exmoor Uprising, on behalf of Mr Vellacott, to build a larger than 90 sq. metre home on the 200 acres plus 70 acres of grass keep for his son. The farm has been in the family for several generations. Due to the preponderance of second homes and people getting permission for vast extensions on cottages that previously were purchased at a reasonable price by family members local inhabitants cannot afford to stay in the communities they were born and bred in. This acreage easily accommodates two families workwise and in season part time employees as well. In light of the application we see here is desperately important that we look carefully at the Policy and how it is both interpreted and implemented, and that is must not be used as a barrier to appropriate development. When genuine local applicants come forward planning policy must allow development of genuine succession family farms. To support their local communities. It is the long established local succession farms the Exmoor landscape is based on. It is vitally important that these people are kept here and that they are not expected to build houses that are inappropriate in design and size within the Exmoor landscape. A sizeable farmhouse is essential needing plenty of office space to cope with the vast amount of paper work. Also a place to veterinary medicines and drenches safely. A large porch big enough to hold wet muddy clothes and boots so that you can nip off in the "wherewithall" to find a hot shower to allow you to defrost. Drying wet hand machinery and hand tools and of course the dog. These days a dog nearby is absolutely essential for security reasons. Gone are the good old days when you left doors and windows unlocked. A sizeable farm business like this brings seasonal employment to the other local inhabitants of the community. The local inhabitants that are responsible for the local culture and traditions must be encouraged to stay here. The same applies to the local farm workers. They need homes in or near these self same communities. We asked the Head of Planning if a wooden home of 90 sq. m. could have a large porch on the front and back to cover the necessities of local working farm and forestry workers. He absolutely refused. Local people have been deeply disappointed when they see the Policies go against genuine local farming businesses to the detriment of their livelihoods AND THEREFORE TO THE DETRIMENT OF LOCAL WORKERS AND THEREFORE TO THE DETRIMENT OF THE LANDSCAPE OF EXMOOR. Surely it is better that a full development for a genuine succession farm that fits nicely into the landscape is better than having a 90 sq. m. house with sheds etc., dotted around the edge of it to cover it's genuine needs. APPARENTLY NOT!!!!!! We feel that this should be very seriously considered a TEST CASE as to whether the present Policy fulfil these needs. IF NOT WE URGENTLY REQUEST YOU TO TAKE A CAREFUL LOOK AT THE POLICY NOW. This careful look at the Policy must be considered for the sake of the local landscape and the local communities whose skills and experience are so essential to Exmoor's wellbeing and to the future of Exmoor National Park. | Surely it is better that a full development for a genuine succession farm that fits nicely into the landscape is better than having a 90 sq. m. house with sheds etc., dotted around the edge of it to cover it's genuine needs. APPARENTLY NOT!!!!!! We feel that this should be very seriously considered a TEST CASE as to whether the present Policy fulfil these needs. IF NOT WE URGENTLY REQUEST YOU TO TAKE A CAREFUL LOOK AT THE POLICY NOW. This careful look at the Policy must be considered for the sake of the local landscape and the local communities whose skills and experience are so essential to Exmoor's wellbeing and to the future of Exmoor National Park. |
| Devon County Council | 0069 | 001    | -          | -         | -         | -        | -          | MM 16  | CE-S6  |          | In terms of suggested changes, the County Council only has one and this is in regard to carbon emissions: Policy CE-S6 – Devon County Council supports this modification to encourage development proposals that reduce carbon emissions beyond the limits set by Building Regulations. However a clarification to the policy is suggested as per the following paragraph:   | Suggested clarification: <i>Proposals that reduce carbon emissions further than required by Building Regulations, by improving energy efficiency or through renewable and low carbon technologies (CC-S5), will be encouraged.</i>   |
| Mr Leslie Riches     | 0078 | 001    | -          | Yes       | Yes       | Yes      | -          | MM 48  | RT-S2  |          | As a retired member of the Lynton and Barnstaple Railway Trust, the modification justifies the National Park's policy of accepting the ongoing development of the railway to be of the utmost assistance in providing recreation and tourism in the area.  | I am not qualified to comment on this question.  |

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| Natural England | 0121 | 001    | -          | -         | -         | -        | -          | MM 8   | CE-S3  | No       | <p>CE-S3 (2) There is currently no clear approach to development proposals affecting non-priority habitats and species, outside areas designated for their biodiversity value. The policy should clearly set this out (NPPF para 109). We recommend that you take out the reference to priority habitats and species in this section of the policy; they are already dealt with separately under point 3.d of the policy. CE-S3 (3.a) We welcome the incorporation of a hierarchy against which development proposals can be judged (NPPF para 113). We recommend that the approach to nationally protected sites, e.g. SSSIs and MCZs, is reviewed and clearly set out in a separate bullet point. It is currently attached to the end of the sentence about internationally designated sites, with very little difference between the two. A distinction should be drawn between the policy approach to sites of international and national importance. You may also wish to review the policy stance on locally designated sites to ensure that it is proportionate within the context of the hierarchy. CE-S3 (3.a) We recommend that point 3.a refers to 'designated features' instead of 'conservation objectives'. In accordance with the Habitat Regulations, the policy wording here should refer to development likely to have a significant effect on an internationally designated site or its designated features. We also recommend, in line with part 6 of the Habitats Regulations, that you remove the words 'of the special interest', as the regulations refer to the integrity of the site. CE-S3 (5) The mitigation hierarchy ought to make clear that compensation measures are only to be used as a last resort (NPPF para 118). We recommend that this is also reflected in the wording of CE-S3 (3.c) and (3.d). CE-S3 (8) We are not sure what is meant by a 'dispersal area'; this should be explained.</p> | <p>We recommend that you take out the reference to priority habitats and species in this section of the policy; they are already dealt with separately under point 3.d of the policy. We recommend that the approach to nationally protected sites, e.g. SSSIs and MCZs, is reviewed and clearly set out in a separate bullet point. We recommend that point 3.a refers to 'designated features' instead of 'conservation objectives'. We also recommend, in line with part 6 of the Habitats Regulations, that you remove the words 'of the special interest', as the regulations refer to the integrity of the site. CE-S3 (5) The mitigation hierarchy ought to make clear that compensation measures are only to be used as a last resort (NPPF para 118). We recommend that this is also reflected in the wording of CE-S3 (3.c) and (3.d).</p> |

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| Acorn Rural Property Consultants LLP | 0122 | 001 | No | No | No | No | No | MM 38 | HC-D9 | <p><b>The background - draft policy HC-D9 rural workers, its accompanying text, and Annex 2 rural land based worker dwellings.</b> Acorn Rural Property Consultants' made representations against the 90m2 floor space threshold that was proposed for new rural worker dwelling in the Draft Local Plan consultation that took place between November and December 2013. The floor space threshold was, however, carried forward into the Publication Draft Local Plan. We are aware that it was then subject to further objection. The amendments to draft policy HC-D9 and Annex 2 require the gross internal area of rural worker dwellings to be 93m2 or less unless the Authority is satisfied that a larger dwelling is required; the size of the property [dwelling] is commensurate with the needs of the holding; it can be sustained by the farm business; and it would be affordable for the essential need in perpetuity. The accompanying text to HC-D9 indicates that dwellings larger than 93m2 may only be considered where they will be the principal or only dwelling on the holding and in such cases, the upper size limit of the dwelling will be 124m2. This is at odds with Annex 2 and the terms of the draft policy HC-D9. The only reference to the upper limit of 124m2 is at paragraph 6.139. We are concerned that this limit, which was not present in the Draft Local Plan, is something that has gone unnoticed by many individuals and organisations. <b>The ENPA's written statement reference Hearing Session 3.</b> At Paragraph 4.1, the Exmoor National Park Authority's (ENPA's) written statement relating to hearing session 3 explains that the need for dwelling size limitations set out in policy HC-S2 and related policies, including HC-D9 rural worker dwellings, is justified by evidence which shows that: the National Park's existing housing stock has a higher than average proportion of larger, detached housing and that consequently it does not provide a range of accommodation sizes and types to meet the needs of all sections of the local community. This affects different prospective occupiers not just those in affordable need; there is a disparity between house prices/rents and local incomes, exacerbated by the size and type of the existing housing stock and a consequent local need for affordable housing; and older households, often living in family housing, may need smaller, more manageable housing. At paragraph 4.3, the ENPA's written statement states that the size limitations are needed to provide flexibility for the replacement of [agricultural or similar] occupancy ties, including with local needs tie, to cater for changes in circumstances, and that they provide a means for controlling affordability. <b>The National Planning Policy Framework (NPPF)</b> The NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances. These include the essential need for a rural worker to live permanently at or near their place of work. The NPPF also promotes a strong rural economy and requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development including the promotion and development of agricultural and rural land based businesses. It also confirms that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. The NPPF also sets a presumption in favour sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. In the case of planning making, the NPPF explains that this means: Local planning authorities should positively seek opportunities to meet the development needs of their area; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. Local planning authorities must prepare their local plans with the objective of contributing to the achievement of sustainable development, and being consistent with the principles and policies set out in the NPPF. <b>Acorn Rural Property Consultants' comments.</b> Despite the modifications that are proposed, the draft approach of introducing size limits for new rural worker dwellings has not been objectively assessed and is inconsistent with the principles and policies set out in the NPPF. In our opinion, the proposed criteria (as originally drafted and now modified) appear to have no sound evidence base. Indeed, in similar circumstances in the examination of Herefordshire Council's submission local plan in 2015, the Inspector appointed by the Secretary of State deleted specific floor area restrictions from the rural worker dwelling policy in that plan to enable it to be flexible, effective and sound. The relevant policy in the NPPF allows the development of rural worker dwellings in countryside locations where there is an essential need for a rural worker to live at or near their place of work in the countryside. The NPPF does not define any size parameters for rural worker dwellings. In applying the NPPF, it is therefore the business/enterprises, rather than the prescriptive floor space limit preferences, that is relevant in determining the size of rural worker dwellings. It is accordingly our opinion that the approach proposed by the ENPA is not in accordance with the NPPF. In addition to being contrary to the NPPF, in setting specific size thresholds with an upper limit, we</p> | <p><b>Conclusion.</b> For the reasons set out in this letter, we consider that the size limits regarding rural worker dwellings, as drafted and modified, have not been objectively assessed, not been justified, and are not consistent with national policy provided by the NPPF. We therefore suggest that all references to size restrictions are removed from draft policy HC-D9 its accompanying text and Annex 2 to enable the policy to be sufficiently flexible to deliver essential rural land based worker dwellings of a size that is commensurate with the businesses they serve and the circumstances of the case, and to ensure that policy is effective and sound. (appeal decisions attached to the representation).</p> |
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consider that the Authority has not objectively assessed the housing requirements of agricultural and other rural businesses. We also consider that it would be unsustainable to implement the proposed size limits for housing where the fundamental purpose of that housing is to be commensurate with the essential needs of rural businesses to ensure their proper operation. The proposed limits fail to take into account that rural worker dwellings serve a dual purpose. They provide family accommodation and work accommodation and facilities that are essential for the day to day running of farming and other land based businesses. They are not the same as other housing development where residents commute to work on a daily basis and there is no requirement to meet anything other than a purely residential need. The floor areas of agricultural worker dwellings, farm manager dwellings, and farmhouses and alike are not comparable with the DCLG (2015) technical housing standards that the ENPA has used to inform the proposed limits on floor space. It must also be noted that the figures provided by the DCLG set the minimum space standards for new dwellings, not upper limits. The DCLG guidance itself also states that the space standards will not be adequate for wheelchair housing where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households. Our view that the ENPA has not objectively assessed the proposed size limits for rural worker dwellings in relation to the functional role that they have in the proper operation of rural business is supported by a number of planning decisions both in and outside the Exmoor National Park, including decisions by Planning Inspectors. We provide further information on these decisions below, which, in all cases, included an assessment of whether the dwellings proposed were commensurate with the essential/functional needs of the businesses that they served. In each case, the floor areas exceeded the size limits that are now proposed. On 07 September 2016, the ENPA granted reserved matters approval reference 6/3/16/107 for a 150m<sup>2</sup> agricultural workers' dwelling that included an office and utility room on the ground floor. The planning officer's report in this case stated that the ENPA's agricultural consultant, Landsense Professional confirmed that the size of that dwelling was justified as a farm manager's dwelling. In reaching this conclusion, that a four-bedroom house was sufficient for a farming family; and the dwelling was an appropriate size to attract suitable candidates when recruiting for the position in the future. On 22 September 2014 the ENPA granted full planning permission reference 6/15/14/104 for a 135m<sup>2</sup> agricultural workers' dwelling with three bedrooms. In this case, the permission was for a second dwelling on this holding. In granting consent, the ENPA's delegated report judged the dwelling to be commensurate with the needs of the business and to be sustainable, again in relation to the business, and that the proportions of the dwelling were considered appropriate to the local vernacular. In 2008, the ENPA granted reserved matters approval reference 6/3/08/104 for a 140m<sup>2</sup> two storey farmhouse. Although nine years ago, it is relevant to note that in this case the reserved matters approval followed a Planning Inspector granting outline planning permission for the farmhouse. The Planning Inspector reasoned that what was required to serve that business was not a worker's cottage, but a house of an adequate size for a farming family and from which the day to day running of the business could be managed. The Secretary of state through his Planning Inspectors has consistently allowed dwellings that include essential facilities such as farm offices, ground floor wcs and showers, and utility rooms. In appeal decision APP/N4720/A/11/2148003, the Planning Inspector approved a 167m<sup>2</sup> dwelling in the Green Belt near Wetherby. In this case the dwelling included 125m<sup>2</sup> living accommodation and a further 42m<sup>2</sup> for an office, wc, utility area and garage. The Inspector reasoned that these spaces were essential for a dwelling associated with outdoor work. The local planning authority argued that other dwellings provided by house builders could provide the living accommodation (or more) in smaller footprints up to around 100m<sup>2</sup>. The Planning Inspector, however, reasoned that such comparisons are not helpful and that comparing the floor space for agricultural dwelling with houses provided on general housing sites is not to compare like with like because of the different factors that will influence decisions about size and affordability. What matters is whether the holding can sustain the proposed dwelling. The Inspector judged that the dwelling would be commensurate with the holding it would serve. In granting planning permission in appeal decision reference APP/H0738/A/13/2193698 for a 180m<sup>2</sup> second dwelling at Town Farm, Stockton-On-Tees, the Planning Inspector decided that the amount of accommodation was not excessive, noting that it included a utility room and farm office, and that on balance it was not at odds with the agricultural circumstances of the case and the need to provide family accommodation.

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| Acorn Rural Property Consultants LLP | 0122 | 002    | No         | No        | No        | No       | No         | MM 30  | HC-DX  | No       | <p>The proposed approach for the development of vacant buildings in settlements does not reflect the government's planning practice guidance (PPG) in relation to the vacant building credit. It is also contrary to the Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 that announced the Vacant Building Credit (VBC). The WMS is government policy. The WMS is not guidance. The language chosen by the government in the WMS is unambiguous in that the VBC applies to <u>any</u> vacant buildings being brought back into use any lawful use. The only exception is that VBCs do not apply to vacant buildings which have been abandoned. This is repeated in the PPG. The PPG also directs local planning authorities to have regard to the intention of national planning policy when considering how the VBC should apply to development. In this regard, taking into account the government's objective to prioritise the re use of land that has been previously developed and that national policy provides for the re-use of disused rural buildings for housing, ENP's 'local circumstances' that are explained in the Exmoor National Park Authority's written statement dated August 2016, reference local plan representations EX17 and EX18, do not justify the approach that is proposed for vacant buildings in the modified plan. The PPG explains that the aim of the VBC is to provide an incentive for brownfield development on sites containing vacant buildings. This does not mean to say that the VBC excludes buildings outside settlement or agricultural buildings. The WMS does not set any geographic restriction on VBCs. The WMS, again, is also clear that VBCs apply to vacant buildings. The WMS also explicitly states that the objective of VBCs is to provide consistency with exemptions from the Community Infrastructure Levy (CIL). The definition of a building under CIL does not exclude agricultural buildings. The proposed vacancy test in the modified plan that states VBCs do not apply to agricultural buildings and buildings outside settlements is therefore inconsistent with government policy. The proposed requirement in the modified plan for buildings to have been unoccupied, without content and marketed for a minimum of three years to be qualify for a VBC is also contrary to government policy. The approach contradicts the 'policy objective' to provide consistency with CIL. The reason for this is that under CIL an offset is available for buildings that have been in lawful use for 6 months out of the previous 3 years. Satisfying this test for the purpose of CIL indicates a building has not been subject to long term vacancy and would, therefore, qualify for CIL relief. Therefore, to be consistent with CIL, VBCs should apply to buildings that have not been in continuous use for more than six months within the three years preceding the date planning permission first permits the development. This approach also of course prevents development benefitting from CIL relief whilst at the same time as qualifying for a VBC, and vice versa, albeit we acknowledge the Exmoor National Park Authority has not taken up CIL.</p> | <p>In our opinion, to be consistent with government policy, VBCs should apply to any vacant building in the Exmoor National Park that satisfies the definition of a building under CIL regulations. To provide consistency with CIL regulations, and consistency with government policy, we suggest that an appropriate 'vacancy test' is to apply VBCs to buildings that have not been in continuous use for more than six months within the three years prior to the date planning permission first permits development.</p> |

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| Acorn Rural Property Consultants LLP | 0122 | 003    | No         | No        | No        | No       | No         | MM 31  | HC-S2  | No       | The modified emerging policy HC-S2 will require proposals for new housing that satisfy the Authority's local needs criteria to be less than 93m <sup>2</sup> if they will be controlled by provide individuals or owner occupiers. Larger dwellings will only be allowed if they will be controlled through a registered provider of affordable housing where there is a proven need. We are concerned that the 93m <sup>2</sup> threshold model for local needs housing for private/owner occupiers or self build groups does not recognise the many differing needs of the different types of households in the National Park. The approach is particularly inflexible where private/owner-occupiers wish to construct needed larger family-sized dwellings or where live/work accommodation is required. We consider that the proposed size restriction on all local needs housing proposed by owner occupiers, before considering their requirements, is not sound. The National Planning Policy Framework (NPPF) explains local planning authorities policies should deliver a wide choice of high quality homes and widen opportunities for homeowners. We also consider that applying such a rigid floor space approach on the conversion and re-use of buildings does not accord with the first purpose of the National Park. As drafted, the emerging local plan appears to discount all existing buildings over 93m <sup>2</sup> whereas, if a more flexible approach were adopted on property size, the plan would enable greater re-use of existing building resources to deliver housing and thus reduce the loss of greenfield sites. The modified policy HC-S2 also requires all housing to be built in accordance with building regulation requirements M4(2) for accessible and adaptable dwellings. The modified policy also encourages wheelchair user dwellings to be constructed in accordance with building regulations requirements M4(3). We are concerned that the 93m <sup>2</sup> threshold model for local needs housing for private/owner occupiers or self build groups will therefore also prevent the delivery of accessible and adaptable dwellings, and dwellings with suitable circulation space for wheelchair users. The reason for this is that the Authority has used the minimum standards from the DCLG's technical housing standards to set the proposed 93m <sup>2</sup> limit and, this regard, the DCLG guidance itself states that the space standards are not adequate for wheelchair housing where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households. | To ensure compliance with the NPPF for the reasons set out above, we consider that the 93m <sup>2</sup> constraint should be deleted. This modification would allow owner-occupiers or self build persons to have flexibility on the size of dwellings and thus ensure the National Park's housing stock meets the needs of all sections of the community. In turn, to ensure affordability for future occupants we consider Authority's approach would be best modified to include the use of Section 106 Agreements to apply pre-negotiated sale and rental discounts where they are required to ensure the genuine affordability of 'larger' dwellings for future occupiers. |
| Brompton Regis Parish Council        | 0123 | 001    | -          | -         | -         | -        | -          | ALL    | -      | -        | At its meeting this week Brompton Regis Parish Council considered the proposed main modifications to the Exmoor National Park Local Plan, dated December 2016. Councillors welcomed the clarification and simplification brought by the modifications but noted that the validity of the Plan is dependent on a robust and timely enforcement process.   |   |

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| National Farmers Union (Paul Cottington) | 0124 | 001    | -          | -         | -         | -        | -          | MM 38  | HC-D9  |          | The NFU is an industry representative organisation, which aims to safeguard the farming and growing business interests of our members and to promote conditions for the wider industry to retain a secure and competitive foothold in the UK and international economy. The NFU represents 47,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business: The large majority of commercial farm businesses in England. Farming is the cultural and environmental bedrock of Exmoor. The best way to sustain the landscape and special qualities of the National Park is to sustain in modern form the system that created it. This means to focus on supporting agriculture and enabling it to thrive. As general points of principle it is our view that planning policies need to: embrace sustainable intensification, enabling development such as changes to existing farm buildings or the construction of more modern, increasingly efficient and in some instances larger buildings; support farm diversification; accommodate development necessitated by regulation, such as increased slurry storage; enable a positive approach to rural workers' dwellings; and protect farming from undue interference and harm from non-agricultural development. We have reviewed the Main Modifications Consultation document and have the following comments in relation to specific policies. Policy HC-D9: RURAL WORKERS - Whilst we recognise the concern to place limitations on the overall size of dwellings in the countryside, it is our opinion that limiting floor space to 93 square metres is restrictive and may not be sustainable. We are concerned that where a farm enterprise needs to utilise this policy, the size restriction would prevent the house from being a "family home" that could potentially accommodate children or grandchildren. The absence of sufficient room to bring up a family may cause a greater level of staff turnover for farms on Exmoor; and would also lead to greater "churn" in the planning system as some may seek essential living space through extensions, permitted or otherwise. It is already very difficult to recruit experienced farm labour into South West England in part due to a shortage of suitable accommodation. If new accommodation is not fit for long term family occupation, it will subsequently prove difficult to retain skilled labour within Exmoor. | We therefore suggest that the figure should be revised upwards to enable three and four bedroom properties to be constructed where the need can be justified. It is relevant to observe that the South Downs National Park Authority have now included a maximum upper limit of 150m2 within their draft policy to enable more sustainable long term dwellings to be constructed. This brings their draft policy in line with the specifications of Class Q within the GPDO, therefore representing a fair compromise with the wider farming sector outside of the Park. It should also be noted that a building of 93m <sup>2</sup> will not fit in the landscape and vernacular of the area. The majority of individually sited buildings are larger than this size. In 2014 ENPA granted planning permission (reference 6/15/14/104) for a 135m2 agricultural workers dwelling and the proportions were noted as being in keeping with the vernacular of the area. We hope that these comments are useful in developing the next draft of your Local Plan. The NFU is keen to work with local planning authorities by providing officers and elected members with relevant briefings on farming business and policy issues; commenting on draft plans; showing groups around new developments of interest; and taking steps to ensure our members submit high quality planning applications. Please feel free to contact me if you would like any further feedback in drafting the Plan or if you would like to discuss any further ways in which we might support more positive outcomes for the farming sector within the National Park. |
| Miss K Vellacott                         | 0125 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  | No       | I do not think ENPA should base the size of Dwellings on MINIMUM standards when drafting a Policy for the <u>future</u> . I wish to object to the size limits set out in the emerging policies. In my opinion 93sqm is not enough space for most Rural Workers and their families to live in taking into account the type of work they do and the isolated location of most agricultural dwellings. Recently approved planning applications for rural workers dwellings have varied in size but most have been larger than 93sqm which suggests The Policy HC-D9 and HC-D10 in the emerging plan needs reviewing and revising. <b>The Policy HC-D10 - Succession Farm Agricultural Dwellings should be considered as needing the same amount of space as any other Rural Worker under HC-D9.</b> There is more than one interpretation of Succession Farming and the ENPA Audio recording of the planning meeting on 7 February 2017 suggests some of The Members agree with me.  | To be considered sound and justified the proposed Rural Worker Dwelling (HC-D9) and Succession Farming Policies (HC-D10) should be amended to remove all reference to maximum floor areas. Each case should be considered on the functional need of the business it relates to.   |

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| Miss K Vellacott | 0125 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | In my opinion MINIMUM house size standards is not a positive way to plan for the future. Isolated country living without all the amenities of a town does require adequate space. Particularly if the dwelling is for a family which is often the case for Rural Workers. These families keep the village schools going, support local economies and enhance the Exmoor Community. Rural Workers help to keep Exmoor looking the way it does, using their skills of hedge laying, managing the land and livestock just to mention a few - it is local, traditional families that have made Exmoor the place so many admire and it is essential the future generations are supported to remain in the area to enable this to continue for the years to come. Indeed, <b>Succession Farm Agricultural Dwellings should be considered as needing the same amount of space as any other Rural Worker</b> . A recent family reserved matters application under Policy HC-D10 highlighted the ENPA had not thought this policy through. In fact the audio of the meeting 7 February 2017 proves this. It should not be assumed the Succession means the next generation moves into the existing farmhouse and the older farmers move into a new succession dwelling. Each individual farm is different with their succession planning where other family member's needs are to be considered (care of the elderly just one example). Also the Policy HC-D10 recognises there may be a need for the Successor to supplement their income by going out to work in the interim period of taking over the farm completely - this external work may also require space. Therefore, each case should be considered on its own merits in conjunction with the aim of encouraging local families to live and work in the area. | Change: Increase the size of Agricultural Dwelling for Succession Farming (Policy HC-D10) to that of any other Rural Worker (Policy HC-D9). Do not restrict Rural Worker Dwellings to the 93sqm size but assess each case on its own merits with regard to functional need of any business.   |
| Mr C Norrish     | 0126 | 001    | No         | No        | No        | No       | No         | MM 38  | HC-D9  |          | I read that new houses built for rural workers and/or succession farmers are in size to be limited to 93sqm 'unless it is demonstrated that a larger dwelling is required'. My wife and I have recently moved from a house of approx. 150sqm to a house which is approx. 102sqm and for a retired couple I regard this smaller size to be a comfortable minimum. Your figure of 93sqm is much too small and I suggest 150sqm maximum. Increasing the maximum to 150sqm will cut the number of cases where justification/proof of need is necessary which in itself will be expensive and time consuming for both parties.  |   |
| Mrs J Crossman   | 0127 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  | No       | I do not think Exmoor National Park should base size of Dwellings on MINIMUM space from the Government standards when drafting an important Policy for the future. Especially when Exmoor depends on a thriving young working community who deserve a comfortable and affordable home. (This does not always mean small as 93sqm). Sometimes these Rural Workers may have an elderly relative whom they wish to look after and have to live with them - Care in the Community - You may say this is personal circumstance but I say everyone should be able to offer this care to a family member and a Rural Workers dwelling could accommodate this if Policy allowed for a sensible size home. I consider 93sqm is not enough space for most Rural Workers and their families to live in taking into account the type of work they do and the isolated location of the dwelling. Children cannot go down the road to meet up with friends but could have friends and family to stay if their home was of a reasonable size. Exmoor National Park needs to think about keeping young people in the area who want to live and work on the land as it is these people who are looking after the countryside for the benefit of those visiting. They deserve a decent sized house not a "small town rabbit hutch". <b>The Policy HC-D10 - Succession Farm Agricultural Dwellings should be considered as needing the same amount of space as any other Rural Worker under HC-D9</b> . There is more than one interpretation of Succession Farming and the ENPA Audio recording of the planning meeting on 7 February 2017 suggests some of The Members agree with me.   | Increase the size of Agricultural Dwelling for Succession Farming (Policy HC-D10) to that of any other Rural Worker (HC-D9). Do not set a maximum floor space limit as at present. To be considered sound and justified the proposed Worker Dwelling and Succession Farming Policies should be amended to remove all reference to maximum floor areas. Each case should be considered on the functional need of the business it relates to. |



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| Mrs J Crossman | 0127 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | PDLP Page 158, Policy HC-D9 Rural Workers: 1d - "the gross internal area will be 93sqm or less...". Why is the ENPA basing its size on MINIMUM standards when drafting a Policy for the future? 93sqm is not enough space for a Rural Workers family to live in taking into account all the necessary outdoor clothing which needs to be adequately dried and stored and depending on what type of "Rural Work" there will be additional tools and equipment (Gun Cabinet, pharmaceuticals, bio security facilities, etc.). Rural living is often in remote places without the benefits and facilities of town living. These workers often have young families who need space to grow - cannot move house as their employment does not easily allow this. The policy HC-D10 is mentioned under HC-S1 1b Homes for rural workers in agriculture but not detail given. <b>Succession Farm Agricultural Dwellings should be considered as needing the same amount of space as any other Rural Worker - not 93sqm.</b> It should not be assumed that Succession means the next generation moves into the existing farmhouse and the older farmers move into a new succession dwelling. Each individual farm is different with their succession planning where other family members' needs are to be considered (care of the elderly just one example) as a recent application demonstrated and the Planning Authority recognised it needed to have another look at their Policy. Also the Policy HC-D10 recognises there may be a need for the Successor to supplement their income by going out to work in the interim period of taking over the farm completely - this external work may also require space. | <u>Change do not have a maximum size limit of 93 sqm for any Rural Worker</u> but look at each case individually and access the needs accordingly. <b><u>Increase the size of Agricultural Dwelling for Succession Farming (Policy HC-D10) to that of any other Rural Worker (Policy HC-D9).</u></b> |
| Miss C Wright  | 0128 | 001    | No         | No        | No        | No       | No         | MM 38  | HC-D9  |          | 93sqm is the absolute bare minimum size for a 3 bedroomed, two storey home in the National Space Standards. This allows no scope for a farm office or storage areas for tools, dogs and we weather gear. Furthermore children need their own space as they grow up and this allowance restricts families to no more than two children as Housing Act 1985 suggests opposite sexes should not share past 10 years old.  | All reference to size limits should be removed. The size of dwelling consented should be based of affordability to business, needs of family and discretion of planning officer.   |
| Mrs M Rawle    | 0129 | 001    | -          | No        | -         | No       | -          | MM 38  | HC-D9  |          | Comments on Ref MM38, PDLP Page 158, Policy HC-D9 Rural Workers: Section 1(d). The gross internal area of 93sqm or less is far too small for a rural worker and anyone working on the land esp. farmers and succession farming families. They need sufficient space for boots, work clothes, outdoor clothing. Farmers also need space to store animal medicines, a safe space for gun cabinet, and Office space. An adjacent secure building is also required for e.g. quad bike, vehicle, chain saw, tools etc. with rural crime on the increase. At least 130sqms as minimum is needed for rural workers families, farming families and succession farmers so that they can live comfortably and enjoy everyday family life whilst coping with all the seasons of Exmoor. Their needs are different to the town/city dwellers who don't need all the extra space to accommodate the demands of rural living. If we want to keep local young people on the moor they should be entitled to a comfortable home with sufficient space for storage to run a business. A further point is that future extensions should be looked upon favourably if the need is proven. Each case should be looked at individually to its needs and not be subject to a strict criteria which may be appropriate for non-rural dwellings. The ENP planning policy needs to be made fit for purpose.   | See main response.   |
| Ms J Coles     | 0130 | 001    | -          | No        | No        | -        | -          | MM 31  | HC-S2  |          | I believe that Succession Farm Dwellings (HC-D10) should be classified in same way as housing for Rural Workers (HC-D9). Housing for any workers on an operational farm have special needs that the other categories in MM31 don't have i.e. HC-D5, HC-D4.   | Move HC-D10 Succession Farm Dwellings from section MM31 and move it into section MM38 which relates to HC-D9 Rural Workers.  |

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| Ms J Coles     | 0130 | 002    | -          | No        | No        | -        | -          | MM 38  | HC-D9  |          | Section MM38 should cover both Rural Workers (HC-D9) and Succession Farm Dwellings (HC-D10). The 93sqm affordable housing criteria is designed for normal urban dwellings and is simply not fit for purpose for rural dwellings. This restriction is completely inadequate for rural workers as it takes no account of the additional storage required for the protective outdoor clothing, footwear, tools, etc. that are required for working in such an environment, nor the space required for operating a farm office where this is necessary.   | I believe that all applications for Rural Workers and Succession Farm Dwellings should be judged on a case by case basis as the requirements will be different if the application is for a single worker, a couple, a family etc. However, if a restriction of a gross internal area of 93 sqm has to be applied, then it should purely apply to the actual domestic living space of the property. Additional space should automatically be allowed for the 'tools of the trade' of such applicants. At least a separate washroom and storage area should be allowed for the essential outdoor clothing, footwear, tools, etc. necessary for such work. This would provide an essential protective sanitary barrier between the main domestic living space which should surely be a fundamental health and safety consideration. Where this is required for the smooth running of the business, additional space for a farm office should also be allowed. The planning policy for Rural Workers and Succession Farm Dwellings needs to be fit for purpose otherwise we run the risk of losing workers in this essential industry. |
| Mr A Blackmore | 0131 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  | No       | I wish to object to the size limits set out in the emerging policies. I consider that they are not justified, not effective and have not been positively prepared. Recent planning applications for rural workers' which have been granted have had an internal floor space significantly bigger than 93sqm proposed in the policy (HC-D9) and bigger than the 124sqm being suggested as the upper limit. Having lived and worked on Exmoor most of my life, I appreciate the need to keep local people on the moor with their skills and knowledge which help maintain the landscape. These people should be entitled to a decent size home, to accommodate a family and enable them to work and live comfortably. | All references to original and modified maximum floor areas should be removed. The size of rural worker dwellings and succession dwellings should be assessed on a case by case basis.   |
| Mr A Blackmore | 0131 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-S9  | No       | I wish to object to the size limits set out in the emerging policies. I consider that they are not justified, not effective and have not been positively prepared. Recent planning applications for rural workers' which have been granted have had an internal floor space significantly bigger than 93sqm proposed in the policy (HC-D9) and bigger than the 124sqm being suggested as the upper limit. Having lived and worked on Exmoor most of my life, I appreciate the need to keep local people on the moor with their skills and knowledge which help maintain the landscape. These people should be entitled to a decent size home, to accommodate a family and enable them to work and live comfortably. | All references to original and modified maximum floor areas should be removed. The size of rural worker dwellings and succession dwellings should be assessed on a case by case basis.   |

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| Mr & Mrs A Blackmore | 0132 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  | No       | Whilst the policy (HC-D10) has been described as positive and proactive by some, we question if the size is really fit for purpose. The emerging policy acknowledges there may be a need to take on other employment away from the farm to generate sufficient income. But it fails to acknowledge this extra employment may require space of its own, in addition to the space needed for the increasing administrative demands modern farming requires. Having lived in rented accommodation with an approximate size of 90sqm, our family have experienced first-hand the restrictions this presents. There is insufficient room for the outdoor clothing required when working outside on Exmoor. Clothes and tools have needed to be stored outside in vehicles. Not only is this a security issue it has also resulted in having to wear damp clothes the following day. As well as being uncomfortable, it also increases the wear and tear of these items. We see succession farming not just for the now, but also for future generations. For succession farming to be truly successful there will always be a need for a suitable family home as future generations take over. Succession farming means a commitment is being made to take on, and eventually over, the farming business. This removes the possibility of advancing on the property ladder by moving to a larger home. Succession farmers are tied to a specific location and should be entitled to build a dwelling which is fit for purpose now and for the future. Many of the ex-council houses which were approximately 90sqm have been extended in Dulverton and Brushford. This implies there was insufficient space. Space is even more important when living in isolated locations, which rural dwellings often are, due to the need for drying space, storage of outdoor clothing and tools.             | Succession Farm Dwellings (HC-D10) should be viewed in line with rural workers' dwellings (HC-D9) because the role of the occupier will be very similar. We believe the size of Succession Farm Dwellings (HC-D10) and other rural workers' dwellings (HC-D9) should <b>not</b> be set at 93sqm or less but rather should be judged on an individual basis with each application. |
| Mr & Mrs A Blackmore | 0132 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | In relation to policy HC-D9 for Rural Workers, the gross internal area should not be restricted to 93sqm or less. The knowledge and skills of these rural workers are what help maintain the beautiful landscape of Exmoor, which many people come to visit, supporting local businesses. If we want to keep young, local people on the moor it should be possible to provide them with a decent home which comfortably accommodates their family and has sufficient space to store clothing and equipment required for working on Exmoor. In addition to helping maintain the landscape, keeping local families in the area also helps to support our local schools, support local economies and strengthen communities. The modified policy HC-D9 (rural worker dwellings) requires rural worker dwellings to be 93sqm or less unless the Authority is satisfied that a larger dwelling is required; the size of the property is commensurate with the needs of the holding; it can be sustained by the farm business; and it would be affordable for the essential need in perpetuity. The modified pre-text to this policy states that dwellings larger than 93sqm may only be considered where they will be the principle or only dwelling on a holding and which case the upper size limit will be 124sqm. Most recent planning applications for rural worker's dwellings within the Exmoor National Park have been granted permission with an internal floor space significantly bigger than 93sqm and the 124sqm being suggested as the upper limit. This suggests there is a need for an increase of floor space in the proposed policy. The fact these were granted planning permission implies committee members and planning officers felt there is a justification for a larger agricultural dwelling. With this in mind, we do not see how the proposed 93sqm can be justified. | Do not set the gross internal area for a Rural Worker (HC-D9). Judge each application on its own merit.   |

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| Mr & Mrs D Vellacott | 0133 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  |          | <p>Generations of the Vellacott family have lived and farmed on Exmoor. We farm approximately 300 acres on Exmoor in partnership with our youngest daughter and her husband. Beef and sheep are our main farming enterprises. We also run a successful B&amp;B from our farm. We are currently in the process of trying to obtain reserved matters approval for a dwelling (130m<sup>2</sup> total floor area comprising 105m<sup>2</sup> living space and 25m<sup>2</sup> for a utility area, office and ground floor wc/shower) on our farm to provide a home for our youngest daughter and son-in-law. Our experience during the determination period, which remains on going, for our reserved matters application has resulted in us gaining a detailed understanding of the Authority's proposed size limits work for new dwellings under the emerging succession dwelling and rural worker dwelling policies, and how these policies work in practice. We are also seeing, first hand, how these policies work in practice. In summary, the modified policy HC-S2 (a balanced housing stock), with reference to policy HC-D10 (succession farm dwellings) requires succession dwellings to be 93sqm or less unless the Authority is satisfied that a larger dwelling is required; the size of the property is commensurate with the needs of the holding; it can be sustained by the farm business; and it would be affordable for the essential need in perpetuity. The modified pre-text to this policy states that dwellings larger than 93m<sup>2</sup> may only be considered where they will be the principle or only dwelling on a holding and which case the upper size limit will be 124m<sup>2</sup>. We wish to object to the size limits set out in the emerging policies. We consider that they are not justified, not effective and have not been positively prepared. We understand that the Authority has based the size limits on the space standards from the DCLG's technical housing standards. These standards are what the Government considers to be a minimum. The standards state that they are relevant only in determining compliance with the minimum requirement and that they have no other statutory meaning or use. No provision exists to use them to set maximum floor areas. The fact it is not the Government's intention to use the standards to set maximum floor areas is supported by the technical housing standard document itself in that it states they will not be adequate for wheelchair users where additional internal area and circulation spaces are required. Of course, in the case of rural worker dwellings and farm succession dwellings and the role that they have in providing family accommodation and office space, medicine stores, boot rooms, drying areas for outdoor clothes and alike. In our opinion, the Authority has not assessed the proposed size limits in relation to the role and function that rural worker dwellings and farmhouses have in the running of farming business. Evidence that the Authority will have through its own handling of past applications for rural worker dwellings will confirm that the limits have not been evaluated objectively. We are aware that the Authority has approved many applications for farmhouses and worker dwellings that are larger than the proposed thresholds. As far as we are aware, in all of these cases the respective dwellings were deemed appropriate in size to provide suitable living accommodation and space that was deemed appropriate for the proper functioning of the farming businesses that justified them. The proposed one size fit all approach 93m<sup>2</sup> with an upper limit of 124m<sup>2</sup> for principal dwellings does not represent a sound policy approach for essential rural worker housing. Likewise, the floor space limit of 93m<sup>2</sup> for succession dwellings does not represent an effective policy approach. Our opinion on this was confirmed at a recent committee for our reserved matters application for a dwelling on our farm. The outcome of the debate resulted in our application being deferred. From the debate, the following remarks should be noted regarding ineffectiveness of the policy as it is currently written [SEE HARD COPY FOR THE TRANSCRIPTS OF MEMBERS PROVIDED BY THE RESPONDENT]</p> | To be considered sound and justified and consistent with national policy, the proposed rural worker dwelling and succession dwelling policies (including associated pre-text and annex) should be amended to remove all references to original and modified maximum floor areas. The size of rural worker dwellings and succession dwellings should be assessed on a case by case basis. The size of these dwellings should be commensurate with the functional needs of the businesses that justify them. |

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| Mr & Mrs D Vellacott | 0133 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | <p>Generations of the Vellacott family have lived and farmed on Exmoor. We farm approximately 300 acres on Exmoor in partnership with our youngest daughter and her husband. Beef and sheep are our main farming enterprises. We also run a successful B&amp;B from our farm. We are currently in the process of trying to obtain reserved matters approval for a dwelling (130m<sup>2</sup> total floor area comprising 105m<sup>2</sup> living space and 25m<sup>2</sup> for a utility area, office and ground floor wc/shower) on our farm to provide a home for our youngest daughter and son-in-law. Our experience during the determination period, which remains on going, for our reserved matters application has resulted in us gaining a detailed understanding of the Authority's proposed size limits work for new dwellings under the emerging succession dwelling and rural worker dwelling policies, and how these policies work in practice. We are also seeing, first hand, how these policies work in practice. In summary, the modified policy HC-S2 (a balanced housing stock), with reference to policy HC-D10 (succession farm dwellings) requires succession dwellings to be 93sqm or less unless the Authority is satisfied that a larger dwelling is required; the size of the property is commensurate with the needs of the holding; it can be sustained by the farm business; and it would be affordable for the essential need in perpetuity. The modified pre-text to this policy states that dwellings larger than 93m<sup>2</sup> may only be considered where they will be the principle or only dwelling on a holding and which case the upper size limit will be 124m<sup>2</sup>. We wish to object to the size limits set out in the emerging policies. We consider that they are not justified, not effective and have not been positively prepared. We understand that the Authority has based the size limits on the space standards from the DCLG's technical housing standards. These standards are what the Government considers to be a minimum. The standards state that they are relevant only in determining compliance with the minimum requirement and that they have no other statutory meaning or use. No provision exists to use them to set maximum floor areas. The fact it is not the Government's intention to use the standards to set maximum floor areas is supported by the technical housing standard document itself in that it states they will not be adequate for wheelchair users where additional internal area and circulation spaces are required. Of course, in the case of rural worker dwellings and farm succession dwellings and the role that they have in providing family accommodation and office space, medicine stores, boot rooms, drying areas for outdoor clothes and alike. In our opinion, the Authority has not assessed the proposed size limits in relation to the role and function that rural worker dwellings and farmhouses have in the running of farming business. Evidence that the Authority will have through its own handling of past applications for rural worker dwellings will confirm that the limits have not been evaluated objectively. We are aware that the Authority has approved many applications for farmhouses and worker dwellings that are larger than the proposed thresholds. As far as we are aware, in all of these cases the respective dwellings were deemed appropriate in size to provide suitable living accommodation and space that was deemed appropriate for the proper functioning of the farming businesses that justified them. The proposed one size fit all approach 93m<sup>2</sup> with an upper limit of 124m<sup>2</sup> for principal dwellings does not represent a sound policy approach for essential rural worker housing. Likewise, the floor space limit of 93m<sup>2</sup> for succession dwellings does not represent an effective policy approach. Our opinion on this was confirmed at a recent committee for our reserved matters application for a dwelling on our farm. The outcome of the debate resulted in our application being deferred. From the debate, the following remarks should be noted regarding ineffectiveness of the policy as it is currently written [SEE HARD COPY FOR THE TRANSCRIPTS OF MEMBERS PROVIDED BY THE RESPONDENT]</p> | <p>To be considered sound and justified and consistent with national policy, the proposed rural worker dwelling and succession dwelling policies (including associated pre-text and annex) should be amended to remove all references to original and modified maximum floor areas. The size of rural worker dwellings and succession dwellings should be assessed on a case by case basis. The size of these dwellings should be commensurate with the functional needs of the businesses that justify them.</p> |

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| Mr & Mrs J Thorne | 0134 | 001    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | <p>To provide some background to our comments, we thought it would be helpful to first explain that we are in our early thirties and from farming families on Exmoor. In 2013, we established our own farming business and now farm over 200 acres at Higher Weekfield Farm on Exmoor, which is where we live with our two young children in a temporary dwelling that was granted planning permission by the Exmoor National Park Authority (ENP). We are in the process of preparing a planning application to replace it with a farmhouse that will be the home for our family and serve our farming business. Historically, the ENPA has required the size of rural worker dwellings to be commensurate with requirements of the businesses that justify them. The modified emerging policy HC-D9 in the publication plan, however, sets a size limit of 93m<sup>2</sup> or less unless it is demonstrated that a larger dwelling is required in which case the size of the dwelling will be commensurate with the needs of the holding; it can be sustained by the farm business; and it would be affordable for the essential need in perpetuity. The modified pre-text to this policy states that dwellings larger than 93m<sup>2</sup> may only be considered where they will be the principle or only dwelling on a holding and which case the upper size limit will be 124m<sup>2</sup>. We wish to object to the size limits set out in this emerging policy. We consider that they are unsustainable and have not been justified. In our opinion, the ENP has not objectively assessed the proposed size limits in relation to the role and function that rural worker dwellings and farmhouses have in the running of farming business. Instead, it has used the space standards from the DCLG's technical housing standards, which are what the Government considers to be a minimum for housing. The standards state that they are relevant only in determining compliance with the minimum requirement and that they have no other statutory meaning or use. No provision exists to use them to set maximum floor areas and they are clearly inappropriate when assessing the size of rural worker dwellings. They are not the same as ordinary dwellings where residents commute to work on a daily basis. They need to be able to provide living accommodation and work accommodation in the form office space, boot rooms, drying areas for outdoor clothes and alike, all of which are required for outdoor work and life on the Exmoor. Indeed, the conclusions reached by the ENP in the determination of previous applications for rural worker dwellings demonstrates that the proposed size limits are inappropriate and unsound. In applications reference 6/3/16/107 (150m<sup>2</sup>); ENP ref: 6/3/08104 (140m<sup>2</sup>); and ENP ref 6/15/14/105 (135m<sup>2</sup>), the ENP judged the floor areas to be commensurate and justified to provide suitable living accommodation and space for the operation of the farming businesses that they would serve. It is, therefore, essential that the emerging policy is amended to provide sufficient flexibility to deliver rural worker dwellings that are suitable for the circumstances of each case rather than make assumptions or attempt to apply standardised size limits. It must also not be overlooked that the size of rural worker dwellings must be suitable to provide flexibility for the ongoing needs of families for years to come. Unlike where people are able commute to work, rural workers who need to live at their place of work are unable to up and move to a larger house as their families increase in size.</p> | <p>The proposed rural worker dwelling policy, its associated pre-text and annex should be amended to remove all references to the proposed original and modified maximum floor areas. The size of rural worker dwellings should be assessed on a case by case basis and should be commensurate with the functional needs of businesses.</p> |

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| Mrs E Wallace                     | 0135 | 001    | -          | -         | -         | -        | -          | MM 38  | HC-D9  |          | Our tenants have applied for permission to build a home for them and their family above the current recommended square footage. They are a young family both brought up and lived in the National Park and now have two sons who similarly may well wish to follow in their father's and grandparents footsteps to work the land and farm.  | To make the plan sound and suitable for implementation the square meterage restriction on new proposed agricultural dwelling MUST be increased to a level that a young family can carry out their rural jobs and raise the future custodians of our Park and farmland within, without hindrance and with allowance for the job that they do - i.e. dirty, cold. So home needs to have facilities for large utility room, secure garaging and space for working dogs, children and individual sleeping space for all individuals. Allow larger square meterage for the new dwellings for agricultural workers within the Park - these people shape the Park with farming and landscape conservation. Please allow them to live and raise the next generation in comfort - keep restrictions and prevent resale to non-farmers etc. |
| Mr & Mrs M Archer                 | 0136 | 001    | No         | No        | No        | No       | No         | MM 38  | HC-D9  |          | The modified emerging policy HC-D9 in the publication plan setting a size limit of 93m <sup>2</sup> or less for a rural worker's family dwelling demonstrates a lack of understanding by Exmoor National Park of the special needs of dwellings used for running a farming business on Exmoor. Farm Dwellings have a different role to play compared to normal housing stock, whose occupants generally commute to work. Farming families require office space within the dwelling in which to run the administrative side of an agricultural enterprise. Also by the very nature of their business, farmers/agricultural workers and their families require plenty of drying and hanging space for outdoor clothing and foot ware. Thus a farm dwelling needs to contain enough space required to perform its function not only as a family home but also as the hub of an agricultural business. It is our opinion that the size limits to proposed new farm/agricultural dwellings set out in this emerging policy are ill-considered, inappropriate and unworkable. It is of paramount importance that the emerging policy is modified to take in to account, the individual circumstances of size of dwelling needed, to provide not only a family home but also the appropriate basis of a farming enterprise on Exmoor, rather than applying a 'one-size fits all' policy. We need to encourage young people with drive and enthusiasm to set up new agricultural businesses on Exmoor, not discourage them by forcing them to live and work in accommodation not fit for purpose. We wish to object strongly to the proposed rigid size limits enclosed in the emerging policy for new rural workers homes on Exmoor. | The proposed rural workers dwelling policy, its associated pre-text and annex should be amended to remove all references to the proposed original and modified maximum floor areas. The size of rural worker dwellings should be assessed on a case by case basis, proportionate with the functional needs of the agricultural business and family life in Exmoor.  |
| Exmoor Farmers Livestock Auctions | 0137 | 001    | No         | No        | No        | No       | No         | MM 31  | HC-S2  |          | Size limit of 93m <sup>2</sup> is unworkable for farm dwellings with the requirements of outdoor working, office space, often rooms for dogs, storage of valuable small equipment and separate areas for drying of clothes, etc.  | Farm dwellings and succession farm dwellings to be dealt with on merit and need of each application, bearing in mind the nature, layout and visual impact of each proposal. There should not be a presumed 93m <sup>2</sup> limit.  |
| Exmoor Farmers Livestock Auctions | 0137 | 002    | No         | No        | No        | No       | No         | MM 38  | HC-D9  |          | Size limit of 93m <sup>2</sup> for succession farm dwellings is unworkable and should be removed. This will not encourage the continuance of farms that are vital for Exmoor environment. Limit does not work for space required with the outdoor work, dogs, boots, wet clothes, office space etc.   | Each application should be dealt with on merit and not have a presumed 93m <sup>2</sup> limit. Layout and visual impact of each proposal more important than a set limit.   |

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| Country Landowners Association (CLA) | 0138 | 001    | -          | -         | -         | -        | -          | ?      | Section 6 |          | The CLA believes that the rural areas are every bit as deserving of the opportunity to satisfy their economic and social needs as the urban areas. Too often, the countryside is viewed as a "backdrop" to economic activity and development that takes place elsewhere. However, for the countryside to remain the way it is, economic activity is essential in order to maintain and enhance that environment. In order to attract newcomers to Exmoor National Park it is vital that the housing policy recognises the requirements of newcomers wishing to seek employment in the park who are unable to compete in the local housing market. The vision for housing recognises that there must be a housing stock to provide a range of accommodation types to meet the needs of the local community. However, some members of the local community will invariably leave the park in search of 'further' career opportunities. Local employment opportunities will need to attract newcomers unable to compete on the housing market, they will be unable to accept employment in the park, without accommodation in the first instance. The CLA fully recognises the dilemma faced by the local planning authority in relation to housing costs and whilst we agree that some drastic action is necessary, we are concerned that the proposed policies will reserve only to exacerbate this problem. Whilst it is essential to cater for the needs of the local community, the park must be open to newcomers.  |  |
| Country Landowners Association (CLA) | 0138 | 002    | -          | -         | -         | -        | -          | MM 38  | HC-D9     |          | Since the introduction of planning controls in 1947, one of the few circumstances in which a dwelling may be constructed in open countryside is where it is required to support an agricultural enterprise. The rules which permit such dwellings have been considerably tightened over the years in response to perceived 'abuses' of the system, hence the requirement for a condition to be imposed on such planning permissions that restricts occupancy. The effect of these changes has been to make it considerably more difficult for genuine applicants to achieve permission. Moreover, the changing nature of agriculture, and forestry, and an increased emphasis on diversification, means that the guidance which focussed solely as it did on agricultural and forestry dwellings was increasingly out of date. The CLA has long lobbied the government for inclusion of an exception to cover rural dwellings needed by other types of rural businesses. This was introduced in national planning policy in 2007 - Planning Policy Statement 7: Sustainable Development in Rural Areas and its Annex A which set out the 'functional' and 'financial' tests. The rural workers' dwelling planning policy was carried over into the National Planning Policy Framework (NPPF) and broadened further still. The consequences of the framework set out in NPPF paragraph 55 for rural workers' dwellings is that planning authorities will have to make decisions for rural workers' dwellings based on policies contained in their local plans. The CLA welcome the inclusion of the essential functional need test in Paragraph 1a). Proving 'essential need' is key for the planning application and is linked to the need to 'live permanently at or near' the new enterprise. Under the now revoked PPS 7 Annex A, it was called also functional need and usually could be proved by needing to live on an agricultural holding permanently to be able to managed, for example, livestock health and welfare, or to tend to glasshouse produce, and/or because a case could be made for a farm that required more than one person to manage it. But 'essential need' is a broader term, so it will include the reasons set out in the previous paragraph but might also include security issues and other activities which are important to the business. | Consider that the term 'essential need' (clause 1.a) of HC-D9) is a broader term that might also include security issues and other activities which are important to the business. |



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| Country Landowners Association (CLA) | 0138 | 003    | -          | -         | -         | -        | -          | MM 43  | After para. 7.26 |          | SE-S3 (Page 43) EXPLANATION OF 'RURAL LAND BASED BUSINESSES': <u>Farming and other enterprises</u> : The CLA members' core businesses traditionally were agriculture and forestry. However, rapidly declining real incomes in these industries has led many of our members to look to alternative but compatible business ventures. Many of these businesses now include tourism, food production and processing, educational facilities, sport and recreational facilities and many other types of diversification. In addition, the re-use of existing buildings has enabled many land managers to provide offices and light industrial units to local entrepreneurs whilst generating rental income to support the rural business. These businesses have moved from their traditional roots and are very much rural enterprises. The CLA represents some 260 different rural businesses. The definition of rural land-based businesses needs to be broader, particularly due to its impact on Policy HC-D9. <u>Providing employment for at least one full-time member of staff</u> : The CLA do not agree with the requirement for rural land-based business to provide at least one full-time member of staff for diversification projects. Many diversification projects can offer significant benefit to a local area without the requirement for full-time employment, such as seasonal operations (camping accommodation (RT-D9, for example). Diversification projects may also allow existing part-time farm workers to be fully employed thereby securing jobs in the National Park. Therefore we would propose for this Policy not to be linked directly to employment, but to the wider benefits earned. | The definition of rural land-based businesses needs to be broader, particularly due to its impact on Policy HC-D9. Diversification projects may also allow existing part-time farm workers to be fully employed thereby securing jobs in the National Park. Therefore we would propose for this Policy not to be linked directly to employment, but to the wider benefits earned. |
| Country Landowners Association (CLA) | 0138 | 003    | -          | -         | -         | -        | -          | MM 44  | SE-S3            |          | The CLA supports the Policy in principle, however raises concerns over the inclusion of Paragraph 3.d) attaching a condition which removes PD rights for the erection of new farm buildings on the holding. All businesses must react to economic environment and locality at that time, which may mean that what is in high demand now, may not be in say, 10 years. Therefore to include a provision which prevents a farm or business using PD rights for the erection of new farm buildings in perpetuity will restrict the growth of the business. The CLA would suggest that this should be time limited to perhaps 10 years, which is consistent with other planning policy.   | Suggest that this should be time limited to perhaps 10 years, which is consistent with other planning policy.   |
| Country Landowners Association (CLA) | 0138 | 004    | -          | -         | -         | -        | -          | MM 47  | SE-S4            |          | The CLA supports the Policy in principle, however raises concerns over the inclusion of Paragraph 3.d) attaching a condition which removes PD rights for the erection of new farm buildings on the holding. All businesses must react to economic environment and locality at that time, which may mean that what is in high demand now, may not be in say, 10 years. Therefore to include a provision which prevents a farm or business using PD rights for the erection of new farm buildings in perpetuity will restrict the growth of the business. The CLA would suggest that this should be time limited to perhaps 10 years, which is consistent with other planning policy.   | Suggest that this should be time limited to perhaps 10 years, which is consistent with other planning policy.   |
| Dulverton Town Council               | 0140 | 001    | -          | -         | -         | -        | -          | MM 38  | HC-D9            |          | Members were given the opportunity to respond to your letter dated 11th January 2017, concerning the above, at their meeting held on 13th February 2017 and commented as follows: that the document is difficult to understand; and that the policy concerning rural workers and the restriction to build a dwelling no larger than 93sqm with no option to extend in the future should be reconsidered. It was noted that the Planning Committee has already passed comment to E.N.P.A. concerning this issue confirming their support for a policy allowing more than the 93sqm and suggesting that planning applications should be considered on an individual basis.  | The policy concerning rural workers and the restriction to build a dwelling no larger than 93sqm with no option to extend in the future should be reconsidered.   |
| Mr & Mrs P Stenner                   | 0141 | 001    | Yes        | Yes       | Yes       | Yes      | Yes        | MM 38  | HC-D9            |          | We note the change in section 1d from 90m <sup>2</sup> net internal floor space to 93m <sup>2</sup> gross internal area in line with national guidelines and hope this provides scope for a minimum finished living space of 93m <sup>2</sup> . As demonstrated in the Adopted Plan, it is both positive and constructive that the proposed Local Plan 2011-31 allows for a degree of flexibility in house size where a 'need can be demonstrated'. This is so very relevant in supporting young families involved in agriculture/rural work who wish to live and work on Exmoor, thus maintaining the iconic identity of this National Park and the survival of its rural communities.   |   |

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| Mr S Jackson | 0142 | 001    | -          | No        | No        | -        | -          | MM 14  | Paras. 4.153 – 4.154 |          | I don't think that the proposed change of the wording in MM14, 4.154, is an improvement. The use of the word 'certain' weakens the strength of this policy and therefore the word 'exceptional' should be retained in the final policy.  | In MM14, 4.154, I propose that the use of the word 'certain' is deleted and the word 'exceptional' is retained as this provides a stronger and clearer meaning for this important policy.   |
| Mr S Jackson | 0142 | 002    | -          | No        | No        | -        | -          | MM 16  | Policy CE-S6         |          | In Policy CE-S6 I think that there is an important omission in section c (which talks about reinforcing landscape character) and therefore this policy is likely to be less effective in achieving its aim than would otherwise be the case.   | Policy CE-S6 1c) could be strengthened and given more effectiveness if it includes the 'siting and orientation of new buildings' before referring to landscape features. A new building in the landscape can have a major impact on landscape character and should be addressed as part of this part of this very important policy.   |
| Mr R Jones   | 0143 | 001    | Yes        | No        | Yes       | Yes      | Yes        | MM 38  | HC-D9                | No       | I do not feel that the internal gross floorspace limit is reasonable. If we were only talking about starter homes, or homes in a built-up area, then I could be potentially persuaded to understand the justification. However, this upper limit could easily cause succession problems, on our already strained family farms on Exmoor. To not allow farm workers or sons to have enough floorspace to allow for the natural growth of their families is dangerous. Also, to those who would suggest that there is plenty of room, can I suggest that they try to wear dirty, smelly overalls and not have enough space for a utility room away from the kitchen? Surly, it would be more reasonable to have different limits respecting the realities of farming life. | I feel that different upper floor limits for different locations, would be a more considered approach, or at least a list of stipulations that would allow for a greater floor plan area. I realise that there is a clause that you could argue for larger floorspace, but how difficult would these be. Does the ENPA wish to be constantly arguing with the farming families that has the most influence on the beautiful environment that we are blessed with? |

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| Mr J Webber | 0144 | 001    | No         | No        | No        | No       | No         | MM 38  | HC-D9  | No       | <p><b>COMMENTS REGARDING MM38 - PROPOSED ORIGINAL AND MODIFIED RURAL WORKER DWELLING SIZE LIMITS (POLICY HC-D9 &amp; ASSOCIATED POLICY TEXT):</b> I am objecting to the proposed rural worker dwelling policy size limits. The proposed policy HC-D9 says that rural worker dwellings must be 93 square metres or less unless it is demonstrated that a larger dwelling is required. The proposed preliminary text, however, appears to prevent the policy from allowing larger dwellings to meet the needs of farming businesses. This is because the preliminary text states that dwellings larger than 93 square metres may only be permitted if they are the principle or only dwelling on a holding and in which case they must not exceed 124 square metres. The proposed policy, as drafted, means that any second dwelling on a farm must be 93 square metres or less regardless of circumstances of the worker and the business in question, such as whether the dwelling is for an unmarried farm worker, a farm worker with a growing family, or a farm manager living with his family and who is responsible for running a farm. The proposed policy also means that any new farmhouses will be unable to exceed 124 square metres, irrespective of whether a dwelling with a larger floor area is required to accommodate facilities to run the business. In my opinion, the policy is therefore unable to respond to the needs of farm workers, farmers and the businesses that they work in on Exmoor. The proposed policy does not allow for the fact that agricultural worker dwellings and farmhouses are not the same as family dwellings in urban areas or dwellings lived in by people who commute to work. Agricultural worker dwellings and farmhouses not only need to provide living accommodation for families but also need to provide space for boot rooms, storing and drying dirty outdoor wet weather clothes, downstairs toilets and wash facilities, and farm offices. Farmhouses also function as the central hub in the day to day running of farms and need to have sufficient space for business meetings held with staff, bank managers, accountants, agents, sales representative etc. I would also like to add that the size of rural worker dwellings must be sufficient to meet the long term needs of workers and their families. Unlike in urban living and for people who commute to work, farm workers and farmers who need to live at their place of work are unable to simply move to a larger house when they need more space to cope with a growing family. The proposed size limits are too small to be sustainable and the approach of setting size limits does not provide the flexibility that is required to respond to varying circumstances of different farming businesses on Exmoor.</p> | Delete proposed original and modified maximum floor areas. The floor area of agricultural worker dwellings and farmhouses should be of sizes that are appropriate for the individual circumstances of the applicants and the businesses that justify them. |

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| Mr R Brailsford | 0145 | 001    | No         | No        | No        | No       | No         | MM 28  | HC-S1  | No       | <p><b>Policy HC-S1 – Principal Need is Affordable Housing:</b> The deletion of the words “an identified need for” in the new paragraph 3a) (former paragraph 2a) in policy HC-S1 yet again removes the need for the Exmoor National Park Authority (“the ENPA”) to justify any assertion that there is a “need for affordable housing” in particular circumstances. Anyone objecting to the refusal of a planning application cannot assert that there is “no identifiable need” in their case. Bearing in mind the instances where events have shown that the imposition by the ENPA of affordable housing conditions was unjustified because nobody came forward to rent the “affordable housing” imposed as a condition by the ENPA, it is essential that the ENPA should be made to show an identifiable need. Contrast the removal of the “identifiable need” in new paragraph 3.a) with the requirement in the new paragraph 2 a) that anyone seeking to provide housing for elderly people has to show “an identified need”. This just adds another barrier to applicants in an already over qualified policy and should not be allowed. The interpretation of the Court of Appeal decision in Secretary of State for Communities and Local Government v West Berkshire District Council [2016] EWCA Civ 441 implicit in the way that this policy has been amended is simply unsupportable. This Court of Appeal decision took place after the original emerging Local Plan was published. The draft policy HC-S1 as originally published took absolutely no notice of the National Planning Policy Framework requirements as to the minimum size of a development before any affordable housing element in a housing development could be imposed. Indeed, the need for proportionality in the imposition of “affordable housing” requirements has been completely ignored. Instead of ameliorating the harshness of the original policy in deference to the Court of Appeal’s decision, the ENPA has made the whole policy far more draconian. The liberalisation that should have been expected and written into a revised policy HC-S1 has simply not materialised. All of this is against a background of the ENPA acknowledging that the need for affordable housing under the emerging Local Plan is not as great as they originally asserted. The number of affordable housing units within the West Somerset housing area that they are seeking has been reduced from 336 to 238. The identifiable need for affordable housing does not justify the draconian policies in policy HC-S1 as originally drafted and the proposed changes are a mere sleight of hand to retain the excessive powers proposed by the ENPA in its housing policies.</p> | <p>As stated in the previous section, the identifiable need for affordable housing does not justify the draconian policies in policy HC-S1 as originally drafted and the proposed changes are a mere sleight of hand to retain the excessive powers proposed by the ENPA in its housing policies. Post the Court of Appeal decision in Secretary of State for Communities and Local Government v West Berkshire District Council [2016] EWCA Civ 441 the ENPA should be redrafting this policy to ameliorate its severity and make the policy accord with the National Planning Policy Framework. The proposed changes in MM28 do not do this and the ENPA should go back to the drawing board and draw up a fresh policy HC-S1 that fully accords with national planning policy and the Human Rights Act.</p> |

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| Mr R Brailsford | 0145 | 002    | No         | No        | No        | No       | No         | MM 30  | HC-DX  | No       | <p><b>Policy HC-DX – Vacant Buildings in Settlements:</b> This new policy read as a whole is thoroughly objectionable. I would assume that the purported reason for this new policy is to reflect national planning guidance; it does nothing of the sort. The general import and tenor of this policy is in breach of The First Protocol, Article 1 of the Declaration of Human Rights. It totally infringes the right to peaceable enjoyment of one’s property. For more detail on this please see my representations to MM 143 (on policy HC-D1 : Conversions to Dwellings in Settlements). Often the reason why property becomes and remains vacant is that its permitted business use has become redundant and the only realistic alternative to its current permitted use is residential. Yet the ENPA insists on any change of use to residential as being all or mainly “affordable housing” (no NPPF compliant threshold) subject to “qualifying local occupancy” conditions tightly controlled by the ENPA. For that reason alone, the redundant building may be left vacant whilst attempts are made to negotiate with the ENPA – who rarely negotiates and takes an inordinately long time if it does. There is so much objectionable in this new draft policy that it is difficult to know where to begin. The very first word of the policy, “Exceptionally”, is offensive in the context. Why should “Principal Residence market housing” be only allowed exceptionally? These properties belong to somebody who is usually a small businessman or businesswoman (or a professional) who has spent their entire life working in, being part of and serving the Exmoor community. Indeed, the original use of the property may well have been residential anyway – bought at full market value - before conversion to its extant permitted use. Yet the ENPA, through its planning policies, seeks to control – indeed to take over – the property in perpetuity whilst leaving the nominal ownership of the property in private hands. This is a flagrant breach of the Human Rights Act 1998 and should be amended so that ordinary Exmoor people can enjoy their property without it being confiscated in all but name. The ideal of the residential user being tied to “Principal Residence market housing” is probably acceptable in the context of the wholly artificial market situation that exists on Exmoor; the market demand for good houses is far higher than local need because of the nationwide desire for “second homes” in an area of outstanding character and beauty. Add to this that an unrestrained expansion of the supply of new housing would ruin the very character and beauty that makes Exmoor special and a principal residence policy has merit, which justifies it under the Human Rights Act.</p> | <p>In other respects this new policy might be made acceptable. It needs, however, extensive amendment to remove or amend, amongst other things, any conditions relating to “affordable housing” (other than with an NPPF compliance threshold and consequent proportionality) or the ENPA’s over narrow concepts of “qualifying local occupancy”. The provision of more affordable housing is a praiseworthy policy objective but the utter disproportionate way that such policy objective is written into every aspect of the ENPA emerging Local Plan is insupportable; 100% affordable housing and no threshold on size of development cannot be justified. Much of the devil lies in the details and the way this policy is made to interact with other linked policies. The overall effect of this policy as presently drafted is draconian and unacceptable. The way that it is drafted needs to be amended so that members of the Exmoor community who own property (in connection with their business or profession), which becomes redundant, do not effectively have it taken away from them. Limited principal residence conditions are arguably justifiable but not “affordable housing” unless it meets with the National Planning Policy Framework and then only if artificial criteria as to “local occupancy” and the over meddling and over arching control by the ENPA are removed.</p> |

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| Mr R Brailsford | 0145 | 003    | -          | -         | -         | -        | -          | MM 32  | HC-S3  | No       | <p><b>Policy HC-S3 Local Occupancy Criteria:</b> The proposed amendments make an already over controlling proposed policy even more controlling. The deletion of existing paragraph e) and its substitution by the proposed new wording is totally unacceptable it provides even greater powers to the ENPA to apply vague and highly subjective criteria to its already over control. For example, what does “of value to the National Park and its communities” mean? How does one determine who “needs” to live in the parish and what is required to work “effectively”. The practical effect of these proposed changes is to give the ENPA far too much extra control in its arguably already overarching controls. The effect on the local community is more than likely to prove highly deleterious. Bearing in mind its interaction with other housing policies within the emerging Local Plan, policy S3 is of particular importance. The degree of control that the ENPA can exercise in impositions on owners of property under (say) policy HC-D1 or policy HC-DX means that the ENPA can effectively so narrow the scope of who qualifies that people, who would ordinarily consider themselves “local”, do not qualify under the regime that ENPA uses – the ENPA can use the huge discretion it gives itself in this policy to impose an unrealistically narrow definition of “qualifying local occupants”. The idea that a modern local community is solely limited to a tight boundary of a National Park rather than within a wider area extending out to (say) ten or fifteen miles of the National Park boundaries is ridiculous. Yet this is what the ENPA seek to do. The hugely discretionary powers that the ENPA seeks to gather to itself over a long period using other people’s property are akin to those of a feudal lord and experience shows that such powers will exercised by the ENPA in the same overarching and draconian way as any feudal lord. This is particularly unacceptable because, exceptionally amongst local authorities, the ENPA is not directly elected by the people it is supposed to be serving but rather is made up entirely of appointees from the national government or other bodies. The nearest that it comes to any notion of a democratic body is that elected councillors from the Parishes and from the relevant District Councils are nominated to sit on the ENPA governing body. It still however lacks the direct democratic connection that will make it properly accountable to the local community. It is probably for this reason (amongst others) that the ENPA is so heartedly disliked by much of the Exmoor Community.</p> | <p>The original drafting of 1.e) needs to be reinstated but amended so as to provide a wider reference as to what constitutes “local”. The idea of restricting the definition to a “parish” (or “adjoining parish”) is positively medieval. Taken in conjunction with policy HC-S1’s interaction with other HC policies, the effect of such a narrow definition is very pernicious. Instead the concept/definition of what constitutes “local” should be extended to all of the Exmoor National Park and any area within a radius of (say) fifteen miles of the Park’s boundaries. Everybody (but young people especially) is so much more mobile nowadays. The pool of labour which a farmer or other business on Exmoor can recruit (and for which he or the new worker can find affordable accommodation) needs to be far wider than the parish! The rest of policy HC-S3 should be amended accordingly. The over controlling and subjective criteria in the new proposed e) have no place in the local plan.</p> |

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| Mr R Brailsford | 0145 | 004 | No | No | No | No | No | MM<br>34 | HC-D1 | No | <p>Policy HC-D1 - Conversions to Dwellings in Settlements</p> <p>The deletion of the words “meet an identified local need” and their substitution by the words “local need” in the new paragraph 2 (former paragraph 3) makes even more harsh this already harsh policy and, by taking away the requirement that the “local need” must be identified, makes the policy an even more clear breach of the Human Rights Act 1998 (although arguably it was unlawful and in breach of the Human Rights Act in the form it was originally drafted). Article 1 of the First Protocol of the Declaration of Human Rights says: <i>“ARTICLE 1 Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”</i> The exception from the general application of this human right of “in accordance with the general interest” arguably only applies to general and more regular planning controls and not a planning policy which mandates the taking over control of a property. This is not to say that the provision of affordable housing is not a necessary and worthy policy but merely that the means of its provision must be proportionate and not over step the mark. A good benchmark for being proportionate is the National Planning Policy Framework (“the NPPF”) The NPPF, for very sound reasons, sets a minimum number of units in any development at 10 before an affordable housing requirement can be asked by the planning authority; exceptionally in a National Park a lower level of 5 units is set before affordable housing can be required. As I shall point out later in this representation, the degree of control that the ENPA exerts ancillary to its “affordable” and “local occupancy” criteria, seriously oversteps the mark. Perhaps asserting that the Exmoor National Park Authority (“the ENPA”) has over stepped the mark (effectively confiscating property in all but name) initially sounds extreme but consideration of the totality and practical effect of this and other draft policies will show that it is no exaggeration. It is the combination of policy HC-D1 with other draft policies in the ENPA’s emerging Local Plan (“the eLP”) that constitutes a total breach of the Human Rights Act.</p> <p>Policy HC-D1 and its insistence on 100% Affordable Housing on conversions needs to be assessed in conjunction with other factors and components of the eLP: 1. The ENPA’s decisions on what properties should become “affordable homes in perpetuity” are often ill judged. In practice, most, indeed probably all, of the properties that the ENPA claims under its existing Local Plan policy equivalent to policy HC-D1 are old, nineteenth century, stone build properties which are totally unsuitable for conversion to a low running cost, low maintenance dwelling that the sort of people who need affordable homes can afford to run. Further, the conversion costs involved making such properties even remotely suitable are high, which in turn means higher rents, which are unaffordable to those who need affordable housing. Added to this, often the locations are not the sort of location where the younger families wanting affordable homes actually want to live. Housing Associations and other Registered Social Providers do not want to own or manage them; they simply do not suit the needs of the type of people who need affordable housing. 2. Then there are the criteria by which “local” people are identified. The ENPA idea of what should qualify as local is extremely narrow. The ENPA’s control, under which the ENPA can exercise a great deal of discretion, means that the ENPA alone decides who qualifies as local and thus can effectively prevent people who would ordinarily consider themselves “local” from being “qualifying local occupants”. The idea that a modern local community is solely limited to a tight boundary of a National Park rather than within a wider area extending out to (say) ten or fifteen miles of the National Park boundaries is ridiculous. Yet this is what the ENPA seek to do. 3. The ENPA’s restrictions on who can own or occupy its “affordable homes in perpetuity” are often ill judged and so severely limit “qualifying” persons that in practical terms it is very difficult to find persons who actually qualify unless the ENPA uses its discretion. 4. The controls which the ENPA exerts over the affordable housing in perpetuity. The control of local need affordable housing is in practice taken over almost entirely by the Planning Authority. To obtain some flavour of how all encompassing this control actually is, please see the conditions in the <u>attached extract from an ENPA section 106 Planning Obligation Agreement</u>. Although the property may be owned by a private individual or an organisation, the ENPA holds the whip hand and using the vast discretion which it has awarded itself, decides exactly who may own or occupy the property and, regardless of practical or financial</p> | <p>This whole policy needs a fundamental re-consideration to make it compliant with the Human Rights Act 1998 and “sound” under the requirements of Section 20 Planning and Compulsory Purchase Act 2004. The re-drafting required should permit applications for conversions to dwellings in settlements subject only to conditions: 1. Limiting the use of the dwelling to Principal Residence of its owner or occupier; and 2. In accordance with CE-S5; Where the development will result in more than 5 dwellings, subject to a suitability of the property criteria and an identifiable need for affordable housing then a reasonable number of affordable homes may be required subject to an extended “qualifying local occupant” condition that extends to the whole of the Exmoor National Park together with an area within a radius of fifteen miles of the Park’s boundaries. An alternative should be available whereby a proportionate amount of money may be asked for by way of contribution to a dedicated ENPA “bricks and mortar” fund (and not to pay “consultants”) to provide Affordable Housing in Exmoor in association with partner Registered Social Provider.</p> |
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considerations moves the process at its own speed. In essence the issue is very simple. The eLP as drafted allows the ENPA to insist that any conversions of property to (or even back to) residential use must provide for 100% affordable housing; There are provisions which give the ENPA discretion (if it so chooses) to allow some "open market" housing albeit limited to principal residences. Further, the ENPA can then insist that such affordable houses are occupied not by local people in the true sense of the word but only by people that the ENPA - using immensely wide discretionary powers - deems to have a sufficiently long standing connection with the National Park and whose need will benefit the National Park; all of this carries with it stringent controls by the Exmoor National Park at every stage to ensure that the ENPA's detailed requirements can be enforced. It effectively means that the ENPA takes total control of the properties although not ownership – this is confiscation in all but name. This is an unjustifiable interference with a person's right to peaceably enjoy his/her property and is a breach of the Human Rights Act. People who have owned properties (probably originally wholly or partially residential) for thirty years or more suddenly find that, because the use to which they had been put is redundant, they can only be once again used as residential if the ENPA is allowed to take over control. When you look at the practical instances of this, the sheer injustice is very apparent. Anyone who owns residential (or indeed any other type of) property that they have used for a business and want to convert that property back to its original use as residential has it effectively taken away from them. Once all or any parts of such properties are designated "affordable local housing" under the ENPA's control, they are usually virtually unsaleable or only saleable at a vastly reduced price from (say) a property that only has a principal residence restriction upon it. Further, such are the locations and nature of many of such properties that Housing Associations are not interested in owning or renting them. The ENPA however, although not owning the properties, has an overarching control; the effect on the luckless owners of such properties is draconian. This is a clear breach of Article One of the First Protocol of the Convention. The persons who always suffer in these circumstances are existing small businesses within the Exmoor community; this eLP policy means that ordinary people, who have work in and belonged to the Exmoor community their whole lives, effectively have their property confiscated so that it can be dedicated solely to an ideal of affordable housing needs being paramount above all others. These Exmoor people, who have over many years built a business or practice and have been fully involved in the community for a long time, then find it counts for nothing. This is totally unfair. Often the properties that are, in all but name, confiscated from them, constitute such Exmoor people's retirement fund (or a substantial part of such fund). The financial consequences are horrendous. I personally know of a couple of recently retired doctors who many years ago, because there were no doctors surgeries in Exmoor, bought a couple of cottages and, at enormous personal expense, converted them to a doctors' general practice surgery and dedicated their professional lives to providing a medical service to the other people of Exmoor. The non-retiring medical partners obtain permission for and now operate from a purpose built surgery near by. An application to revert the two cottages back to their residential original use initially produced a demand from the ENPA for 100% affordable housing since reduced to a 50% affordable housing requirement (with all the other constraints as to "qualifying local occupancy" and detailed control by the ENPA). The "affordable" cottage is virtually unsaleable (or only at a huge "give away" discount) partly because no Registered Social Provider is interested in such an unsuitable old stone built property and partly because of the location. The worry and cost of having to manage such a property in their retirement is not an appealing prospect. The costs of keeping in good condition and of financially covering void periods will fall entirely upon the shoulders of two retirees who have served the Exmoor community for decades. I also personally know a small shopkeeper who ran a saddler's shop/service from Porlock for nearly thirty years before retiring. He couldn't obtain the planning permission to convert his now redundant premises to residential units without the ENPA insistence on affordable housing for "local people". There are many more examples of such people – anecdotally I know of many. Perhaps it is worthwhile expanding on the above. The emerging Local Plan's overall requirements as to the provision of affordable housing being paramount and the 100% affordable housing requirement in policy HC-D1 (and other policies) was already arguably an onerous and unjustifiable imposition that breached the Human Rights Act (as well as the National Planning Policy Framework). If policy HC-D1 was not so already, this latest change to the policy takes it to the point where it is a totally unacceptable infringement of the human right to own and enjoy your own property. The



| Respondent      | ID   | Rep No | Leg. Comp. | Justified | Effective | Positive | Consistent | MM No. | LP Ref | SA / HRA | Detail of representation   | Modifications sought |
|-----------------|------|--------|------------|-----------|-----------|----------|------------|--------|--------|----------|--|----------------------|
|                 |      |        |            |           |           |          |            |        |        |          | Policy HC-D1, read together with other draft policies in the emerging Local Plan, enables the ENPA to insist that, whatever the circumstances, all conversions to dwellings must be 100% affordable housing regardless of whether the ENPA can show an identifiable local need. The ENPA controls the property at every step of the way; this is tantamount to the confiscation of property already owned by members of the Exmoor community.  |                      |
| Mr R Brailsford | 0145 | 004    | No         | No        | No        | No       | No         | MM 34  | HC-D1  |          | <p><i>There are, of course, public duties on the ENPA under the Human Rights Act 1998. Section 6 says: "(1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right. (2) Subsection (1) does not apply to an act if— (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions. (3) In this section "public authority" includes— (a) a court or tribunal, and (b) any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament. "(2) Subsection (1) does not apply to an act if— (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions. (3) In this section "public authority" includes— (a) a court or tribunal, and (b) any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament."</i></p> <p>Arguably a local plan should not give a local planning authority any powers which is or may come anywhere near or may be used in breach of the Human Rights Act 1998. Relevant here is section 20 (5) of the Planning and Compulsory Purchase Act 2004, which, amongst other things, requires a local plan to be "sound". Everybody seems to have just taken for granted that the emerging Local Plan is a sound document. The actuality is that it contains many highly flawed parts that taken together effectively give the ENPA the power (in all but name) to confiscate 100% of property own by Exmoor people merely because circumstances dictate that those people need to be granted permission for change of use of their property to (or back to) residential use. This is in breach of those people's rights under the Human Rights Act. The eLP purports to give the ENPA the power to dictate exactly how and for whom a long owned property is used as "affordable housing". It is very pernicious. By way of further comment on policy HC-D1, the deletion of the former paragraph 2 is unacceptable as it removes the possibility of someone buying and converting to an extended family dwelling an otherwise redundant building. This, like all the other proposed changes to policy HC-D1 makes the whole focus on this policy the provision of affordable housing at any cost (such cost being those of the ordinary Exmoor people who own the property) In summary policy HC-D1 when considered in conjunction with other draft policies within the emerging Local Plan: 1. Is not legally compliant as it is in breach of the Human Rights Act 1998; 2. Is not justified. Effectively confiscating most or all of the property of small businessmen and professionals who have given their working lives to the Exmoor community is wrong; the laudable aim of providing affordable housing does not justify such draconian measures; this policy read with the whole set of polices is disproportionate to the objective being sought; 3. In practice is not effective as the properties converted to "affordable" residential are usually unsuitable; 4. Has not been positively prepared as it is merely passive allowing a QANGO to pounce on the property of others when opportunity arises; there need to be more policies to identify sites for new build dwellings – whether or not affordable; 5. Does comply with, indeed is totally at odds with, the National Planning Policy Framework. The taking out of the requirement to "identify" a need for affordable housing (as MM34 does) makes a bad policy even more contrary to everything that a sound Local Plan policy should be. The deletion of former paragraph 2 is also a step in the wrong direction.</p> |                      |