

Reference No: 24/00565/FULL  
Parish: Thelbridge 50



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPROVAL OF FULL PLANNING APPLICATION**

**Name and Address of Applicant:**

Mr S White  
Summer Farm  
Witheridge  
EX16 8NZ

**Name and Address of Agent:**

Miss Lucy Hodgson  
XL PLanning Ltd  
1A Fore Street  
Cullompton  
EX15 1JW

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Date Registered : 3rd May 2024

Date of Permission : 22nd August 2024

**Proposal:** Siting of temporary agricultural workers dwelling

**Location:** Land at NGR 279823 113344 Summer Farm Witheridge Devon

**Site Vicinity Grid Ref:** 279831/113319

**MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT**

**Subject to the following conditions:**

1. The residential use hereby permitted shall be discontinued, and the temporary dwelling removed from site on or before 23/08/2027. The land shall be restored in accordance with details that shall have been first submitted to and approved by the Local Planning Authority. The approved restoration scheme shall be fully implemented within 6 months of the use discontinuing.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the farming enterprise at Summer Farm, or a dependent of such a person residing with him or her, or a widow or widower or surviving civil partner of such a person.
4. Prior to commencement of development a Construction Environment Management Plan (CEMP) specifically detailing how the hedgerow and associated trees adjacent to the site are to be protected, shall be submitted to and be approved in writing by, the Local Planning Authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs
- i) measures that would be undertaken should reptiles be found on site during the construction period

The development shall be carried out in accordance with the approved CEMP.

- 5. No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.
- 6. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
- 7. Within 3 months of the date of this decision, the existing caravan on the site shall be removed from the site.

#### **REASONS FOR CONDITIONS:**

- 1. The permission is only justified for a limited period to allow the applicant to demonstrate the agricultural business viability and the continued functional need for the on-site accommodation of an agricultural worker, to control development in the open countryside in accordance with Policies S14 and DM8 of the Mid Devon Local Plan (2013-2033).
- 2. For the avoidance of doubt and in the interests of proper planning.
- 3. The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy DM8 of the Mid Devon Local Plan (2013-2033).
- 4. To protect the habitat and ecological interests on the site.
- 5. To avoid unacceptable impacts to protected species and in the interests of the character and appearance of the rural area.
- 6. To prevent any unacceptable impacts to nesting birds.
- 7. In the interests of the character and appearance of the countryside in accordance with policy S14 and DM1 of the Mid Devon Local Plan 2013- 2033.

#### **INFORMATIVE NOTE:**

##### **Biodiversity net gain**

The applicant is advised that a Biodiversity Gain Plan must be provided and approved by the Local Planning Authority prior to the commencement of the development. The contents of the Biodiversity Gain Plan required to discharge the statutory BNG condition are set out in the Defra template Biodiversity gain plan - GOV.UK ([www.gov.uk](http://www.gov.uk)). Please see the Devon Planning Guidance on BNG for more advice. It should include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

### Footpath informative

This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act 1990.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal seeks to provide a temporary agricultural worker's dwelling to support the agricultural enterprise operation from the site. The existing farm manager is retiring and the dwelling is proposed to provide on site accommodation to meet the needs of the next generation who are taking over the management of the farm holding.

A case has been made that there is an essential need for a rural worker to be available on the site day and night to ensure animal welfare. The proposal is considered to be acceptable in terms of impacts to the character and appearance of the rural area, highways, ecology and biodiversity, flood risk and drainage. Subject to the proposed conditions the development is considered to comply with policies S1, S9, S14, DM1 and DM8 of the Mid Devon Local Plan 2013-2033 and government advice in the National Planning Policy Framework.

## **BIODIVERSITY NET GAIN**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

## **Statement of Positive Working**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

## **DEVELOPMENT PLAN POLICIES: Mid Devon Local Plan 2013 – 2033**

- S1 - Sustainable development priorities
- S9 - Environment
- S14 - Countryside
- DM1 - High quality design
- DM3 - Transport and air quality
- DM5 - Parking
- DM8 - Rural workers' dwellings

## Relevant Plans

The plans listed below are those approved. No substitution shall be made.

<b>Plan Type</b>	<b>Reference</b>	<b>Title/Version</b>	<b>Date Received</b>
Site Location Plan	SLP/SW/23		06/04/2024
Block Plan	BP/SW/23		06/04/2024
Proposed	PRP/SW/23 REV B	Floor Plan & Elevations	03/05/2024

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

**Signed:**

A handwritten signature in black ink, appearing to read 'Angharad Williams', with the name 'Williams.' written in a smaller font below the signature.

**Angharad Williams**  
**Development Management Manager**

**Date: 22nd August 2024**

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.**

**Please refer to notes attached**

**NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:  
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.