

Reference No: 24/00520/FULL
Parish: Thelbridge 50



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr and Mrs J Gibson
West Middlewick Farm
Nomansland
Tiverton
Devon
EX16 8NP

Name and Address of Agent:

Mr Mark Dyson
Mark Dyson Surveyors Ltd
Glebe Farm Office
Shillingford St George
Exeter
Devon
EX2 9QN

Date Registered : 2nd April 2024

Date of Permission : 18th June 2024

Proposal: Change of use of former milking shippen to farm shop extension, childrens safe play area and IT training hub

Location: West Middlewick Farmshop West Middlewick Farm Nomansland Tiverton

Site Vicinity Grid Ref: 282252/113736

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

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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 farm shop/retail areas, IT training hub area, meeting area and play areas hereby permitted shall be used in connection with the existing farm shop ancillary to and operating at West Middlewick Farm and shall at no time be let, sold or otherwise be disposed of as a separate business unit.
4. The premises shall only be used as a farmshop and associated ancillary uses, and for no other purpose including any other use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). The shop area hereby approved shall be used in conjunction with the farming business and shall not be sold or operated separately.
5. The farm shop/retail areas, tea room/restaurant areas, IT training hub area, meeting area and play areas shall be restricted to the floor space set out for each of these uses as shown on the Proposed Floor Plan & Elevations plan dated 2nd April 2024.

6. Within three (3) months of the substantial completion of the development hereby approved, at least one bat box and/or one bird nesting box, shall be installed on the building or on a nearby tree, at least 3m above ground level. These biodiversity enhancement measures shall thereafter be retained and maintained for the life of the development.

REASONS FOR CONDITIONS:

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In accordance with the applicant's submission and having regard to the site location in accordance with policies S14, DM17 and DM18 of the Mid Devon Local Plan 2013- 2033.
4. Having regard to the site location and to safeguard the character, appearance and amenities of this rural location in accordance with policies S1, S14, DM17 and DM18 of the Mid Devon Local Plan 2013- 2033.
5. In accordance with the details as submitted and to maintain control of the use of the premises as extended in order to prevent harm to the vitality and viability of villages in line with Policies DM15 and DM17 of the Mid Devon Local Plan (2013- 2033).
6. A condition to enable biodiversity net gain within development in accordance with MDDC Local Plan: Policy S9 Environment and national policy.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The change of use of former milking shuppen to farm shop extension, childrens safe play area and IT training hub at West Middlewick Farmshop, West Middlewick Farm, Nomansland, Tiverton is considered acceptable as a matter of policy. The justification for the employment development in this location is established and the scale and design of the works are considered acceptable. The proposal is not considered to have a significant impact on the highway network and there would be no significant adverse impacts on the amenity of residents of nearby properties. As such, the scheme complies with policies S1, S14, DM1, DM17, DM18, DM23 and DM27 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

BIO DIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/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

DM17 - Rural shopping

DM18 - Rural employment development

DM23 - Community facilities

DM27 - Protected landscapes

Relevant Plans

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

Plan Type	Reference	Title/Version	Date Received
Proposed	TM17k.P2	Plans	18/03/2024
Block Plan	TM17k.P1 - V4	Proposed Site Plan	24/05/2024
Site Location Plan			23/05/2024

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

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

Signed:



Angharad Williams
Development Management Manager

Date: 18th June 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.