

**Application No: 17/01077/FULL Full Application**

**Site:** Rockford Farm Barns, Rockford Road, Rockford, Ringwood, BH24 3NB

**Proposal:** 2 No new Commoners Dwellings; 2 No. new stables; 2 No. new barns; associated access, fencing and hardstanding; demolition of existing barns

**Applicant:** Mr W Ziegler, New Forest Trust

**Case Officer:** Liz Young

**Parish:** ELLINGHAM HARBRIDGE AND IBSLEY

**1. REASON FOR COMMITTEE CONSIDERATION**

All planning applications for commoners' dwellings are reported to the Planning Committee

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
 DP13 Agricultural, Forestry & Other Occupational Dwellings  
 CP2 The Natural Environment  
 CP1 Nature Conservation Sites of International Importance  
 CP19 Access  
 CP8 Local Distinctiveness  
 CP7 The Built Environment  
 CP11 Affordable Housing  
 DP20 Agricultural and Forestry Buildings

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 6 - Delivering a wide choice of high quality homes  
 Sec 7 - Requiring good design  
 Sec 11 - Conserving and enhancing the natural environment  
 Sec 12 - Conserving and enhancing the historic environment

## 6. MEMBER COMMENTS

None received

## 7. PARISH COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council: No further comments to make on latest amended details and additional information. Comments submitted on 19 March 2018 still stand.

**Recommend refusal.** With the scale of the proposed development, being possibly too large for this site, foresee a negative impact in several areas. Concerns were expressed as to:

- The impact on an already inadequate highway system being the Rockford Loop Road. This is a poorly maintained road and drainage system which needs to be addressed to cope with further traffic.
- There should be an environmental impact statement to assess the effect of the development on the rural landscape and on this important conservation area. The ecology statement does not adequately address the ground damage in the valley which is already considerable and further pressure may lead to a loss of habitat and species.
- There is insufficient clarity on the 'Commoners Rights' relating to the holding and what licence is required from the National Trust in order for the commoners to access the Crown Lands in order to exercise such rights as they might have. Also insufficient evidence of what 'back-up' grazing is required and can be provided.
- Similarly, the application does not clarify the 'need' for dwellings in the context of stocking levels for the Forest as a whole.
- There is no drainage assessment although we were reassured the wet areas would have their own management plans. This should be detailed in the application.
- Possible noise and light pollution needs to be addressed, given its prominent position on the western escarpment.
- The described 'stable buildings' raised concerns as to whether this would lead to a more horse/pony enterprise and how this could be controlled?
- The barns have been noted as of vernacular interest. It was with regret that no effort has been made to maintain them.

## 8. CONSULTEES

8.1 Ecologist: No objection. The Authority has liaised with the applicant's ecological consultants during the spring to ensure that further work was undertaken to better inform and assess the application and further information was made available in June. The Report by Arcadian Ecology provides an appropriate basis to inform the Authority's decision in respect of the balance of impacts and benefits for the natural environment, including the contribution to the management of the SSSI and other protective designations.

The further information in relation to protected species is appropriate and confirms that impacts are likely to be low and capable of mitigation through a variety of method statements and management practices so that harm does not result. In addition measures of compensation and enhancement are capable of being agreed and bought forward to ensure there are net gains/enhancement for biodiversity.

In respect to the local wildlife site the further information submitted establishes that the area lost to development is overall of lower value than other areas of the site where qualifying features still exist and provided that benefits accrue from future site management and maintenance of systems providing management of the nearby SSSI, it can be viewed that on balance biodiversity value is offset and enhanced. The ecology report recommends that future management of the blue line area is undertaken under ecological guidance and has identified various requirements.

Future management of the blue line area should be agreed through an Ecological Management Plan. Details of drainage would also be important. The above requirements should be secured by appropriate conditions.

- 8.2 Landscape Officer: Comments received in relation to fencing, runoff, boundary vegetation and external lighting.
- 8.3 Building Design & Conservation Area Officer: The proposal takes account of earlier pre-application advice in regard to building composition and design. The loss of the existing barns are regretted but it is apparent that their retention and reuse would not be viable due to the very poor condition of the buildings. Suggest conditions on materials, sample panels, windows, doors and joinery details.
- 8.4 Tree Officer: No objections subject to conditions.
- 8.5 Highway Authority (HCC): No objections subject to conditions.
- 8.6 Natural England: No objections raised.
- 8.7 HCC Access Development Officer (Planning): No comments received.

## **9. REPRESENTATIONS**

- 9.1 Objections raised:
  - Existing buildings are locally listed and demolition of other buildings of local interest have been resisted close by.
  - It is unclear what back up grazing is to be provided and whether herd numbers would be restricted.
  - No attempt has been made to maintain the existing buildings.

- Evidence of great crested newts close to the site.
- Previous commoning activities have led to loss of habitat and degraded the right of way which has become impassable in places.
- Increase in traffic movements.
- Increased hardsurfaces will lead to increased risk of flooding.
- Survey work undertaken has not be impartial.
- Forest grazing is already overstocked due to agricultural subsidies.
- Commoning could take place on the site without any form residential use.
- Harmful impact upon conservation area.
- Poor design and choice of materials.
- Harm to setting of listed building.
- Overdevelopment.
- Intensive farming in this location is inappropriate.
- Collusion between Hampshire County Council, the National Park Authority and the New Forest Trust.
- Concerns over the proposed mitigation measures set out within the ecology report.
- Excessive parking provision.
- The involvement in the application of the Chair of the New Forest National Park represents a significant conflict of interest.
- There is no specific commoning justification in relation to the application site which supports the proposed introduction of a residential use and the objectives of the applicant could clearly be met in other ways.
- The application has not been accompanied by a heritage statement, drainage report or flood risk assessment.
- Light pollution.
- It is vital for commoners to have enough land to support their commoning activity and the introduction of two dwellings onto the site would not ensure this requirement would be met.
- It is not clear from the application what criteria proposed occupants would have to meet. It is not clear who would occupy the building (this being different to the approach adopted for other commoners dwelling schemes).
- One commoners dwelling would be more appropriate in terms of scale and justification.
- Submitted ecology report does not assess the implications for increased commoning or the impact upon the Site of Importance for Nature Conservation.

9.2 Support (including letters from the Verderers, New Forest Association, Commoners Defence Association and New Forest Young Commoners Committee):

- The declining availability of holdings in suitable locations represents a major threat to the sustainability of commoning,

an issue recognised by the government. This proposal would make an important contribution towards mitigating against this threat.

- The benefits of commoning in terms of landscape, ecology and local community are well documented.
- Recommend appropriate occupancy restrictions.

## **10. RELEVANT HISTORY**

- 10.1 Installation of new timber post and four strand barbed wire fence (15/00591) approved on 7 September 2015

## **11. ASSESSMENT**

- 11.1 This application relates to a parcel of agricultural land which falls within the Western Escarpment Conservation Area. The site comprises a large, dilapidated L-shaped barn (specifically noted within the Conservation Area Character Appraisal for its vernacular interest) and the access (served by five bar gates) lies on the southern corner. With the exception of the land immediately in front of the barns, much of the site is a designated Site of Importance for Nature Conservation. An area of woodland and public right of way adjoin the southern boundary. These woods fall within the New Forest Site of Special Scientific Interest. The land rises steeply up to east away from the site and towards the open forest. Open fields lie to the east and north of the site and these also fall within the same ownership, with the total area amounting to just over 6 hectares.

### **Proposal**

- 11.2 Consent is sought to demolish the existing barns and to construct two semi-detached commoners dwellings. Each of the dwellings would be served by a barn and a stable block clustered to the south and north. A small enclosed garden area is proposed to the rear of each unit and hardstandings are proposed over the front of the site comprising a combination of concrete and hard core / scalpings. Additional planting is proposed to the front of the site including wild flowers, hedgerows and grassland. Additional fencing is also proposed around the site (as this also requires permission due to the existence of an Article 4 Direction restricting means of enclosure). Fencing would include post and rail to the front of the cottages, panel fencing between the two private rear garden areas and stock fencing with five bar gates enclosing the application site from the adjoining fields.

### **Background**

- 11.3 The New Forest Commoning Review (2007) identified poor access to suitable affordable housing as possibly the single largest threat to sustaining commoning in the future. A

recommendation of the Review was that the relevant authorities and landowners should look to develop rental schemes to help commoners access affordable housing. In 2015 the New Forest Trust acquired a 99 year lease from Hampshire County Council (the landowner) for 6 hectares of land at Rockford for use *"in connection with the support and management of the lawful depasturing of commonable animals on the Crown Lands"*. This application has been submitted following pre-application discussions which have focused on the site layout, dwelling size and building composition.

- 11.4 Having regard to the background referred to above, the main issues to assess would relate to the extent to which the proposal would be justified in terms of enabling a viable commoning activity to take place from the site and providing essential accommodation to serve the functional needs of the commoning enterprise. In addition to this the impact the development would have upon the character and built heritage of the New Forest National Park (having regard to the conservation area designation and the proximity to a Grade II listed building, Rockford Farm) would need to be assessed along with any highway considerations and implications for the ecology and natural features of the site.

#### **Consideration of Issues**

- 11.5 The application has been submitted on behalf of the New Forest Trust and the site falls within the ownership of Hampshire County Council. One of the main objectives of the Trust is to build up a stock of land and housing to be let out to young commoners. The Trust identifies a need for back up land and housing. It is proposed that the rental agreement would be conditional on the occupants continuing the practice of commoning. The Landowner, Hampshire County Council has granted the Trust a long term lease on 15 acres of land at the site specifically to benefit commoning (this being a condition of the lease). The intention is that the properties would be built using the existing dispensation for commoners housing.
- 11.6 Whilst at this stage there are no named occupants for the buildings, these unique circumstances would ensure, along with appropriately worded occupancy conditions (and the significant availability of back up grazing land), the properties would benefit rural workers involved with commoning, meeting the objectives of the New Forest National Park Core Strategy in terms of benefiting the ecology, landscape and cultural heritage of the New Forest. The proposal would accord with the general thrust of Policy DP13 in terms of there being an identified need to further commoning activities from the site and enabling the viability of the activity to continue. Whilst concerns have been raised in representations that the site does not include sufficient back up grazing, the fields associated with the site would amount to over 3 hectares per unit (significantly greater than the minimum land required under the

Commoners Dwelling Scheme). The site also benefits from direct access onto the open forest.

11.7 Whilst the concerns raised by neighbouring representations in relation to built heritage are noted and the loss of the existing barns is regrettable, options to retain and convert these buildings was explored during the early stages of the pre-application process. It became apparent that this would not be viable due to the very poor condition of the buildings. Pre-application discussion was then focussed around replacing the barns with two new dwellings. The application has also been accompanied by a condition survey for the buildings. Key findings set out within this survey are as follows:

- The majority of the roof is in poor condition due to the decline of the supports and roof spread. The roof has also become distorted due to movement of the external walls.
- The timber frame is in a state of disrepair.
- The wall plates, columns and timber infills are also beyond repair.
- Masonry walls are not vertically aligned.
- Repair and remediation would not be viable or practical and the structures have exceeded their serviceable life.

Based upon this it would be unreasonable to oppose the loss of the existing buildings subject to ensuring an appropriate form of redevelopment.

11.8 The design and layout of the proposed dwellings, barns and stabling is also the result of extensive pre-application discussion. The simple, terraced design of the proposed dwellings, the modest scale and the traditional fenestration and materials (facing brickwork, clay tiles, timber cladding and natural slate) would ensure the buildings would preserve the character and appearance of the conservation area. The proposed ancillary buildings would be clustered close to the proposed dwellings incorporating a relative traditional layout arranged around open yard areas. The extent of hardsurfacing has also been reduced since the application was originally submitted in order to avoid an overly urban character. Landscaping would (subject to additional planting information) be appropriate to the rural context.

11.9 In terms of wider impacts, the proposal would be readily visible from the public right of way to the south. However the proposed dwellings would be well distanced from this boundary. Whilst the stables and barn would lie close to the south boundary the roofs would slope away from the edge of the site and the boundary trees would offer partial screening. These buildings would also be cut into the sloping ground, mitigating their impact further. It is also noted that concerns have been raised in relation to the setting of Rockford farm. However this property lies approximately 60 metres from the site and across the road. The two sites form

two distinct and visually separate building groups and it is therefore considered that there would not be any visual harm to the setting of the listed building, particularly when having regard to the rural design and scale of the dwellings and the agricultural appearance of the ancillary buildings. No objections have been raised by the Building Design and Conservation Officer with regards to the setting of Rockford Farm or the character of the wider area and the proposal would therefore preserve the character and appearance of the conservation area in accordance with Policies CP7 and CP8 of the New Forest National Park Core Strategy.

- 11.10 A number of representations received raise concerns over the impact the development would have upon the ecology of the New Forest in terms of designated sites, the Site of Importance for Nature Conservation and protected species. Additional survey work has been submitted whilst the application has been under consideration in order to address these concerns (Arcadian Ecology, May 2018). The report notes the potential within the site for bats, nesting birds, invertebrates and common reptiles. Whilst the site has been colonised by grassland and herbs it is considered likely that this habitat would re-establish itself after the development. The report considers that during the construction phase water flow, spoil management, waste and discharge from septic tanks would need to be managed in terms of their proximity to spring heads and flushes. The position of field boundaries would also influence grazing and browsing and the impact this would have upon the structural diversity of the site. The report also recommends the use of hoardings during construction to manage access, overnight mammal ladders in excavated areas, timing works outside nesting season and undertaking searches (by a qualified ecologist) prior to certain phases. Other recommendations include suitable lighting to avoid disturbance to bats, provision of bat roosts, additional planting, hedgerow management, nest boxes and continued management of wet flush.
- 11.11 Although representations raise concerns in relation to grazing densities, the ecological survey indicates that the designated SSSI around Rockford has been associated with insufficient numbers of livestock to suppress non-native vegetation. Recent commoning from the site has brought about some benefit, however, in terms of opening up bracken swards through trampling together with tree and shrub regeneration. The report concludes that the establishment of two holdings at Rockford would enable a secure commoning use by two commoning families addressing the identified risk of reduced stock numbers. Based upon this additional survey work (and the implementation of appropriate mitigation) the proposal would preserve the ecology of the site and the wider area in accordance with Policies CP1 and CP2 of the New Forest National Park Core Strategy.



- 11.12 Due to the conservation area status of the site the trees are protected. The loss of the self-sown trees within the site are not considered to have any implications for wider amenity. The small copse of mainly Willow trees to the west offer screening from the road but the Tree Officer considers that these are far enough away from the development to not be adversely affected. The woodland to the south forms part of the SSSI, although the footpath offers reasonable protection against harm to these trees. However, there would be potential implications for harm to their rooting area and it would therefore be appropriate to impose conditions ensuring the implementation of tree protection measures. In terms of the planting scheme, it is noted that no new trees have been proposed and the tree team considers that there is the potential for new tree planting that will soften the appearance of the site, contribute positively to the character of the area and public amenity value. The applicant has indicated that they would be happy to accept a condition ensuring additional planting. Subject to these requirements being met the proposal would be in accordance with Policy CP2 of the New Forest National Park Core Strategy.
- 11.13 Whilst concerns raised in relation to flood risk and drainage are noted, the site does not lie within a designated flood zone. Furthermore, it is evident that many of the drainage issues referred to already exist and would not be directly associated with the proposals. Notwithstanding this, a drainage report has been submitted in order to address concerns. This report concludes that the proposed development would increase the total impermeable area by 755 square metres. The right of way and also the highway adjacent to the site currently contribute to a significant amount of runoff and significant runoff has been observed both into and from the site, much of which enters the existing ditch. The report recommends the use of soakaways and a piped water system if necessary.
- 11.14 More recently, a joint statement from the Environment Agency and Natural England advises that any new development within the catchment of the Hampshire Avon needs to be “phosphate neutral”. In response to this statement, the Authority, together with New Forest District Council and Wiltshire Council, has adopted an Interim Strategy on Phosphate Neutral Development which requires the imposition of a pre-commencement condition as set out in condition 13 below.

### **Conclusion**

- 11.15 This application provides for two new commoners holdings’ that would uniquely be made available to practicing New Forest commoners on a sustainable rent giving them a secure base from which to develop their commoning activities. The scheme has been designed to take full account of its sensitive surroundings and the terms of condition 2 below, together with the existing

agreements that already govern the use of the land for New Forest commoning, would ensure that the development can only be occupied by qualifying applicants.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The occupation of the dwellings and associated development hereby permitted shall be limited to persons solely or mainly working in the locality in commoning. Furthermore, the occupation of such dwellings shall be for rental purposes only, such tenancies to be managed solely by the New Forest Trust in perpetuity. The associated farm buildings and grazing land shall only be used in association with the occupation of the dwellings and shall at no time be severed from the holdings or sublet to another third party.

Reason: The dwellings and associated development are only justified on the basis that they are necessary to sustain the practice of commoning in the New Forest and to provide more affordable accommodation for New Forest commoners in accordance with Policy CP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 No development shall take place above slab level until samples or exact details of the facing and roofing materials for the dwellings, barns and stabling have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out on the approved dwellings without express planning permission first having been granted.

Reason: To ensure the dwellings remains of a size which is appropriate to their location within the countryside and to comply with Policies DP11 and DP13 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP1 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 No development shall take place until the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report hereby approved (Arcadian Ecology, May 2018). The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site and works shall be carried out fully in accordance with the submitted Construction Method Statement (14 December 2018) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 The stables and barns subject of this permission shall only be used for commoning or agricultural purposes and for no other commercial, business or storage purposes whatsoever.

Reason: The buildings are only justified on the basis that it is necessary for agriculture and in accordance with Policy DP20 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

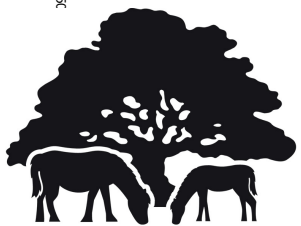
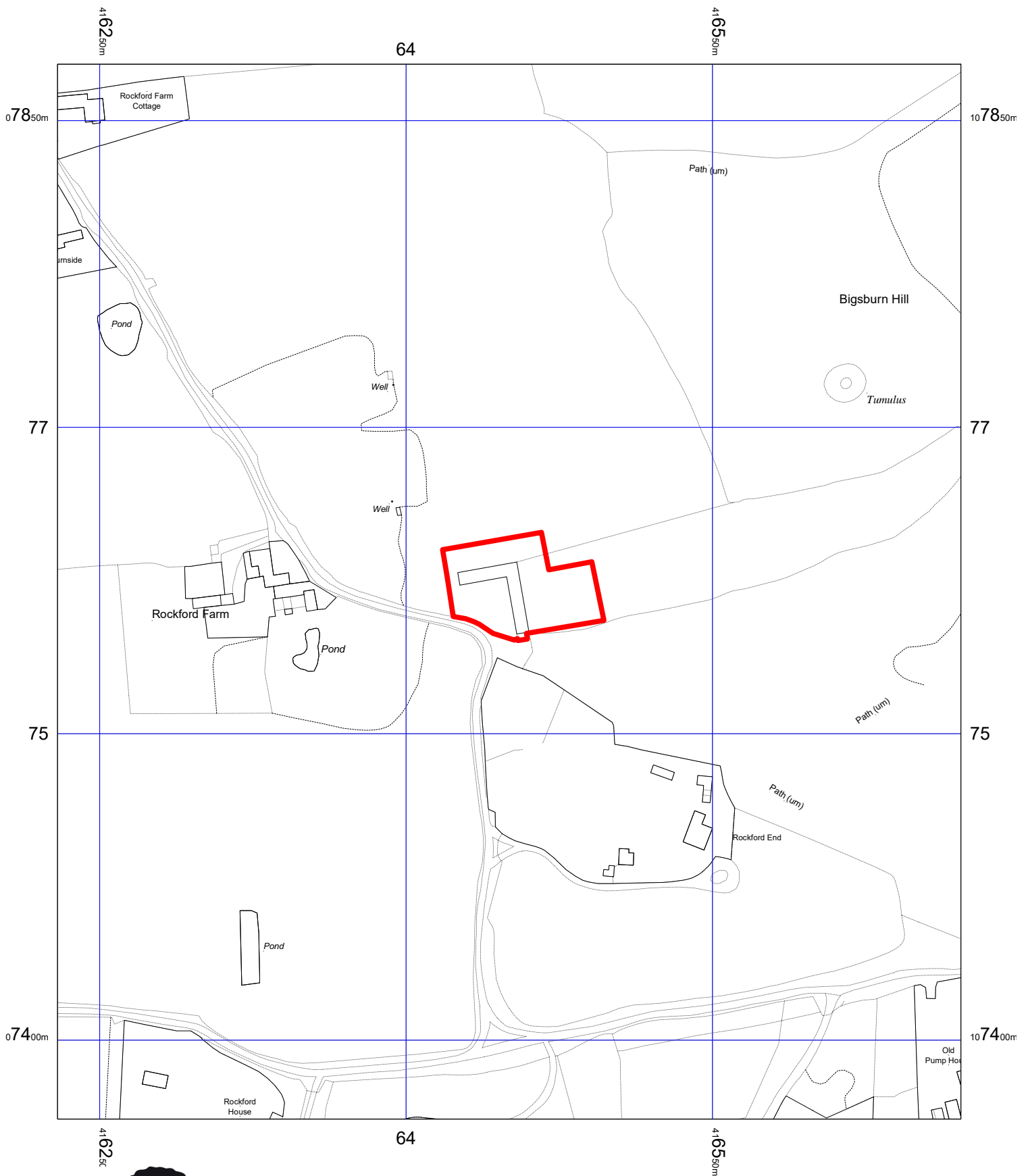
- 12 Development shall only be carried out in accordance with drawing nos: 5517-03-AC-001a, 5517-03-AC-001b, 5517-03-AC-002 A, 5517-03-AC-003, 5517-03-AC-004, 5517-03-AC-011, 5517-03-AC-100, 5517-03-AC-101 A, 5517-03-AC-102, 5517-03-AC-200 A, 5517-03-AC-201, 5517-03-AC-202 A, 5517-03-AC-203 A, 5517-03-AC-300 A, 5517-03-AC-301, 5517-03-AC-302 A, 5517-03-AC-303, 80353-02. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 13 No development shall be carried out until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the New Forest National Park Authority. Such proposals must:

- a) Provide for mitigation in accordance with the Authority's Interim Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 27/06/2018

**Ref: 17/01077/FULL**

**Scale: 1:2500**

© Crown copyright and database rights 2018 Ordnance Survey 100014703

