

Application No: 19/00150/FULL Full Application

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

Proposal: 1 No. new commoners dwelling; 1 No. new stable; 1 No. new barn; associated access, fencing and hardstanding; demolition of existing barns

Applicant: Mr W Zeigler, New Forest Trust

Case Officer: Liz Young

Parish: ELLINGHAM HARBRIDGE AND IBSLEY

1. REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration.

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

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council: Recommend permission but will accept a delegated decision:

- The Parish Council request that the ecology report should be taken into account when the drainage system is being designed to ensure nutrients are unable to escape into the environment and the wet areas are being protected appropriately.
- In order for stock to be turned out onto the adjacent commons, the appropriate licence must be put in place between the National Trust and the applicant, New Forest Trust.

8. CONSULTEES

- 8.1 Ecologist: No objections subject to conditions.
- 8.2 Landscape Officer: No objections subject to conditions relating to external lighting and landscaping.
- 8.3 Building Design & Conservation Area Officer: No objections subject to conditions.
- 8.4 Tree Officer: No objections subject to landscaping conditions.
- 8.5 Highway Authority (HCC): No comments received.
- 8.6 Natural England: No objections subject to appropriate mitigation.
- 8.7 HCC Access Development Officer (Planning): No objections subject to ensuring construction would not impact upon the public right of way and limitations being imposed in relation to restrictions on external lighting.
- 8.8 Archaeologist: No objections subject to submission and approval in writing of a Written Scheme of archaeological / historic building Investigation
- 8.9 Verderers of the New Forest: No objections raised.

9. REPRESENTATIONS

- 9.1 Three letters of objection received:
 - Herding cattle have caused significant ecological damage to Gipsy Hollow and Bigbury Hill since the New Forest Trust has taken possession of the tenancy.
 - The previously refused application sets out that the applicant has still failed to show a demonstrable need to undertake commoning from the site.
 - The ecological report sets out that the application site is highly

suitable for protected species.

- The proposal would further exacerbate overgrazing.
- Proposal would be contrary to the objectives of preserving dark skies.
- Potential impact upon ecological habitats with regards to Woodlark, Dartford Warbler and Nightjar.
- The proposals would result in the loss of historic barns and there would have been significant opportunity for the County Council to prevent damage from taking place through preventative measures.

9.2 Three letters of support:

- Finding appropriate sites for this form of development is difficult.
- Proposal would meet an important New Forest need.

10. RELEVANT HISTORY

- 10.1 2 No. new Commoners dwellings; 2 No. new stables; 2 No. new barns; associated access, fencing and hardstanding; demolition of existing barns (17/01077) Refused on 20 July 2018
- 10.2 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 (SINC). 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 to the 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 a single commoner's dwelling. The dwelling would be served by a barn and a stable block which would be sited parallel to the south boundary. A small enclosed garden area is proposed to the property and hardstandings are proposed over the front of the site and also between the house and the outbuildings comprising a combination of concrete and hard core / scalping. Additional

planting is proposed to the front of the site to each side of the access 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 chestnut fencing to the front of the cottage and stock fencing with five bar gates enclosing the rear garden area along with the rest of the application site from the adjoining fields.

Background

- 11.3 In terms of background this application has been submitted in order to address the concerns which led to the previous scheme being refused. This earlier application was refused because of the following two reasons:

In the absence of a demonstrable need to undertake commoning from the site, the proposal represents an inappropriate form of residential and agricultural development within the open countryside contrary to Policies DP12 and DP20 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

The proposal to provide two new commoners' holdings with all the attendant farm buildings, hardstandings and boundary enclosures would result in an overdevelopment of the site, to the detriment of the character and appearance of the Western Escarpment Conservation Area and the rural amenities of the surrounding area, contrary to Policies DP1, CP8 and DP20 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 11.4 As noted at the time of the previous application 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 (and the previous submission) has been submitted following pre-application discussions which have focused on the site layout, dwelling size and building composition.

- 11.5 It remains the case that the main issues to assess 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 (having regard to the additional information accompanying this latest application).
- The impact the development would have upon the character and built heritage of the New Forest National Park (having regard to the design changes now proposed, the conservation area designation and the proximity to a Grade II listed building, Rockford Farm).
- Highway considerations.
- Implications for the ecology and natural features of the site.

Consideration of Issues

- 11.6 This follow up application has again been submitted on behalf of the New Forest Trust and it remains the case that 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 property would be built using the existing dispensation for commoners housing.
- 11.7 The submission also now includes statements of interest in the property from five individuals, all of whom are practicing commoners in the New Forest. Having regard to this, along with the unique circumstances referenced above and also the fact that only one unit is now proposed it is considered that there would be a realistic prospect of ensuring that the development meets an identified commoning need.
- 11.8 It is also relevant to note that the Authority's emerging Local Plan now includes a new stand-alone policy for commoners dwellings, which supports proposals for rented accommodation providing it can be managed by an appropriate body such as the New Forest Trust. Since the last refusal, this emerging policy has been upheld following the Local Plan Examination and so it now carries significant weight.
- 11.9 Appropriately worded occupancy conditions (and the availability of back up grazing land) would ensure the property 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 6 hectares (significantly greater than the minimum land required under the Commoners Dwelling Scheme). The site also benefits from direct access onto the open forest.

11.10 Whilst the concerns raised by neighbouring representations in relation to the built heritage are noted and the loss of the existing barns is regrettable, options to retain and convert these buildings were 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. This application (and the previously refused scheme) 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. Furthermore, the loss of historic fabric was not raised as a specific reason for refusal at the time of the previous application. The Heritage Statement which accompanies this latest application also concludes that both barns are unsafe and the general principle of redevelopment on the site would be acceptable subject to ensuring an appropriate character and addressing the previous concerns raised in relation to scale and overdevelopment.

11.11 As set out above the previous application was primarily turned down due to the overall extent of development. In the case of these latest proposal the simple design of the proposed dwelling, its modest scale and traditional fenestration and materials (facing brickwork, clay tiles, timber cladding and natural slate) would ensure the buildings preserve the character and appearance of the conservation area. The accompanying Heritage Statement sets out that the cottage has been designed with a simple, rectangular form to enable it to appear as a plain worker's cottage typical of the New Forest. The bricks would be handmade and the cladding of the side extension in timber would pick up on the existing cladding to the barns. The proposed ancillary buildings would be clustered close to the proposed dwelling incorporating a relative traditional layout arranged around open yard areas. The reduction in the number of buildings from the earlier application would now achieve a tighter and more rural composition. The extent of hardsurfacing

has also been reduced further. Landscaping would (subject to additional planting information) be appropriate to the rural context.

- 11.12 In terms of wider impacts, it was established at the time of the previous application (and following a more recent site visit) that the proposal would be readily visible from the public right of way to the south. However, the proposed dwelling would be well distanced from this boundary (to a greater degree than the previous scheme). 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.
- 11.13 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 SINC for Nature Conservation and protected species. Additional survey work was submitted whilst the previous application was under consideration in order to address these concerns (Arcadian Ecology, May 2018). No objections were raised by the Authority's Ecologist at this stage and ecological impact was not included as a reason for refusal. The Ecology Report accompanying this latest application (February 2019) also refers back to the ecological assessment undertaken on 3 May 2018. The report notes the presence of two priority habitats including purple moor grass and rush pastures along with lowland dry acid grassland. Field subdivision is noted as having potential to impact upon the integrity of the Site of Importance for Nature Conservation (SINC) - an issue which has also been highlighted by the Authority's Ecologist. However there is an Article 4 Direction in place on the land which ensures any means of enclosure would require planning consent. The report includes a number of mitigation and enhancement measures and the Authority's Ecologist is satisfied that these would satisfactorily mitigate against any harmful ecological impact, particularly having regard to the reduction from two to one unit.
- 11.14 The Authority's Ecologist highlights the requirement for appropriate assessment as the proposal would result in a net increase of one

dwelling with potential to impact upon the New Forest SPA and other New Forest designated sites. In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') a further Appropriate Assessment has been carried out in relation to this follow up application as to whether granting planning permission would adversely affect the integrity of the New Forest European site, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 11.15 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 a holding at Rockford would enable a secure commoning use by 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.

- 11.16 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 proposed scheme in its revised form will also result in the loss of an Ash tree and could result in a detrimental impact on a group of Ash trees and Holly trees growing along the southern boundary of the site. This is considered acceptable if a full landscaping plan is submitted which includes a hedgerow along the southern boundary and individual trees. 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.

- 11.17 Whilst concerns raised in relation to flood risk and drainage are noted, the site does not lie within a designated flood zone (as noted at the time of the previous application). 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 and the change from two dwellings down to

one along with an associated reduction in hardsurfacing would further reduce pressure on local drainage. This report concludes that the proposed development would increase the total impermeable area by 370m² (significantly less than the previous 755m² which would have resulted from the 2017 proposal). 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. Drainage and flooding did not form part of the reasoning behind the refusal of the previous planning application and the proposal is therefore not considered contrary to Policy DP4 of the New Forest National Park Core Strategy.

- 11.18 As noted at the time of the previous application 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 11 below.

Conclusion

- 11.19 This application provides for a new commoner's holding 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. The previous concerns raised in relation to lack of a demonstrated need for the development along with the impact upon the character of the area have been addressed by the submission of additional information relating to potential occupants along with the reduced scale of the proposal down to one unit. It is therefore recommended that planning permission should be granted.

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 dwelling and associated development hereby permitted shall be limited to persons solely or mainly working in the locality in commoning. Furthermore, the occupation of the dwelling 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 dwelling and shall at no time be severed from the holdings or sublet to another third party.

Reason: The dwelling and associated development is 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 dwelling, barn 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 buildings and to preserve the character and appearance of the Conservation Area in accordance with Policies DP1, CP8 and DP6 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 Policies CP8, CP2 and 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 dwelling remains of a size which is appropriate to its 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 No development shall take place until a Construction Environment Management Plan has been submitted and approved in writing by the National Park Authority. The Management Plan shall include the measures and recommendations within the Ecology Assessment (Arcadian Ecology Feb 2019) in respect of timing of works, ecological clerk of works, management of water on site, management of excavations and excavated material, location of materials storage, construction compound and contractor parking. Operations shall proceed and be maintained in accordance with the plan unless otherwise agreed in writing.

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 No development shall take place until a Biodiversity Conservation and Enhancement plan for the land contained within the blue line along with a final specification of the artificial biodiversity compensation measures (e.g. type/design) for the site has been submitted and approved in writing by the National Park Authority. This shall include the following details:

- details of desired nature conservation outcomes
- limits of acceptable environmental change, management measures proposed
- a monitoring framework to inform management and assess success of delivery, timetable for the implementation of the actions.

The plan shall cover the lifetime of the occupation and use of the land in question and include a five-year plan with annual actions which will be subject to renewal and review as required by the Authority after each five-year period.

Reason: To safeguard protected species and designated sites in accordance with Policies DP1, CP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 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:

- 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;
- 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.

The development shall be carried out in accordance with and subject to the approved proposals.

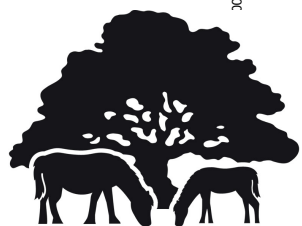
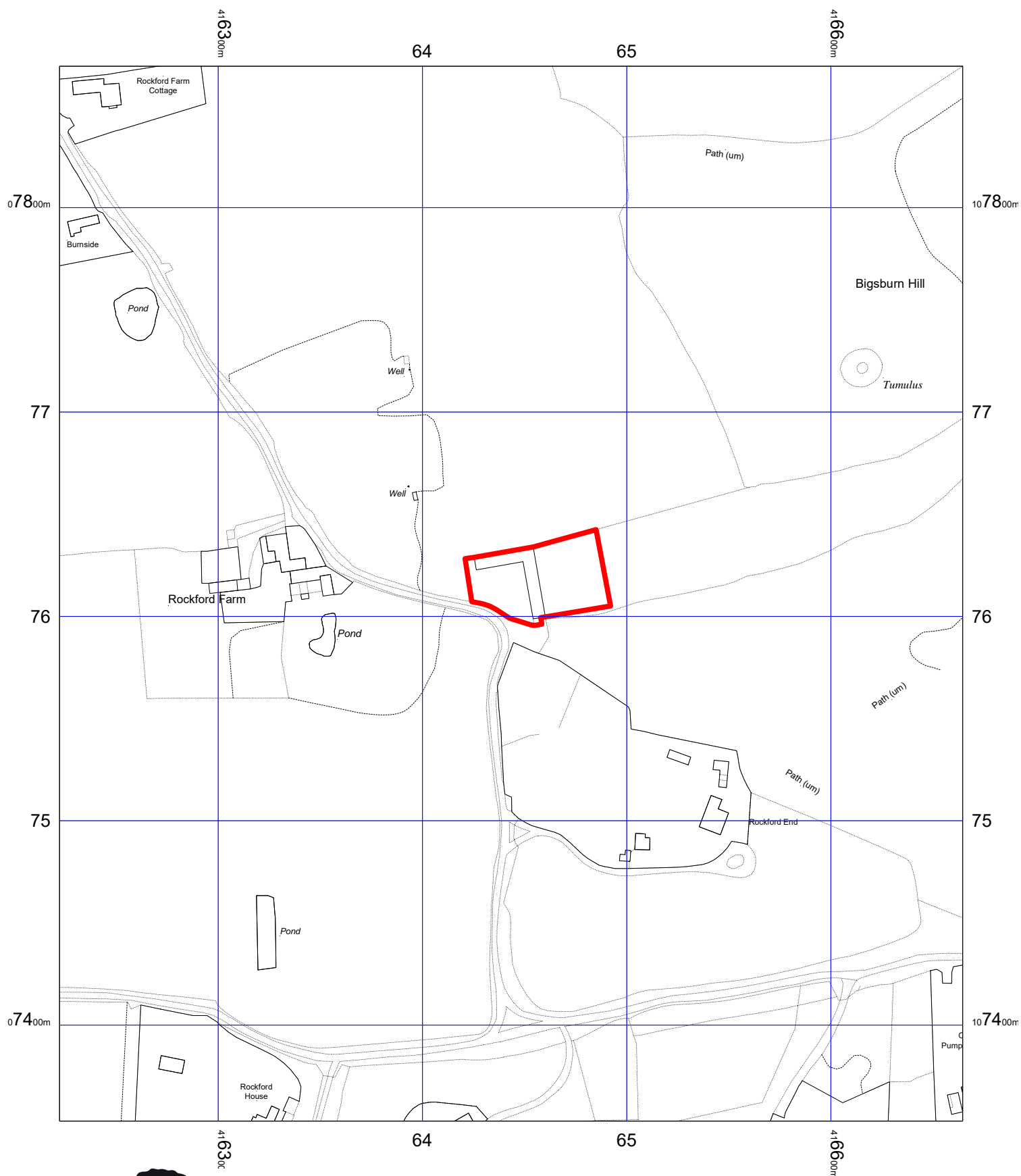
Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.

- 12 The stables and barn 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).

- 13 Development shall only be carried out in accordance with (list relevant plans). 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.



NEW FOREST
NATIONAL PARK

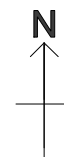
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