

**Application No: 18/00794/FULL Full Application**

**Site:** Broom Copse Farm, Ellingham Drove, Moyles Court, Rockford, Ringwood, BH24 3NF

**Proposal:** Agricultural dwelling; outbuilding; raised patio area; treatment plant

**Applicant:** Mr T Hordle

**Case Officer:** Clare Ings

**Parish:** ELLINGHAM HARBRIDGE AND IBSLEY

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to the advice of the Environment Agency

**2. DEVELOPMENT PLAN DESIGNATION**

Flood Zone

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP4 Flooding and the Coast  
DP1 General Development Principles  
DP6 Design Principles  
CP12 New Residential Development  
DP12 Outbuildings  
DP13 Agricultural, Forestry & Other Occupational Dwellings  
CP17 The Land Based Economy  
CP8 Local Distinctiveness

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 3 - Supporting a prosperous rural economy  
Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

## 7. PARISH COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council: Recommend Permission

- This local business is demonstrating its success and deserves support to help keep commoning and farming as an important focus of the parish
- The business plan and associated documents must be fully reviewed to ensure the viability of the business and reference to the governance of number of stock being turned out
- The property to be conditioned with a robust agricultural occupancy tie as stated in policy DP13
- Being mindful of the rural location, the applicant should be encouraged to take steps to mitigate all unnecessary light pollution with outside lighting to have Passive InfraRed sensors (PIRs) and all windows to have window coverings or integrated blinds
- No other ancillary buildings to be built on the site. The Parish Council would not look favourably on a future application for a separate office
- Screening to be planted on the eastern boundary

## 8. CONSULTEES

- 8.1 Tree Officer: No objection subject to conditions to protect retained trees on the site. The proposal is to be situated within a predominantly oak tree woodland with a laurel shrub understory. Two oak trees and one sycamore tree are marked for removal as part of the proposal which is considered acceptable.
- 8.2 Ecologist: No objection subject to conditions to secure an appropriate woodland management/landscape plan to ensure no net loss of biodiversity. The proposal is within a sensitive zone, being within 400m of the New Forest SPA and adjacent to the Avon Valley designated sites. The application is supported by a professional ecological survey which is appropriate in relation to its approach to protected species and provides detail of mitigation and compensation measures to be provided which are acceptable.
- 8.3 Archaeologist: No comments.
- 8.4 Highway Authority (HCC): No objection; there is no direct or indirect impact upon the operation or safety of the local highway network.:
- 8.5 Reading Agricultural Consultants: There is sufficient justification for a permanent agricultural worker's dwelling on the site.
- 8.6 Natural England: Further information is required to determine impacts on the designated sites and how the proposed development would avoid an increase in phosphate discharging into the River Avon Special Area of Conservation. An appropriate assessment should be undertaken. There is potential to provide

additional gains for biodiversity, such as through a woodland management plan.

- 8.7 Environment Agency: Object in principle to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the flood zone (3b functional floodplain). Confirm that the sequential and exception tests are matters for the Local Planning Authority to determine Should the Authority choose to grant permission the Agency should be reconsulted to provide conditions or advice (but the objection will still stand).

## 9. REPRESENTATIONS

- 9.1 81 representations in support of the application:

- Essential need for the applicant to live on site to sustain the farming activity
- Application supports local farming and traditional commoning practices
- Applicant is a valued member of the commoning community
- Need to support young farmers
- Site has never flooded
- Proposed dwelling of appropriate scale and good design; more in keeping than the current mobile home

- 9.2 Two representations making comments on the application:

- Concern with regard to number of grazing livestock (by applicant) on Rockford Common, and impact upon the SPA and protected species

- 9.3 Seven representations raising objections, including the Rockford Residents Group, on the following grounds:

- Intensification of agricultural activity on site
- Holding too small to accommodate intended livestock
- Area floods regularly; sequential and exception tests not met (alternative sites not covered adequately, proposal does not provide wider sustainability benefits)
- Concern with regard to noise, smell and dust
- Contamination of water courses
- Inappropriate development within a flood zone, contrary to NPPF and NPPG
- Inappropriate site for the proposed development; close to school
- Concern that the business plan put forward in support of the application would not be sustainable in the long term as a result of changes to policy and existing schemes
- Concern with regard to animal welfare

## **10. RELEVANT HISTORY**

- 10.1 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the siting, appearance and design of an agricultural building (14/00661) prior approval not required - 29 August 2014
- 10.2 Retention and continued use of mobile home for agricultural purposes for a temporary period of 5 years (13/98648) temporary permission granted on 5 September 2013
- 10.3 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the siting, design and external appearance of an agricultural barn (10/95901) approved on 17 January 2011

## **11. ASSESSMENT**

- 11.1 The application site forms part a working farm and covers an area of approximately 1.6 hectares of relatively flat land, located to the southern side of Ellingham Drove. The west and southern site boundaries form the boundary of the National Park; the southern site boundary is also adjacent to Dockens Water; this is approximately 40 metres to the south of an existing agricultural building. Beyond Dockens Water is Rockford Lake. The Western Escarpment Conservation Area and Moyles Court School are to the north and east of the site, beyond Ellingham Drove and an agricultural paddock respectively. The site is accessed off Ellingham Drove and the northern section of the site, which includes the access, is heavily wooded. There are two principal agricultural buildings within the southern part of the site whilst the existing mobile home is located in the centre of the site. The site lies within a designated flood zone which has the highest level of flood risk (zone 3b).
- 11.2 This application seeks planning permission for a permanent agricultural worker's dwelling to replace the existing temporary mobile home on the site. The application is supported by a detailed agricultural appraisal, an arboricultural report, a flood risk assessment (FRA) and an ecological impact assessment.
- 11.3 The proposed dwelling would have a floorspace of 120 sqm, to include a 20 sqm farm office within a single storey element upon the rear (south eastern) elevation. The proposed two storey dwelling would be sited within an existing clearing within the site and would be raised by approximately 1.1 metres above the existing ground level (to provide the necessary flood attenuation). Resultantly, the dwelling would measure approximately 8.5 metres in height above the existing ground level. To the rear would be an area of raised patio, with its edges clad in timber,

and steps down to ground level. The dwelling would be constructed using brick, with the single storey element clad in timber, and with a grey slate roof. The proposal includes a detached domestic outbuilding, sited to the south east of the proposed dwellinghouse, and on the approximate footprint of the existing mobile home. The outbuilding would be sited on the existing ground level, and measure approximately 5.2 metres in height.

11.4 The key issues for consideration in this case are:

- The agricultural need for the proposed dwelling;
- Impact on the landscape;
- Impact on flood risk; and
- Ecological and tree impacts.

#### Need for the Proposed Dwelling

11.5 Policy DP13 supports new agricultural dwellings in the National Park subject to a proven agricultural need to live on the application site, supported by evidence of financial soundness and the future sustainability of the enterprise. In this case, the accompanying agricultural appraisal sets out the history of the holding, the applicant's purchase of the application site in 2010 and details the level of investment made by the applicant in the site since that time which includes the erection of two steel framed barns (390 sqm and 32 sqm).

11.6 The applicant's holding extends to some 46.5 ha of which 1.6 ha is owned (the application site), the remainder being rented on a range of different licensing and tenancy agreements. The report details how the applicant has built up a herd of 40 cows with proposals to expand the herd to 60, providing 60 calves per year (with a high number of calves being kept at the application site). The agricultural appraisal has been independently evaluated by Reading Agricultural Consultants who conclude that the business is both profitable and sustainable, and that there is sufficient justification for a permanent agricultural worker's dwelling on the application site. The applicant's agricultural and commoning credentials are further supported by the many representations that have been received in support of the application.

11.7 For all these reasons, there is a justifiable need for a permanent agricultural dwelling on the site to attend to livestock.

#### 11.8 Impact on landscape

11.9 The proposed dwelling is designed as a traditional two storey property and would sit within the centre of the site, close to the two existing agricultural barns. The proposed dwelling would be well screened by the surrounding deciduous trees and whilst it would be slightly more visible in the landscape during the winter

months, it would relate well to the existing buildings on the site and for these reasons, there would be no adverse landscape impacts resulting from the proposal.

11.10 Impact on flood risk

11.11 The site lies within the Environment Agency's designated flood zone 3b which comprises the functional flood plain, with a small part located within flood zones 2 and 3a (with a medium and high probability of fluvial flooding). The accompanying FRA details how the property would be constructed using piled foundations to lift the house clear of the ground in order to create a compensatory void underneath the property to provide the necessary flood storage on the site. The property would also be built on the highest part of the site above ordnance datum. The FRA acknowledges the site's location within flood zone 3b and that it would normally "not be suitable for development of this kind". The FRA sets out the applicant's case for an exception to be made; that no other suitable properties are reasonably available and that the applicant's agricultural enterprise contributes to the wider sustainability of the New Forest landscape and its commoning and farming traditions.

11.12 The National Planning Policy Framework (NPPF) directs new residential development to areas with a low risk of flooding. Only where there are no reasonably available sites within flood zone 1 should sites in flood zone 2 be considered, with sites in flood zone 3a only being considered following application of the exception test. The National Planning Practice Guidance (NPPG) also sets out that new residential development, which is a more vulnerable use, is not compatible with a location within flood zone 3b. The Environment Agency are opposed to the application but confirm that it is for the local planning authority to decide whether the sequential and exception tests have been demonstrated satisfactorily.

11.13 In applying the sequential test "*defined by local circumstances relating to the catchment area for the type of development proposed*" officers are satisfied that no other land or dwellings are readily available to the applicant (with no prospect of that situation changing in the near future). It is clear that the applicant conducts his established farm business from the application site (complete with farm buildings) and has demonstrated a functional need to live on the site to support his farm business. On this basis, it is considered that it would be "*impractical to suggest that there are more suitable alternative locations for that development elsewhere*" in the locality and that the sequential test has been met (the italic quotes are taken from the NPPG)

11.14 Paragraph 160 of the NPPF advises that for the exception test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 11.15 Having regard to part (a) of the exception test, it is considered that the applicant's enterprise makes an important contribution to the wider sustainability of agriculture and commoning in the New Forest National Park, as evidenced by the high number and content of representations received in support of the application. With regard to part (b) the submitted FRA has demonstrated that the proposed development would be safe (with identifiable measures to safely evacuate the site and/or take refuge in the first floor of the house) and would not lead to increased flood risk elsewhere (through the use of flood attenuation features under the house).
- 11.16 On the issue of flood risk, it is therefore considered that an exceptional case can be supported in this instance notwithstanding the Environment Agency's objection. The Environment Agency have since been advised of the recommendation to approve this application and as requested by them, invited to provide conditions and/or further advice, which will be reported orally at the meeting.
- 11.17 Impact on Ecology and Trees
- 11.18 The site is located within 400 metres of the New Forest Special Protection Area (SPA) and River Avon Special Area of Conservation (SAC). The Authority's Ecologist confirms that the submitted ecological survey is broadly appropriate in relation to its approach although there was some concern that the report underplayed the establishment of a permanent dwelling in a woodland setting. In this regard, the views of the Authority's Tree Officer are relevant, who raises no objection to the proposal.
- 11.19 Natural England have requested further information on how the proposed development would avoid an increase in phosphate discharging into the River Avon SAC. More generally, 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 9 below. It is considered that the further information requested by Natural England can be adequately dealt with through the details required by condition 9.

11.20 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest European sites, 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 Authority's Mitigation Strategy or mitigation to at least an equivalent effect (i.e. the standard charge for habitat mitigation of £1,250 per new residential unit, payment of which is accepted within the applicant's accompany ecological report).

11.21 Conclusion

11.22 The applicant has demonstrated a functional need to live on the site (which cannot be met in any other way) in order to sustain and grow a financially sound agricultural enterprise. There are no adverse impacts on the landscape or the amenities of adjoining properties. The site's location within the flood zone and proximity to the New Forest SPA and SAC require particularly careful consideration and mitigation. However, it is the officer's view that the applicant has put forward a credible case that meets both the sequential and exception tests set out in the NPPF whilst the associated ecological impacts can be suitably mitigated by conditions. For these reasons, and subject to the further views of the Environment Agency, and any additional planning conditions that they might suggest, conditional approval is recommended.

## 12. RECOMMENDATION

Subject to the further views and advice of the Environment Agency, 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 shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.



Reason: The dwelling is only justified on the basis that it is necessary to provide accommodation for an agricultural worker in accordance with Policy DP13 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 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 Prior to the commencement of development ecological mitigation for the Solent and/or New Forest Special Protection Areas, Special Areas of Conservation and/or Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.

- 5 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).

- 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, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out 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 DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement by John Shutler Tree Services Arboricultural Report dated 10 October 2018.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 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 having regard to the site's location within the designated flood zone and in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 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; and
- 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.

10 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) a woodland management plan;
- d) areas for hard surfacing and the materials to be used;
- e) other means of enclosure; and
- f) a method and programme for its implementation and the means to provide for its future maintenance.

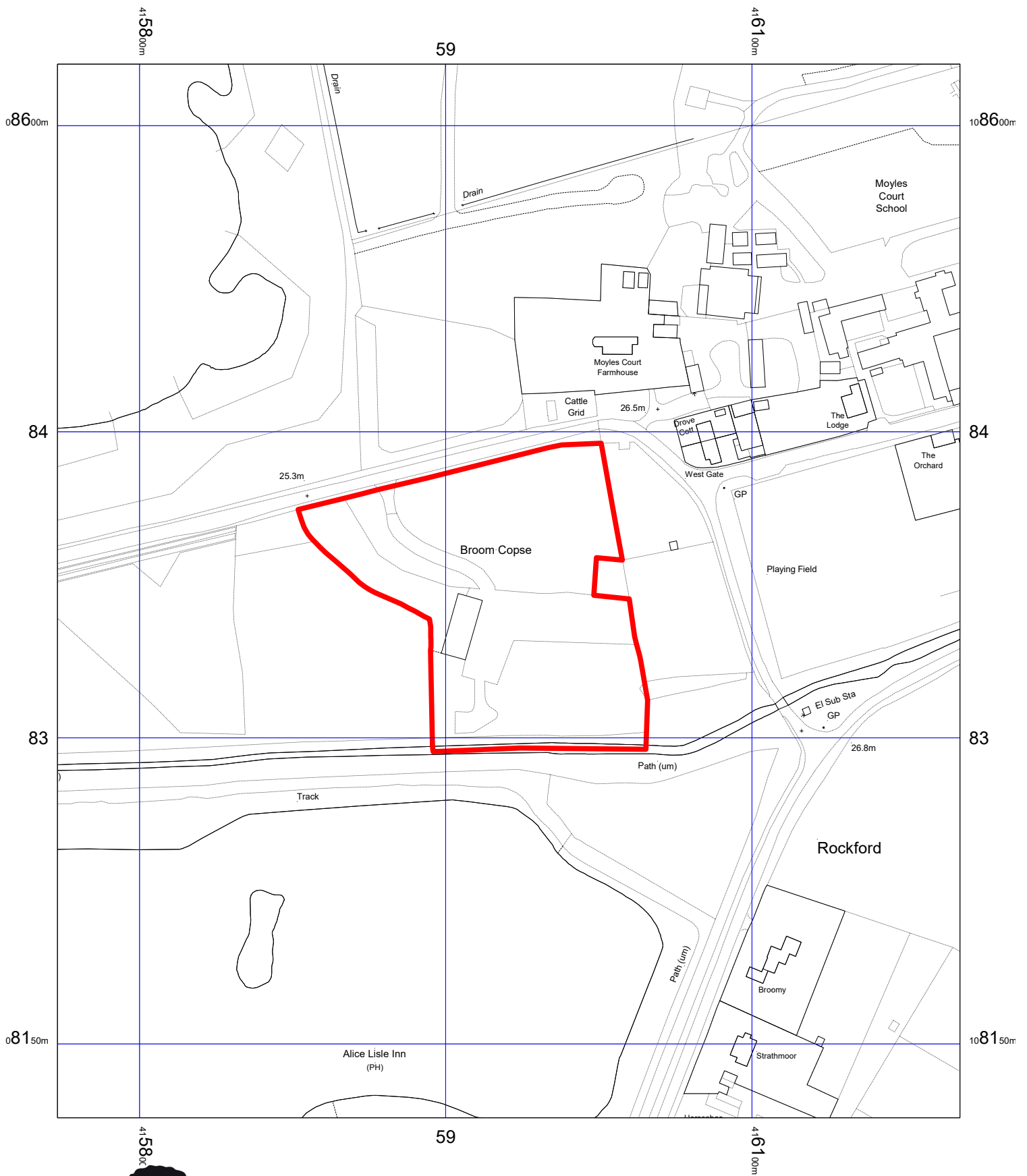
No development shall take place unless these details have been approved and then only in accordance with those details.

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).

11 The woodland management plan, and 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).



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

Tel: 01590 646600 Fax: 01590 646666

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