

**Application No:** 22/00175 Full Application

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

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

**Applicant:** The New Forest Trust

**Case Officer:** Carly Cochrane

**Parish:** Ellingham, Harbridge and Ibsley Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Commoners Dwelling

**2. POLICIES**

**Development Plan Designations**

Conservation Area

**Principal Development Plan Policies**

SP5 Nature conservation sites of international importance

SP6 The natural environment

SP7 Landscape character

SP15 Tranquillity

SP16 The historic and built environment

SP17 Local distinctiveness

SP19 New residential development in the National Park

SP21 The size of new dwellings

SP29 New Forest commoners' dwellings

DP2 General development principles

DP18 Design principles

DP50 Agricultural and forestry buildings

DP52 Field shelters and stables

**NPPF**

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

**3. MEMBER COMMENTS**

None received

#### **4. PARISH COUNCIL COMMENTS**

Ellingham, Harbridge and Ibsley Parish Council: Recommend permission but would accept the decision reached by the National Park Authority's Officers under their delegated powers.

Members wished the following comments and observations to be taken into consideration:

- A few minor discrepancies were noted between the materials' descriptions in different documents.
- While approving the periodic use of a road-sweeper on the access road during the construction phase, reinstatement of the verges when/where overrun would also be welcome.
- If photovoltaic (PV) electrical capacity is being considered, the use of PV tiling rather than over-roof panels would be preferred, to minimise the visual impact.
- The incorporation of a phosphate removal system into the waste water biodigester unit was welcomed.

#### **5. CONSULTEES.**

Building Design & Conservation Officer: Support subject to conditions

Ecologist: Initial objection raised in relation to the proposed drainage scheme initially submitted and noted that the ecology survey had not been updated in respect of protected species. Objection now overcome.

Landscape Officer: No objection.

Hampshire Highways: Further information requested in respect of visibility splays.

Natural England: Further information was required in respect of phosphorus nutrient loading, recreation mitigation and Appropriate Assessment.

Tree Officer: No objection

#### **6. REPRESENTATIONS**

Two letters of representation have been received: one raising an objection and one making comments on the application. The comments made are summarised as follows:

- Concern in relation to whether the land has common rights of pasture as required by the Review of the Commoner's Dwelling Scheme (October 2011), and concerns in respect of the ecological damage caused by the cattle and overgrazing.
- Not convinced of a demand for the development on the basis that the first permission was not implemented within the three year period, therefore considered an absence of demonstrable need for the development.

- Proposal represents an inappropriate form of residential and agricultural development within the open countryside contrary to policy, and would be an overdevelopment to the detriment of the character and appearance of the conservation area.
- Adverse impact upon Dark Night Skies.
- Loss of historic barns.

A letter of representation has also been received from Friends of the New Forest, who are in support of the application.

## **7. RELEVANT HISTORY**

1 No. new commoners dwelling; 1 No. new stable; 1 No. new barn; associated access, fencing and hardstanding; demolition of existing barns (19/00150) granted on 21 May 2019

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

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

## **8. ASSESSMENT**

### **Application Site**

8.1 The application site is located to the eastern side of Rockford Road and relates to a parcel of agricultural land which comprises a large, 'L' shaped dilapidated barn, with the access to the southern corner of the site adjacent to the barn. The site is within the Western Escarpment Conservation Area, and the barn has been identified within the Conservation Area Character Appraisal as a non-designated heritage asset. With the exception of the land immediately in front of the barn, 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, and the woodland falls within the New Forest Site of Special Scientific Interest. The land rises steeply to the east, away from the barn and towards the open forest. Agricultural land lies 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.

8.2 By way of background, planning permission was granted in 2019 (reference 19/00150) for a new commoner's dwelling, with stable, barn, access, fencing and hardstanding. The permission expired in May 2022 and was not implemented.

### **Proposed Development**

8.3 This application seeks to "renew" this earlier permission and the details within it replicate those which were submitted as part of the 2019 application. This application therefore seeks permission for the erection of a commoner's dwelling, with its curtilage enclosed by post and rail

chestnut fencing, with associated stables and barn located adjacent to the southern site boundary, access, stock fencing and hardstanding providing access to the dwelling from Rockford Road, and to the front of the stables and barn building. A new hedge is proposed to be planted to the front and rear of the site, and additional planting in the form of grassland and wildflowers is proposed either side of the access, behind the new hedge.

### **Consideration**

- 8.4 As this application is a resubmission, the considerations are as per the previous application, however, the principle of a commoner's dwelling with associated buildings in this location has been established.
- 8.5 As noted at the time of the previous applications, 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. Providing affordable housing for commoners has therefore long been recognised as essential for the future viability of the commoning system in the New Forest, and Policy SP29 of the Local Plan sets out that dwellings to meet the specific needs for New Forest commoners may be permitted outside an existing settlement, and these will be limited in their floorspace to a maximum of 100 square metres, as per the requirements of Policy SP21. The Policy specifically makes provision for proposals that provide rented accommodation to assist commoners on lower incomes where such accommodation is capable of management by an appropriate body such as the New Forest Trust (the applicant in this case). Proposals for rented accommodation must have common rights of pasture and include a minimum amount of grazing land as required under the Commoner's Dwelling Scheme (CDS). The appropriate body will also be required to sign a legal agreement to ensure the dwellings remain in use for commoning in perpetuity.
- 8.6 The aim of New Forest trust is to build up a stock of small holdings around the Forest which would be made available at a sustainable rent to, initially, young commoners giving them a secure base from which to develop their commoning and family activities. Their rental agreement would be conditional on their continuing the practice of commoning. In order to progress this aim, in 2015 the New Forest Trust have secured a 99-year lease from Hampshire County Council (the landowner) specifically for the furtherance of the practice of commoning.
- 8.7 The application is accompanied by statements of interest from five practicing commoners. Whilst these have not been updated since the previous application and therefore it is likely that some of the individuals no longer meet the definition of a 'young commoner', being a commoner up to the age of 40, it is reasonable to suggest that there would remain a realistic prospect of ensuring the development of one dwelling would serve need and demand.

- 8.8 The proposed dwelling would have a floorspace of 100sqm and would be of a simple design with a rectangular form to appear as a modest worker's cottage typical of the New Forest, constructed of brick with a natural slate roof, with the single storey element clad in horizontal timber. This complies with the floorspace limitation, and results in a simple and appropriate design, fitting to a dwelling seeking to facilitate the continuation of the commoning tradition. The proposed ancillary buildings would be clustered close to the proposed dwelling incorporating a relative traditional layout arranged around open yard areas. The proposed landscaping would aid in providing screening and once established, would soften the visual impact of the development.
- 8.9 As before, concern has been raised by local residents in relation to the loss of the non-designated heritage asset. Whilst the loss of the barns is regrettable, options to retain and convert the 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. Since the previous application, the buildings have not been put to any use and continue to fall into disrepair. Whilst this is not usually considered to be a material consideration in respect of heritage buildings, on the basis that permission has previously been granted, it would be unreasonable at this stage to oppose the loss of the buildings particularly as an alternative, appropriate form of redevelopment has been identified and secured. The first purpose of National Parks as set out in primary legislation is to 'conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest', and this scheme would contribute to the longevity of the commoning tradition and culture, which in turn shapes the landscape of the New Forest and provides many ecological benefits.
- 8.10 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 site, in view of its conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect on designated European sites without mitigation. The site lies within the catchment area of the River Avon. With regard to impacts on Water Quality Natural England has advised that development within the catchment of the River Avon should be 'phosphate neutral' to avoid impacts on the integrity of the River Avon's Natura 2000 designations. Excessive nutrients (principally phosphates) in the River Avon and are causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within the designated European nature conservation sites in the River Avon to which the Habitat Regulations apply.
- 8.11 The nutrient budget has been agreed with the Authority, and in order to achieve phosphate neutrality, the applicant has proposed the use of a package treatment plant (PTP) which would then drain into an on-site wetland area. Whilst details of the chosen package have been submitted, it remains necessary that a condition be attached to the permission, as before, to agree measures that would ensure nutrient neutrality as well as

the siting of the on-site wetland area. These measures will need to be in place prior to the occupation of the dwelling.

- 8.12 The Authority's Ecologist raised an objection to the proposal on the basis that it was originally proposed that the PTP drain offsite, and onto a Local Wildlife Site. As aforementioned, it is now proposed that the PTP drain into an on-site wetland area, and therefore this objection has been overcome. It was also noted that the findings of the ecology report are outdated in respect of the protected species survey. The building was assessed as having low bat roost potential, and no evidence in respect of bats was found on site. An informative can be attached to ensure the applicant is aware of his legal duties in respect of bats.
- 8.13 The site is located adjacent to the New Forest SPA. The Local Plan HRA recognised that some of the probable 400 windfall dwellings estimated to come forward over the Local Plan period were likely to be within the 400m zone of influence for urban edge effects on the New Forest SAC and SPA. The housing provision to be met by windfalls under the Local Plan equates to an average of 20 new dwellings per annum and the HRA recognised that individual windfall development proposals were therefore likely to be substantially smaller (as is the case in this application, one net new dwelling). Due to the expected small scale and wide distribution of individual windfall developments, the Local Plan HRA judged that these were not likely to give rise to significant urban edge effects on New Forest SAC or SPA, either individually or in combination with other windfall developments within 400m of the New Forest SAC and SPA.
- 8.14 It is noted that Hampshire Highways have requested further detail in respect of visibility splays. No response from HCC was received during the course of the previous application, and the response received from them as part of the 2017 application for two dwellings (which was refused by the Authority) in respect of visibility splays advised that the works should be undertaken in accordance with a license agreement, and no objection was raised. It is noted that it is also required that the access gates are set back at least 6 metres from the edge of the carriageway. This detail was not conditioned as part of the previous permission, and the gates are currently set back by a maximum of approximately 2.8 metres. Given the narrow width of the highway and to allow vehicles to pull in off the highway so as not to cause an obstruction, it is considered reasonable and necessary to attach a condition now which requires this set back.

### **Conclusion**

- 8.15 It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP8, DP18, DP50, DP52, SP5, SP6, SP7, SP14, SP15, SP16, SP17, SP19, SP21 and SP29 of the adopted Local Plan 2016-2036 (2019).

## **9. 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. Development shall only be carried out in accordance with drawing nos:

80553-01 Rev B, 5873-03-AC-002, 5873-03-WLA-001, 5873-03-WLA-003 Rev A, 5873-03-WLA-100, 5873-03-WLA-101, 5873-03-WLA-102, 5873-03-WLA-200, 5873-03-WLA-201, 5873-03-WLA-300 Rev A, 5873-03-WLA-301 Rev A.

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 DP2 and DP18 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

3. 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 SP29 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. 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 DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. 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 DP2, SP6 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. 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 DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. 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 SP21 and SP29 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

8. 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 DP2, SP15 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

9. 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 DP2 of the of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. 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 DP2, SP5 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

11. 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 DP2, SP5 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

12. 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.

13. 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 Policies DP50 and DP52 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

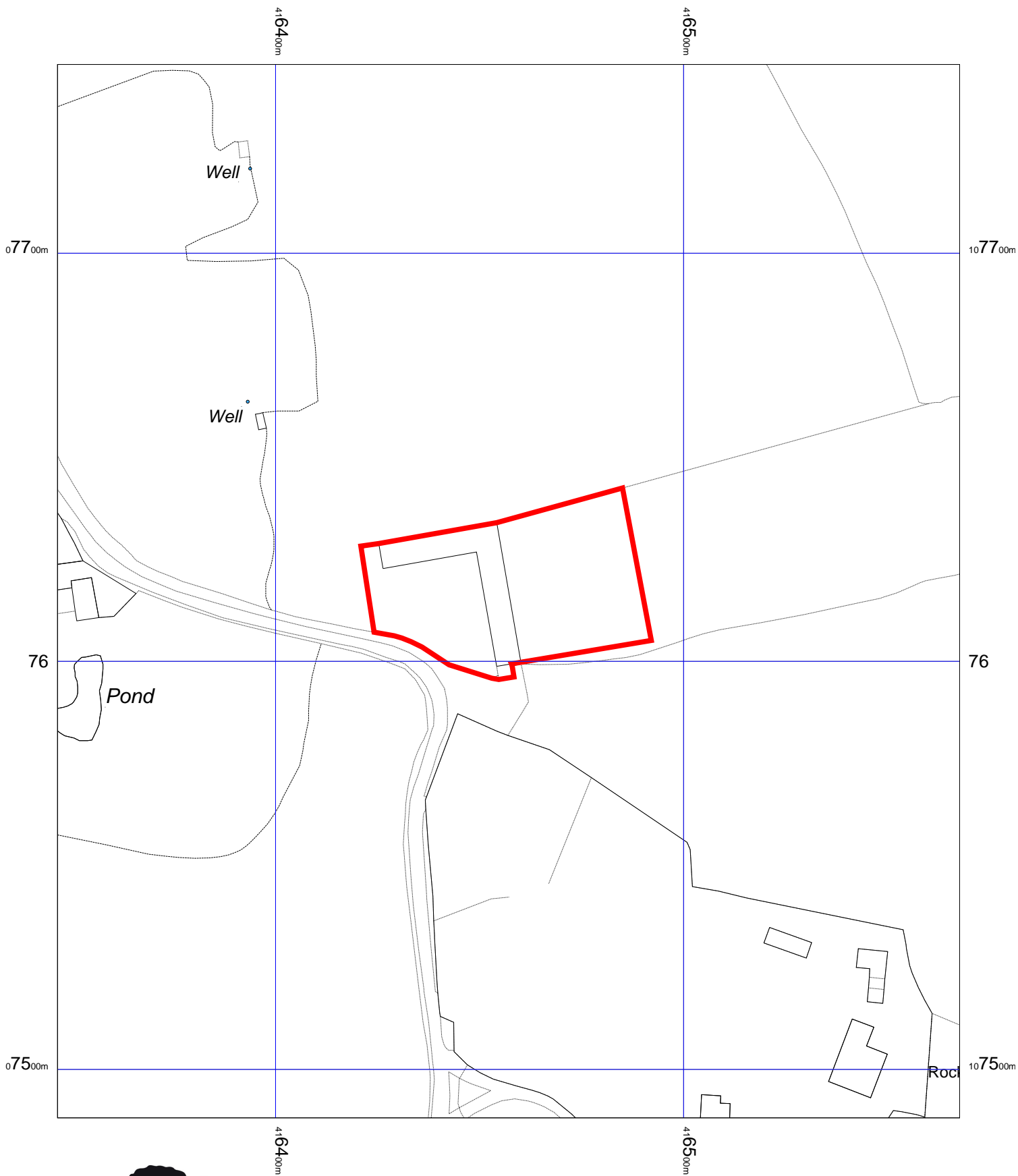
14. The vehicular access gates shall be set back at least six (6) metres from the edge of the carriageway, and shall remain as such in perpetuity.

Reason: In the interests of highway safety in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

**Informative(s):**

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England

contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0300 060 3900.



NEW FOREST  
NATIONAL PARK

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