

**Application Number:** 18/10237 Full Planning Permission

**Site:** DRUCES ACRES, SALISBURY ROAD, IBSLEY, ELLINGHAM,  
HARBRIDGE & IBSLEY BH24 3PP

**Development:** Birthing Shelter/Store (Retrospective)

**Applicant:** Mrs Hutchison

**Target Date:** 23/04/2018

**Extension Date:** 11/01/2019

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside (River Valley)

Flood Zone

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS6: Flood risk

CS10: The spatial strategy

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM22: Employment development in the countryside

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

## **6 RELEVANT PLANNING HISTORY**

- 6.1 17/11180 Siting of caravan for an agricultural worker - decision pending, item 3a on this agenda
- 6.2 17/10989 Field shelter - 13/11/17 Granted
- 6.3 16/11717 Field shelters (retrospective) - 17/05/17 Granted
- 6.4 3/11607 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted
- 6.5 13/10862 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 22/10/2013 Withdrawn
- 6.6 13/10670 Agricultural barn; (Agricultural Prior Notification Application) - 07/08/2013 Details not required to be approved

## **7 PARISH / TOWN COUNCIL COMMENTS**

ELLINGHAM, HARBRIDGE & IBSLEY PARISH COUNCIL: recommend refusal under option 4.

- The location plan is still not to scale and, whilst the dimensions are written in the block plan, there is significant emphasis being placed on the locations of the field shelter and the birthing shelter which could create the opportunity for the two permissions to be abused.
- The extant consent granted under planning permission 17/10989 must be nullified, or legally bound to prevent any future construction of another large structure on this land.
- The concrete base must be conditioned for removal should the structure be changed from a birthing shelter to another use. This should also apply should the business cease to exist.
- There is insufficient information contained within the application regarding the existence of adequate soakaway drainage and of how animal waste arising from the field shelter would be dealt with.
- No lighting plan is included with this application. A consented lighting plan is essential given the dark skies status of the location. Such lighting could be a material consideration, with Passive Infrared Sensors and task focussed as opposed to wide beam lights.
- This permanent structure has been sited within a still unproven agricultural enterprise.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Natural England: no objections
- 9.2 Southern Gas Networks: give informatives on proximity of site to their apparatus

## **10 REPRESENTATIONS RECEIVED**

Four representations have been received citing the following reasons for objection:

- The structure is visually intrusive
- Noise generated by use of the structure
- The footprint of the building is twice the size of the previous approval
- The previous application (17/10989) has not been withdrawn
- The structure has been built on a permanent concrete base
- There is still no evidence submitted which supports this as a viable business.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case following clarification over the siting of the structure in relation to an extant approval and working practices on the holding, the application was acceptable as amended and no specific further actions were required.

## **14 ASSESSMENT**

14.1 The site lies within the countryside outside the New Forest north of Blashford Lakes, adjoining Salisbury Road (A338) to the west. The site is currently used as a small scale agricultural enterprise, with some equestrian use evident. The application is made retrospectively for erection of an L-shaped structure located towards the eastern extent of the holding, opposite a larger barn on the site and in the vicinity of smaller field shelters. The building provides 5 no. loose boxes to be used as a birthing shelter and a storage area within a structure measuring 3.4m (width) x 17.7m (length) + 15.6m (length) x 2.7m (height). The building is constructed of timber cladding with a corrugated metal sheet roof. The structure is approximately 97 sq.m in area and has been erected instead of a building approved under reference 17/10989 of 45 sq. in area. The applicant has planted the site's front boundary with the A338 (required by ref. 16/11717), which in time will re-establish a frontage hedgerow and assist with screening the wider site from Salisbury Road.

- 14.2 The most relevant issue to take into consideration is the impact of the building upon the character and appearance of the countryside. The proposal is broadly compliant with Policy DM22 of the Local Plan, which seeks to support employment development in the countryside, provided it is of appropriate scale and in keeping with the rural character of the area. While the shelter is larger than the building approved on this site at 97 sq.m rather than 45 sq.m, it is well related to existing buildings, is still a building of relatively modest scale and is constructed of acceptable materials. The proposal relates to a relatively recently established rural enterprise and officers are satisfied that the building is reasonably necessary for the purposes of agricultural use and that its scale and siting does not detract from the appearance and openness of the countryside, particularly when the native hedgerow planting on the boundary of the site with Salisbury Road is established effectively. Consequently, the proposal is considered to be compliant with the provisions of Policies CS2, CS3 and DM22, which seek to protect the visual characteristics of the area.
- 14.3 The Parish Council and notified parties have raised concerns regarding the permanence of the building, non-withdrawal of the previous application, viability of the business and its impact upon local drainage conditions. With regard to its degree of permanence, other field shelter structures on the holding have no permanent footings. These are smaller structures aimed at providing livestock with field shelter, which are moveable and do not require permanent footings. The current proposal is for an altogether larger structure, which requires a degree of permanence and has been constructed with concrete footings. There is another larger building on the site opposite to the east, which is permanently sited and the Local Planning Authority cannot legitimately require the current proposal to be constructed without footings. Under the provisions of paragraph 14 of Circular 11/95 it would not be necessary or reasonable to impose a condition requiring removal of the concrete base should the structure be changed from a birthing shelter to another use or should the business cease to exist.
- 14.4 The previous application has been determined and cannot be withdrawn, however the siting of the existing structure overlaps the footprint of the previously approved structure, which means the applicant cannot implement the structure approved under ref. 17/10989. The applicant has submitted clearer and scaled plans (although a revised 1:500 Block plan has been requested), confirming the siting of these structures in relation to each other and officers are satisfied that the approval under ref. 17/10989 cannot be implemented in its approved form. Should a building be erected in the location of the previous approval, without the benefit of planning permission, this would need to be subject to an investigation by the Planning Authority.
- 14.5 While the issue of business viability is a matter for consideration in assessing the associated application for an agricultural worker's dwelling, it is not a matter for consideration of this application. However, from the level of investment in the site by the applicant in the form of agricultural buildings, fencing, planting, equipment and livestock, it appears that there could be a firm intention to develop the business here. National and local planning policies support this type of application without a requirement to prove the viability details about the business.

- 14.6 As far as drainage is concerned the development is situated sufficiently distant from neighbouring boundaries and properties not to constitute a problem insofar as surface water discharge from this relatively modest building is concerned. The applicant confirms that guttering is fitted to the eaves of the building and the downpipe discharges into a water tank which the applicant uses for watering plants and stock.
- 14.7 While a business use is being undertaken from the site, the alpacas and other livestock are generally extensively reared on the surrounding land. Animal waste arising from the birthing shelter would be at a relatively low level. The applicant explains that animal waste and soiled straw is removed from the building on a regular basis and stored in a heap until there is a trailer load to be removed from the site. The applicant has an arrangement with a local farmer who spreads the waste on his land as fertilizer in accordance with agricultural good practice.
- 14.8 No lighting plan is included within the application, where the Parish Council consider a regularised and consented lighting plan is essential given the dark skies status of the location. The applicant explains that four LCD lights have been installed inside the birthing shelter. There is minimal light spill and they are rarely used. There are no external PIR activated lights.
- 14.9 The site is not close to any residential properties, the nearest dwellings being 150m and 200m away to the south, close to Ibsley Drove, which are quite well screened from the site by mature oak trees and vegetation. Given the limited scale of the building proposed, the degree of separation, existing screening and its use for agricultural (birthing shelter and storage) purposes, the proposal would not have any significant impact upon adjoining residential amenity, in terms of loss of outlook, noise nuisance, disturbance or privacy.
- 14.10 Based on the assessment set out above, the proposal is recommended for approval.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

**Proposed Conditions:**

1. The development permitted shall be retained in accordance with the following approved plans: Amended 1:2500 Location Plan, Drawing number ZH-01-A, 1:100 West Elevation, 1:100 North Elevation and 1:100 Floor Plan

Reason: To ensure satisfactory provision of the development.

**Notes for inclusion on certificate:**

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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**Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
January 2019

Item No: 3b  
Druces Acres  
Salisbury Road  
Ibsley  
18/10237

Scale 1:3000

N.B. If printing this plan from  
the internet, it will not be to  
scale.

