

Application Number: 17/11180 Full Planning Permission

Site: DRUCES ACRES, SALISBURY ROAD, IBSLEY, ELLINGHAM, HARBRIDGE & IBLSEY BH24 3PP
Development: Siting of caravan for an agricultural worker (Retrospective)
Applicant: Mrs Hutchison
Target Date: 20/11/2017
Extension Date: 11/01/2019

UPDATE REPORT

1. This application was considered by the Planning Committee on the 9th January 2019. Delegated authority was requested from the Planning Committee to the Service Manager Planning Development Control to grant a temporary 3 year planning permission following the relocation of the mobile home to an amended position on or before the 30 April 2019. Due to adverse weather conditions, the applicant failed to comply with the Committee's resolution to move the caravan by the end of April 2019, although it was eventually relocated during the second week of May 2019. The failure to complete the re-location within the timescale means that the delegated powers that the Committee granted have fallen away and that the matter needs to be reported back to Committee for a decision. The original Committee report of 9th January is re-produced below. In reviewing the case it has become apparent that the situation has changed since the matter was last considered by the Planning Committee
2. When the Committee last considered the application the applicant had set up an agricultural business and through submission of documentation, had demonstrated that there was an intention and ability to develop the business and that there was a functional requirement for a permanent presence on site. The previous resolution was based on the stated and observed livestock numbers on the holding in January 2019, which were:
 - 25 alpacas - (17 females, 5 males and 3 cria),
 - 21 pigs - (7 sows, 2 boars, 2 young females, 2 young male weaners and 8 smaller weaners),
 - 68 poultry (40 laying hens, 13 Ducks, 3 Rhea and 12 Geese).
 - 2 dairy goats
 - 9 lambs
 - 18 horses and ponies
3. Since January 2019, the site has been visited by the Case Officer on several occasions in respect of moving the caravan and regarding installation of an appropriate sewage treatment plant, which received Building Regulation approval on 10th September 2019. During these visits, the applicant was advised that, in relation to any subsequent application for a permanent agricultural dwelling, the Council would need to see evidence that the business plan contained within the Reading Agricultural Consultants Appraisal, which supported the temporary application was being adhered to. In particular, the applicant was advised that horse numbers on the holding (twenty) must be reduced, to relieve pressure on the land. This was on the basis that the Council's Agricultural Advisor (Bruton Knowles) had advised that the number of horses on site at the time of their site visit was unsustainable in terms of managing a viable agricultural business on the land.

4. In the intervening months, further information has been submitted by notified parties, suggesting that agricultural activity has diminished on the holding and that horse numbers remain high on the site. It was apparent from further case officer visits to the site that horse numbers were still high and that alpaca numbers had reduced.
5. A site visit was undertaken on 14th February 2020, where the case officer was updated on operations and livestock numbers. In terms of livestock there were:-
 - 3 alpacas (two of them crias)
 - 18 pigs and piglets,
 - no poultry, goats or sheep.
 - 23 horses
6. Significantly there were still 23 horses on the site, some of which were occupying the birthing shelter approved under ref. 18/10237, which was intended for use by alpacas. The birthing shelter was considered by Committee on 9th January 2019 and approved on 11th January 2019 for a period of 3 years from this date. When queried over the significant reduction in the number of alpacas on the site, the applicant stated that they had been re-located to a site in Lytchett Matravers, Dorset where they are being housing under cover. It is understood that the applicant is in dispute with the owner of some 10 horses on the site, which dictates that they cannot be removed from the site. Notwithstanding this situation, it is clear that the site is predominantly being used for equestrian purposes and that alpacas and other livestock numbers have been significantly reduced.
7. The case for a temporary dwelling on the site was made on the basis that a permanent presence is required to care for up to 17 pregnant females throughout the year (increasing to 60+ at the end of three years), as alpacas are vulnerable when birthing and pin-pointing that the point of labour for these animals is difficult. In the absence of alpacas from the site and a now less than clear intention to develop the agricultural business, there is no longer an established need for a permanent presence on the site.
8. In light of the information and evidence before Officers following the initial resolution to approve, it no longer appears that the Druces Acres holding is being operated on the basis of a bonafide agricultural operation, for which there is a need for a permanent residential presence.

Conclusion

9. The applicant has set up an agricultural business. On the face of it, there was an intention to develop this business, based on the previous level of activity and the applicant's Business Plan and Appraisal, which were considered by Members at the Committee meeting of 9th January 2019. However following the resolution of Members to approve the proposal in January 2019 and in light of the discussion above, the applicant no longer appears to be following the submitted Business Plan, as livestock numbers have significantly dwindled on site, the majority of alpacas have been removed and horse numbers increased.
10. The application was previously justified on the basis that a permanent presence was required on the site to manage the particular needs of the alpacas.

- 11** Following the almost total removal of alpacas from the site and reduction of other livestock, your officers are no longer persuaded that a permanent residential presence is required here. In the absence of an agricultural need for a dwelling there is no justification for the siting of a mobile home in the countryside. Strong policies and guidance exists to ensure that development is located in sustainable locations, in the absence of an agricultural justification there is no justification for locating residential development in this unsustainable location. Furthermore in visual terms the siting of a mobile home is unacceptable in this sensitive countryside location. Consequently, the recommendation is now one of refusal, due to the failure to establish an essential need and the harm the caravan has on the appearance and character of the area.
- 12** If Members are minded to support the recommendation to refuse, enforcement action will be taken to secure removal of the caravan.
- 13** 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

14. REVISED RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The evidence before the Council has failed to demonstrate an essential need for a rural worker to live permanently at their place of work in the countryside. The development is therefore inappropriate residential development within the open countryside, contrary to Planning Policies DM20 and DM21 of the Sites and Development Management Development Plan Document, Planning, Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009), and the provisions of the National Planning Policy Framework (2019).
2. By reason of its temporary appearance, for which an essential need has not been demonstrated, the siting and design of the mobile home is visually incongruous and inappropriate in its setting to the detriment of this sensitive rural location lying within the countryside, contrary to Policies CS2, CS3 and CS10 of the Core Strategy New Forest District outside the National Park, Policies 2, 13 and 14 of the Emerging Local Plan Review (2016-2036) and Policy DM20 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

ORIGINAL REPORT TO JANUARY 2019 COMMITTEE

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Flood Zones 2 and 3

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Local Plan Part 1: Core Strategy (2009)

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS10: The spatial strategy
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document (2014)

DM3: Mitigation of impacts on European nature conservation sites
DM20: Residential development in the countryside
DM21: Agricultural or forestry workers dwellings
DM22: Employment development in the countryside

National Planning Policy Framework (NPPF)

Chapter 5 - Delivering a sufficient supply of homes
Chapter 6 - Building a strong, competitive economy

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

SPG - Residential Design Guide for Rural Areas
Advisory Note on the Implementation of Local Plan Policies CS21 & DM21
(March 2016)

6 RELEVANT PLANNING HISTORY

- 6.1 EN/17/0466 - Enforcement file opened in respect of the siting of a mobile home for residential purpose without planning permission - 20/10/17
- 6.2 18/10237 - Birthing Shelter/Store (Retrospective). - Item 3b on this Agenda
- 6.3 17/10989 - birthing shelter and store - Granted 13.11.17
- 6.4 16/11717 - 7 Field shelters (retrospective) - 17/05/17 Granted

- 6.5 13/11607 - Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 10/04/2014 Granted
- 6.6 13/10862 Water supply for agricultural livestock and enhance the biodiversity of the natural environment - 22/10/2013 Withdrawn
- 6.7 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. Please note as follows the extended commentary relating to this decision.

- It was proposed to recommend to refusal with the following comments:-
 - There are no up-to-date, accurate and scaled block plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site.
 - Policy DM20 stipulates that an agricultural workers' mobile home should not exceed 100m², where this structure vastly exceeds this.
 - There is no established business on this site. The business plan and associated consultant document indicates that there may be an established business in three years time, and accounts must be thoroughly analysed for the viability of this agricultural business.
 - NFDC Landscape Team are still not in support of this application, as the proposal fails to meet policy CS2 of the Local Plan.
 - HCC Highways have not been able to assess the impact on the highway system as they state there is insufficient information within the application.
 - The Parish Council note the correspondence between the applicant and the case officer and are dismayed to see the intent to build a permanent property on this site. The Parish Council also note the case officer is minded to consent this application and we would like to have the opportunity to discuss with him what conditions would be applied. As a minimum conditions should include:-
1. an agricultural tie for the mobile home to the applicant by name and to the specific business detailed within this application;
 2. the mobile home must be removed should the business fail to achieve the business viability targets set, at the end of the business plan period in three years time;
 3. screening to be erected on the southern and eastern sides in a style similar to the shelters already on site.
- Several very pertinent issues concerning this retrospective application have been raised by local residents in their commentaries to NFDC. Without restating them, the Parish Council would like NFDC to understand that the Council endorses them.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Bruton Knowles (Agricultural Consultant) - the Council's consultant considers that there is evidence of a firm intention to develop a rural enterprise mix at Druces Acres, with investment in the land, services, fixed equipment, buildings and structures, and stock and evidence and proactive marketing of enterprises by way of a website and farm gate sales. It is however unclear as to the intent in respect of the proposed enterprises going forward, given different stock on site at the time of the site visit to those reported in the RAC Appraisal. While there may be an intention by the applicant to develop the business, their ability to develop the enterprise concerned would be compromised by the level of stocking and over-use of grazing/pasture particularly by horses, which do not form part of the business plan.

A labour assessment is provided in the RAC Appraisal which indicates that by year 3 there will be a requirement for a full time worker in respect of the enterprises proposed in that appraisal. The enterprises referred to by the RAC Appraisal do have functional need requirements such as those associated with birthing and farrowing. Both the RAC Appraisal and the Willis & Co letter refer to appeals that have been allowed for proposals for temporary dwellings for alpaca enterprises. However, appeal decisions, involving proposals for temporary dwellings where alpaca enterprises have either been the sole or primary enterprise, have also been dismissed. In respect of the West Wight Alpacas decision, it is noted that the Inspector heard veterinary evidence and considered British Alpaca Society guidance and concluded that there was no demonstrable essential need for a rural worker to live on site all year round. In Alpaca Meadow, the Inspector considered evidence from an experienced commercial alpaca farmer and British Alpaca Society guidance and concluded that the business did not have an essential need for a worker to be present on site on a full time basis. On balance, the functional needs of the enterprise as proposed could be met by either a residential presence on site or near the site. However, as the nature of the proposed business activity is uncertain, they are unable to reach a conclusion in respect of functional need.

The RAC Appraisal sets out a three year budget in respect of the enterprises set out in that appraisal, using both standard budgeting data, together with some 'actual' figures. The budget indicates that the enterprise mix set out in the RAC Appraisal, should generate a level of profit to cover labour costs for one worker equivalent to the living wage, together with funds to finance the acquisition of a mobile home and for reinvestment in the business. This may suggest that the business as proposed within that appraisal has been planned on a sound financial basis, however having regard to the stock on site at the time of the site visit and other 'ventures' advertised on the Druces Acres website and mentioned by the Applicant at the site visit, it is not concluded that business has been planned on a sound financial basis, as it is unclear what the business activity will be going forward, and whether there are other costs and income that has not been accounted for in the proposed budget.

There are no dwellings on the unit, apart from the unauthorised mobile home. The RAC Appraisal did not provide evidence of their assessment of lack of suitable and available property, although the Willis and Co letter identified one property deemed unsuitable in terms of location and price. Available property will vary depending on the time of the search. Having regard to the enterprises as proposed in the RAC Appraisal, a search of available property to rent and buy using the Rightmove website within a mile radius of the postcode. There is one property available to rent and seven properties available to buy, however it is questioned whether they could be considered suitable for an agricultural worker. As the nature of the proposed business is uncertain, a review of available property should be undertaken once clarification has been obtained, as it may affect the area of search.

The Local Planning Authority must make an assessment of 'normal planning requirements'.

- 9.2 Landscape Team - This development is inappropriate, contrary to policy and is not supported by sufficient evidence, justifying the harm to landscape character or visual amenity. Simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and the proposal still fails to meet CS2 of the Local Plan. The applicants' agent says that a large amount of planting has been undertaken, obviously that has minimal impact to date, but it might be worth annotating on plan to demonstrate a commitment to providing a level of mitigation to overcome the landscape harm that this enterprise has created (provided it is appropriate - reflecting and enhancing local landscape character by way of species used, and arrangement of).
- 9.3 Hampshire County Council Highway Engineer - No objection and no conditions. Further information regarding access location, access visibility splays and refuse collection arrangements was received in an email dated 23 October 2018 from the agent, which stated that "*the applicant intends to continue to use the existing access onto the A338*"; "*There is a large concrete apron and excellent visibility splays in each direction*"; "*Domestic refuse will be brought to the concrete apron adjacent to the A338 for collection*". An amended layout plan (Plan No..ZH-01) has also been submitted showing the siting of caravan moved to the eastern end of the track approximately 180 metres away from the A338 Salisbury Road. This eliminates the risks of visibility at the access being blocked due to parking on/near the junction of site access with the A338. Having checked collision data recorded in the last five years on the section of the A338 fronting the site entrance. The result shows that no accident was recorded in the last 5 years. Having regard to the above and given that the level of traffic related to the proposed development is not significant and has already taken place, the proposal would not cause severe adverse impact upon the surrounding highways.
- 9.4 Natural England - no objection, noting that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified

adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

10 REPRESENTATIONS RECEIVED

10.1 Representations have been received from twelve separate parties, objecting to the proposal on the following grounds:

- There is no requirement for an agricultural worker to be sited on site 24/7
- This is a way of getting a permanent dwelling on the site in the countryside, which would set an undesirable precedent
- The siting and design of the mobile home is out of character with the area at the entrance to Druces Acres and will harm visual amenity.
- Any decision to use Ibsley Drove as a point of access to the land at Druces Acres should be open to public consultation
- This land should be used as grazing land as it is unsuited to commercial activities that has caused a significant change in the landscape
- The land is unsuitable in terms of size to accommodate the planned increase of the alpaca herd to 64, as well as pigs, poultry and horses. The planned growth of the business is unrealistic in relation to the land holding
- The majority of the land is taken up with horses and the rest is best described as hobby farming.
- The business plan submitted with the application is a mixture of proposals and assumptions for the future mixed in with the present day situation. Actual audited accounts from the last 4 years might give a clearer picture
- Concern is raised regarding access to the site, and in particular plans to encourage retail trade and commercial activity in light of the access onto a notoriously dangerous section of the A338
- There are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant. How many do we need?
- The siting of the mobile home will impact on the neighbouring properties by virtue of noise, visitors associated with the business, lighting and change of rural aesthetic

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

None

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case no pre-application advice was sought on the form of development proposed. Several site meetings and discussions have been held with the applicant and agent who are aware of the concerns raised by this application. Additional plans, details and information have been submitted for consideration during the course of the application's determination, which have justified the grant of planning permission for a temporary agricultural workers dwelling.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 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 farm, of approximately 6.9 hectares (17.05 acres) and is down to pasture, with some equestrian use evident. Buildings and structures on site include an agricultural storage barn, 7 field shelters and a range of other structures, including 7 pig arcs and timber poultry housing. A building of timber construction has recently been erected, comprising a range of 5 birthing stalls and storage. A separate planning application has been submitted in respect of it, also on this agenda. (Item 3b).

14.1.2 This application seeks consent for the siting of a caravan for an agricultural worker for a temporary period of three years. Following submission of the application, a caravan was sited close to the entrance to the smallholding and is in situ and occupied by the applicant and her children. This application proposes to locate the present unauthorised caravan to the rear of the site. The caravan is approximately 87 sq m in area comprising; entrance hall, open plan kitchen diner and living room,

four bedrooms, a shower room and a bathroom. It is understood that the property was purchased by the applicant and her parents in 2013 and is held in the Trust for her children and has been run first as a smallholding and subsequently as an agricultural business.

- 14.1.3 An agricultural appraisal was submitted by Reading Agricultural Consultants (RAC) in December 2017 seeking to outline the circumstances of the applicant and justify the proposal for the temporary siting of a caravan in this location. Following dialogue with the Local Planning Authority the applicant submitted amended plans revising the position of the caravan, in a less prominent location, closer to the eastern boundary of the site.

14.2 Policy Context

14.2.1 The Local Plan Part 1: Core Strategy (2009)

Policy CS21: Rural Economy of Local Plan Part 1, sets out strategy for the rural economy which includes allowing 'developments essential to support a rural workforce, including agricultural worker's dwellings and rural community facilities'.

14.2.2 The Local Plan Part 2: Sites and Development Management (2014)

Policy DM20: Residential development in the countryside, states that residential development in the countryside will only be permitted in certain circumstances including where it is an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21. Policy DM20 also states that development should be of 'an appropriate design, scale, and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.'

Policy DM21 states that new permanent dwellings will be allowed to support existing agricultural/forestry activities on well established agricultural or forestry enterprises where certain criteria are met, including a clearly established existing functional need; the need relating to a full-time worker; the unit and the agricultural activity having been established for at least three years, profitable for at least one of them, currently financially sound, and have a clear prospect of remaining so; and the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area. Where the need is established, Policy DM21 requires the dwelling to be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

In March 2016 the Council adopted an Advisory Note on the Implementation of Local Plan Policies CS21 & DM21, in respect of the assessment of proposals for temporary and permanent dwellings for agricultural and forestry workers. In respect of proposals for temporary dwellings it states:-

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need - essential care at short notice and emergencies
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

The National Planning Policy Framework (NPPF), provides guidance in respect of the rural economy and on isolated homes in the countryside and states:-

i) At paragraph 83 that:

‘Planning policies and decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses.....’

ii) ii) At paragraph 79 that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near to their place of work in the countryside .

Paragraph 111 of Circular 11/95 - Use of conditions in planning permission states that 'In certain circumstances it may be possible to grant temporary permission for the provision of a caravan or other temporary accommodation where there is some evidence to support the grant of planning permission for an application for an agricultural or forestry dwelling, but it is inconclusive, perhaps because there is doubt about the sustainability of the proposed enterprise. This allows time for such prospects to be clarified'.

14.3 The Case Advanced in Support of the Proposal by the applicant

14.3.1 The applicant's agricultural appraisal ('the Appraisal') states that the applicant established a business at Druces Acres after it was acquired in 2013. The land was acquired with the initial intention of developing a smallholding with alpacas, pigs and poultry on a 'hobby basis', however it is now the intention to develop a formal business from the site breeding and rearing alpacas (selling breeding stock and fibre), together with the breeding of rare breed sows for weaner and finished pig production and a mixed poultry enterprise producing eggs. The Appraisal goes on to specify how it is intended to grow the business in respect of livestock numbers and practices (with up to 64 alpacas) which, it is

suggested will require a permanent presence on site.

At the time of the Appraisal, stock numbers and proposed stock numbers stood at;

- Alpacas - 13 breeding females and 7 males (including 3 stud males registered with the British Alpaca society). It is proposed to establish a nucleus herd of approximately 20 females (total alpaca numbers estimated at 64 by year 3)
- Pigs – 8 sows (6 Gloucester Old Spots and 2 Tamworths), with 2 boars. Sows will be increased to 12 by year 3
- Poultry – a number of chickens, ducks and 4 Rhea. By year 3, it is the intention to have 150 free-range chickens for egg production, 20 ducks and 4 Rhea (with sales of eggs and chicks).

On 8th August 2018 an update on stock numbers (acknowledging the presence of horses for the first time) was summarised by the applicant's agricultural consultant as follows:

- Alpacas - 17 breeding females, 5 stud males, 3 cria (born 2018)
- Pigs - 7 sows and 2 boars. 2 young females retained as breeding sows, 2 young male weaners and 8 smaller weaners to be sold finished for slaughter prior to Christmas 2018. Two sows will farrow in the coming weeks, each expected to produce between 7-10 live young.
- Poultry - 40 laying hens, 13 Ducks, 3 Rhea, 12 Geese.
- Goats - 2 dairy goats, 1 kid, 1 male. All of these goats will be finished for slaughter in early 2019. To be clear, there are no plans to establish a milking enterprise.
- Sheep - 9 lambs, born Spring 2018, being raised for meat. They will be finished for slaughter before the end of 2018. This is a 'one-off' which may or may not be repeated in future years.
- Horses - 18 horses and ponies. Not a primary part of the enterprise. Some are for personal recreational use. 4 have been sold and will be going in the coming weeks. Historically, the horses and ponies summer grazed on rented land elsewhere. At the present time, there is too much land for the Alpacas, Pigs, Goats and sheep, so the horses are able to consume the surplus pasture on the land. As the agricultural business expands as set out in the submitted business plan, the number of horses and ponies will be reduced - they will either be sold, or grazed on rented land (and are not be part of the applicants business plan).
- In terms of the requirements of national planning guidance and Local Plan requirements, the applicant's appraisal concludes that:
 - (i) the applicant's previous employment history, and the fact that the enterprise has already been started, provides clear

- evidence of a firm intention and ability to develop the enterprise concerned;
- (ii) there is an essential need for a full-time worker to be available at the site at most times;
 - (iii) budgets indicate that the business will be profitable within three years and is evidence of having been planned on a sound financial basis;
 - (iv) the identified need cannot be fulfilled by another existing dwelling on the unit and no other existing accommodation in the area is suitable and available to meet the functional needs of the enterprise.

The appraisal is supported by a Business Plan and allowed appeal decisions for similar proposals to site temporary dwellings for agricultural workers dwellings. On this basis the Council is encouraged to approve the submitted planning

14.4 Case Officer's Assessment of Proposal

14.4.1 Following submission of the applicant's appraisal, the Council employed the services of its own agricultural consultant to verify that the case put forward by the applicant is legitimate. The Council appointed Bruton Knowles to assess the applicant's appraisal, who provided their own appraisal, which has been used to inform the case officer's recommendation in respect of criteria i) to v) of the Advisory Note on the Implementation of Local Plan Policies CS21 and DM21, as set out below:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned

The Council is asked to consider the viability of the proposed business as set out within the applicant's appraisal, which made no reference to horses being on the land. In August 2018 the applicant's agent confirmed that there were 18 horses on the site, but that these are part of a lifestyle activity and not part of the business plan. While it is agreed that a holding of 6.9 hectares could support the number of alpacas and other livestock listed, the Council's consultant questioned whether it is sustainable to keep 18 horses together with the other livestock listed on the holding for a sustained period. The rule of thumb for horse grazing is one animal per acre, where this holding is 17 acres. Consequently the Council's consultant was unable to conclude that criterion (i) has been met, as while there may be an intention by the applicant to develop the business, their ability to develop the enterprise concerned would be compromised by the level of stocking and over-use of grazing/pasture particularly by horses, which do not form part of the business plan. The applicant's agent has suggested that horse numbers will be reduced over time to take pressure of the land, in order to develop the business, either by selling them or finding alternative grazing, which will take pressure off the land.

The Council's consultant considered that there is evidence of a firm intention to develop a rural enterprise mix at Druces Acres, with investment in the land, services, fixed equipment, buildings and structures, and stock and evidence and proactive marketing of

enterprises by way of a website and farm gate sales. While there has clearly been some significant investment on the site, which is an indicator of intention, it is less clear that there is evidence of an ability to develop the enterprise concerned, due to the overstocking issue. However, the Council accepts that the situation can be resolved by lowering horse numbers on the site, which could be achieved relatively quickly. Where there is a lack of clarity paragraph 111 of Circular 11/95 advises that 'in certain circumstances it may be possible to grant temporary permission for the provision of a caravan or other temporary accommodation where there is some evidence to support the grant of planning permission for an application for an agricultural or forestry dwelling, but it is inconclusive, perhaps because there is doubt about the sustainability of the proposed enterprise. This allows time for such prospects to be clarified'. In this instance officer's consider there is clear evidence of a firm intention to develop the business and this is supported by recent site visits, where livestock numbers (particularly pigs) have noticeably increased since the figures submitted in August 2018. It is noted that the applicant has a good knowledge of animal husbandry and that there is a regular presence on the site. While there is less clarity over the ability to develop the enterprise concerned, given the overstocking issue, this could be addressed by removing some or all of the horses and officers do not consider that a reason for refusal could be substantiated on the basis of criterion (i), given the advice offered by Circular 11/95. The Council will, however, need to observe a clear reduction in the number of horses on the site in future, in order for the applicant to demonstrate a clear intent and ability to develop the enterprise, with the projected numbers of commercial livestock.

(ii) functional need

The enterprises referred to by the applicant's Appraisal do have functional need requirements particularly those associated with birthing and farrowing. The applicant's case for a temporary dwelling is made on the premise that a permanent presence is required on site for the purposes of animal husbandry. More specifically the case is made to justify the proposal on the basis that a presence is required, currently to care for up to 17 pregnant females (increasing to 60+ at the end of three years) who have a gestation period of over 300 days. Alpacas are particularly vulnerable when birthing and pin-pointing the point of labour for these animals is difficult. Appeals have been dismissed and allowed for dwellings associated with alpaca related businesses, as referred to by both RAC and Bruton Knowles. The outcome of the appeals referenced shows that evidence has been accepted to both support and counter the notion that a permanent presence is required on site in order to manage alpacas. However, the evidence provided is stacked much more heavily in favour of the applicant, where twenty eight appeal decisions are referred to for alpaca businesses of a similar size and model to the current proposal, where a functional need for a permanent presence has been demonstrated. It is reflected in these appeal decisions that alpacas are high value livestock and that their mating and birthing are neither seasonal nor predictable, which requires an on site presence. While the Council's consultant has referred to two appeal decisions where a functional requirement has been dismissed by Inspectors, the applicant's agent has pointed out that one of these decisions was subsequently approved by the Local Authority in question.

The applicant's Appraisal also refers to site security and the applicant

has advised of incidents of equipment thefts and gates being left open to the road where livestock were present. While some weight may be applied to this, security is not a primary consideration when assessing need.

On balance, and in light of the evidence provided, officers conclude that there is a functional need for a permanent presence on the site.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis

The Appraisal sets out a three year budget in respect of the enterprises using standard budgeting data together with some 'actual' figures. The budget indicates that the enterprise mix set out in the applicant's appraisal should generate a level of profit to cover labour costs for one worker equivalent to the living wage, together with funds to finance the acquisition of a mobile home and for reinvestment in the business. The Council's consultant concludes that the supplied figures may suggest that the business has been planned on a sound financial basis. Having regard to the stock on site at the time of the site visit and other 'ventures' advertised on the Druces Acres website and mentioned by the applicant at the site visit, the Council's consultant was unable to conclude that business has been planned on a sound financial basis. While the Council's consultant raised reservations over the financial planning of the business, those reservations were primarily founded on the overstocking of the site (by horses) and the ability of the physical holding to support the specified livestock projections in addition to the number of horses evident on site. It is considered therefore, that subject to reducing horse numbers on site, the financial planning of the business is sound.

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

The site is located in the countryside some 2.5 miles away from Fordingbridge to the north and 3 miles from Ringwood to the south, which are considered too distant to fulfil the functional need. Having regard to the enterprises as proposed, the Council's consultant conducted their own search of available property to rent and buy within a mile radius of the postcode, using the Rightmove website. There was one property available to rent and seven properties available to buy, but these were not considered suitable for an agricultural worker. While there is some sporadic residential development in the locality and available property will vary depending on the time of the search, officers accept that there are few existing properties available locally to rent or buy to fulfill the functional need for a permanent presence on or near the site.

(v) other normal planning requirements, e.g. on siting and access, are satisfied.

14.2 Landscape and Character Impacts

14.2.1 Paragraph 79 of the NPPF makes it clear that local planning authorities should avoid new isolated homes in the countryside. Policies CS2 and CS3 of the Core Strategy relate to Design Quality and Protecting our Special Environment. Policy DM21 of the Local Plan Part 2 states that

where the need is established, the dwelling should be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings.

- 14.2.2 The mobile home is currently sited on the western boundary of the site, directly adjacent to Salisbury Road, where it is highly visible due to the lack of any other structures or meaningful landscaping or vegetation, making the caravan highly obtrusive in its setting. In light of the guidance offered by Policy DM21, where it is concluded that a functional need for a temporary dwelling has been established (which is concluded above), officers requested the siting of the mobile home to be revised so it was better related to other buildings on the site. The applicant was first requested to consider re-siting the mobile home in a less obtrusive location, closer to existing structures on the site on 7th August 2018, but declined due to a desire to control movements into the site at the gate in the interests of security, bio-security and accessibility to services. The applicant has only recently (19th October 2018) offered to amend its siting.
- 14.2.3 The revised site is close to the eastern boundary of the site where it is close to the main barn and birthing shelter and also benefits from its proximity to mature trees and hedgerows, which assist with screening to the east and south east. The applicant has also planted hedgerow whips on the eastern and southern boundaries of the site close to the revised siting position. While the recent planting will take time to establish, in time it will mature and bolster screen planting of the site. The new planting, in conjunction with the mature trees, hedgerow and proximity of the mobile home to existing structures mean that the revised siting of the mobile home would be less visually intrusive than its current location.
- 14.2.4 The Council's Landscape Team consider that simply relocating an inappropriate structure further away from the road does not overcome the objections raised, and that the proposal still fails to meet CS2 of the Local Plan. The applicant's agent points to the recent planting undertaken, which will eventually assist with screening. The planting has minimal impact to date although the Landscape Team have requested a landscape plan to demonstrate a commitment to providing a level of mitigation to landscape harm. The applicant has been requested to provide a landscape plan to demonstrate what planting exists, has recently been carried out and what may be proposed to assist with landscape mitigation. The outcome of this request will be reported to Members.
- 14.2.5 Notwithstanding the comments of the Landscape Team, the revised siting of the mobile home itself is considered better related to existing structures and natural screening on the site boundaries, away from the prominent Salisbury Road frontage. While the materials, colour and temporary nature of the mobile home give it a somewhat incongruous appearance, planning permission is sought only on a temporary basis to cover the trial period. The proposal complies with the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21 being for a temporary dwelling, essential to support a new farming activity, where it should normally, for the first three years, be provided by a caravan, a wooden structure or other temporary accommodation, which can be easily dismantled or removed from the site. By way of mitigation the applicant has implemented boundary planting and has agreed to the erection of screening on the southern and eastern sides in a style similar

to the shelters already on site. A landscape condition is recommended to ensure details of such screening on appropriate boundaries are submitted to the Council for approval.

14.2.6 On balance officers consider that the proposal for the siting of a mobile home in the location proposed would be acceptable for a period of three years until the conclusion of the trial period. However, in light of the unauthorised siting of the mobile home at the site entrance, officers consider it prudent to withhold planning permission until such time that the structure has been moved to the revised location. It is considered that a timeframe until the end of March 2019 would be a reasonable to achieve this aim. Consequently it is recommended that permission only be granted following the relocation of the mobile home structure to its revised position on or before 29th March 2019. Permission would also be subject to the usual conditions regarding temporary rural worker's dwellings. With regard to the Parish Council's request for an agricultural tie for the mobile home, a condition is recommended in relation to this. However national planning policy guidance does not normally support more restrictive occupancy/personal conditions unless there is a special justification. A condition is also proposed requiring removal of the mobile home at the end of the three year business plan period.

14.3 Highway Impacts

Concern has been raised by the Parish Council, notified parties and initially the County Highway Authority that insufficient information had been submitted in relation to changes to the existing access onto the local highway network. The applicant submitted further information and an amended plan showing the siting of the caravan moved to the eastern end of the track approximately 180 metres away from the A338 Salisbury Road. The Highway Authority has reviewed the additional information and consider this eliminates the risks of visibility at the access being blocked due to parking on/near the site access with the A338. Collision data recorded on the section of the A338 fronting the site entrance shows that no accidents have been recorded in the last 5 years. Having regard to the above and given that the level of traffic related to the proposed development is not significant and has already taken place, the proposal would not cause severe adverse impact upon the surrounding highways. The Highway Authority raises no objection and no conditions.

14.4 Residential Amenity Impacts

The nearest dwellings to the revised position of the mobile home are 130m and 160m away to the south, close to Ibsley Drove, which are well screened from the site by mature oak trees and vegetation. The revised siting of the mobile home is sufficiently distant from adjoining occupiers such that the proposal will not give rise to any adverse impacts upon adjoining residential amenity in terms of noise generation, overlooking or light loss. Given the limited scale of the mobile home, degree of separation and existing and proposed screening, the proposal would not have any significant impact upon adjoining residential amenity, in terms of overbearing or adverse visual impact.

14.5 Phosphate Control in the River Avon

The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon

Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. The grant of planning permission would be subject to a condition requiring the applicant to either to mitigate the negative impact of the development in accordance with the Council's Phosphorous Mitigation Strategy or, in advance of the publication of the Strategy, provide on-site foul drainage infrastructure capable of achieving an equivalent reduction in phosphorous in accordance with details approved by the Council.

14.6 Appropriate Assessment and Habitat Mitigation

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 and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that housing 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. However, considering the application is made on a temporary basis, for a period of three years, it is not considered to be reasonable or necessary to require the applicant to secure appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. This would be a matter for consideration in respect of a permanent form of residential development.

14.7 Other Matters

14.7.1 With regard to comments that there are smallholdings/rural businesses in the immediate vicinity, already established around existing permanent dwellings that provide business and employment of the nature contemplated by the applicant and that further such businesses are not required. The application is not for a business, it is for a dwelling, albeit justified by a business plan. However, the Planning Authority could not resist a proposal on grounds of increased competition or proliferation of agricultural business activity.

14.7.2 Regarding the comment that the mobile home is greater in area than the 100 sq.m referred to by Policy DM20, the mobile home in situ is 14.1m x 6.17m, which has a footprint of 87 sq.m. These dimensions are adequate in respect of accommodating temporary rural workers and their dependants and the size of the mobile home complies with the floor space provisions of Policy DM20.

14.7.3 The applicant does not hide their intent to eventually build a permanent property on this site. A temporary rural worker's dwelling is the first step to a permanent rural worker's dwelling. The procedure undertaken thus

far accords with national and local planning policies. Following any approval for a temporary dwelling and on the basis of a business plan for a trial period, normally of three years, an application for a permanent dwelling would need to be considered on its own merits, under a new application.

14.7.4 With regard to comments over the accuracy of plans showing the relationship between the proposed new location for the mobile home along with the other buildings on site. The submitted block plan is to scale (checked by the case officer on site) and is sufficient to determine this application. The mobile home is not close to the Oak trees, being well removed from their canopies, and would have no adverse effect on their root protection areas.

14.7.5 The proposal does not include any proposals to use Ibsley Drove as a point of access to the land at Druces Acres.

14.8 Conclusion

14.8.1 The applicant has set up an agricultural business. On the face of it, there is an intention and ability to develop this business, a functional requirement for a permanent presence, an adequate business plan and a lack of alternative accommodation locally. While there are some reservations over the appearance of the mobile home in the landscape, the unit is of a form and type that may be considered acceptable for a temporary agricultural worker's dwelling, in accordance with the guidance offered by the Advisory Note on the Implementation of Local Plan Policies CS21 & DM21.

14.8.2 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

15.1 That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** only following the relocation of the mobile home structure to its revised position on or before 29th March 2019 and subject to the imposition of the conditions set out below;

Proposed Conditions:

1. The mobile home shall be removed from the site on or before the expiry of three years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: This permission is given on a temporary basis in order to provide accommodation for an agricultural worker during the trial period

2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, Caravan Floor Plan, Statement of Support, Explanation to support Floor Plan, Business Plan, Covering letter from Willis and Co. dated 08/12/17 and Appraisal by Reading Agricultural Consultants dated December 2017.

Reason: To ensure satisfactory provision of the development.

3. 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 DM21 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. Within two months of the date of this permission a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include details of the means of screen enclosure around the mobile home. Thereafter no development shall take place unless these details have been approved and then only in accordance with those details. The approved details shall be implemented in their entirety in the first planting season following the siting of the mobile home and thereafter retained and maintained.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development shall not be commenced 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 local planning authority. Such proposals must:

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

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) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

6. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The evidence before the Council has failed to demonstrate an essential need for a rural worker to live permanently at their place of work in the countryside. The development is therefore inappropriate residential development within the open countryside, contrary to Planning Policies DM20 and DM21 of the Sites and Development Management Development Plan Document, Planning, Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009), and the provisions of the National Planning Policy Framework (2019).
2. By reason of its temporary appearance, for which an essential need has not been demonstrated, the siting and design of the mobile home is visually incongruous and inappropriate in its setting to the detriment of this sensitive rural location lying within the countryside, contrary to Policies CS2, CS3 and CS10 of the Core Strategy New Forest District outside the National Park, Policies 2, 13 and 14 of the Emerging Local Plan Review (2016-2036) and Policy DM20 of the Local Plan Part 2 Sites and Development Management Development Plan Document.

Further Information:

Jim Bennett

Telephone: 023 8028 5345 (Option1)

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Further Information:

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PLANNING COMMITTEE

March 2020

Item No: 2f

DRUCES ACRES, SALSBURY ROAD, IB
ELLINGHAM, HARBRIDGE & IBLSEY
BH24 3PP
17/11180

Scale 1:1250

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

