

Application Number: 22/10127 Full Planning Permission

Site: COURT FARM, RINGWOOD ROAD, AVON, SOPLEY BH23 7BG
(PROPOSED LEGAL AGREEMENT)

Development: Redevelopment of farm buildings to provide new Class 'E' units ;
parking; landscaping ; demolition of existing buildings

Applicant: Avon Tyrrell Estate

Agent: Bob Hull Planning

Target Date: 30/03/2022

Case Officer: Warren Simmonds

Extension Date: 12/08/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

The matter is subject to a PAR 3 recommendation from Sopley parish council - consequently, as officers are recommending the refusal of the application, the application is brought before Members of the Planning Committee.

2 SITE DESCRIPTION

The site lies within the countryside and Green Belt and can be accessed from both Ringwood Road and Court Lane. Across Ringwood Road to the south west lie the SSSI, SPA and RAMSAR.

The site forms part of the Avon Tyrell Estate which extends to approximately 1250 acres including dairy cattle, calf rearing, arable farming, outdoor pig rearing and woodland management.

The site is currently in mixed use for agricultural purposes associated with the Estate's functions, as well as office and other commercial uses associated with permissions granted since 2000.

3 PROPOSED DEVELOPMENT

It is proposed to demolish two open fronted agricultural buildings on the site of approximately 910 sq.m in area, to be replaced with two buildings over approximately the same footprints of 874 sq.m for Class E business use.

Proposed Building A is of elongated form (67m in length), partially on two levels, of portal frame construction with profile sheet cladding externally. The second (Building B) would be 40m in length and of more traditional form, with clay tile roof and more limited fenestration/openings.

A yard area currently used for open storage would be remodelled to facilitate car parking for the use proposed. The development would be accessed via Court Lane, which would be improved to facilitate the type of development proposed. The proposed buildings would be located to the north east of existing farm and commercial buildings situated around Court Farm, but on an area of the site which is quite elevated in comparison to its immediate environs, including Court Lane.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
03/78211 Conversion of livestock shed to office and stores (remove steel frame structure)	11/07/2003	Granted Subject to Conditions	Decided
03/78212 Extension of existing grain store to form livestock shed	11/07/2003	Granted Subject to Conditions	Decided
03/78213 Erect new livestock shed and construction of new access road	11/07/2003	Granted Subject to Conditions	Decided
03/78214 Machinery / grain store (demolish existing grain silos and shed)	11/07/2003	Granted Subject to Conditions	Decided
00/70755 Conversion of agricultural buildings to B1 offices	13/08/2001	Granted Subject to Conditions	Decided
93/NFDC/53624 Extension to existing agricultural building	07/02/1994	Granted Subject to Conditions	Decided
XX/RFR/16828 Extension to Dutch Barn.	30/01/1974	Granted Subject to Conditions	Decided
XX/RFR/16818 Agricultural buildings.	19/12/1973	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2 The South West Hampshire Green Belt
Policy ENV3 - Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy STR6: Sustainable economic growth
Policy ECON1: Employment land and development
Policy CCC2: Safe and sustainable travel
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

Policy DM2 - Nature conservation, biodiversity and geodiversity (Saved Policy)
Policy DM22: Employment development in the countryside (Saved Policy)

Core Strategy

Policy CS21 - Rural economy (Saved Policy)

Supplementary Planning Guidance

SPD - Parking Standards
SPD - Air Quality Assessments in New Development

Relevant Advice

NPPF Chapter 2 - Achieving sustainable development
NPPF Chapter 6 - Building a strong, competitive economy
NPPF Chapter 12 - Achieving well designed places
NPPF Chapter 13 - Protecting Green Belt land

Constraints

Avon Catchment Area
Plan Area

Plan Policy Designations

Green Belt
Countryside

6 PARISH COUNCIL COMMENTS

Sopley Parish Council - PAR 3 Approval: The Parish Council supports the redevelopment of these farm buildings. The proposed siting will have no impact on surrounding residential property and provides employment and sustainable economic growth. The design of the buildings will be an improvement on the existing character and appearance of the area. Appropriate measures are in place to improve highway safety and access.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Ecologist - no objections, subject to the measures set out in Sections 44-49 of the Preliminary Ecological Assessment and Biodiversity Net Gain Report prepared by Emma Pollard (dated December 2021) being secured.

HCC Highways - No objections subject to a s.106 to secure a contribution towards highway improvements, a construction management condition, visibility splay condition and informative.

9 REPRESENTATIONS RECEIVED

None

10 PLANNING ASSESSMENT

Principle of Development

The principle issues to consider, having regard to the fact that the site is within the South Hampshire Green Belt, relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follow:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

i) Is the development appropriate in the Green Belt by definition?

The NPPF (paragraphs 147 to 150) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

The NPPF further advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF also sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

While the site was initially developed for agricultural purposes, the NPPF's definition of previously developed land excludes land that was previously occupied by agricultural or forestry buildings. The existing buildings on site, subject to this application, are in agricultural use.

The proposed development would not satisfy criterion (d) of the Green Belt exceptions as the use of the replacement buildings would not be the same as the existing use (i.e. agriculture).

Consequently a proposal for replacement of those buildings for B1 (now Class E (commercial) use) would be considered as inappropriate development within the Green Belt, requiring the demonstration of 'very special circumstances' to warrant a departure from Green Belt Policy.

Whilst the proposal would bring some benefits in terms of redevelopment for employment, farming business and diversification benefits, these benefits are not considered sufficient in this case, to constitute the 'very special circumstances' that would be required to overcome the fundamental policy and principle objection of new development within the Green Belt.

In the absence of 'very special circumstances', the proposed development is considered unacceptable in principle, would result in the erection of new buildings that do not constitute 'exceptions' to new development in the Green Belt and therefore harmful.

ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

The proposed development would change the appearance of the site with the provision of buildings, car parking area and landscaping, which would impact on the openness of the Green Belt. The site is elevated and is prominent within the Green Belt, being set above the height of Court Lane, with hedgerows and other buildings on the site offering limited scope for screening.

Whilst the applicant has asserted that the scale of the buildings proposed, when compared with existing structures, would not introduce increased built form that would lead to loss of openness and/or encroachment into the countryside, and that any impact could be further mitigated through introduction of good quality landscaping, the effect of the development on the openness of the Green Belt is a secondary consideration to the principle of the appropriateness of the proposed development in the Green Belt (discussed at (i) above), which is not overcome. As set out within the NPPF (paragraph 149), the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless meeting the limited exceptions criteria (also set out above).

iii) Would there be any other non-Green Belt harm?

Sustainable development

The purpose of the planning system is to contribute to the achievement of sustainable development (NPPF para.7).

Policy STR1 of the adopted Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the New Forest National Park deals with Achieving sustainable development and seeks as a primary objective to meet most

development needs within settlement boundaries, where there is or will be sufficient supporting infrastructure and services. This includes ensuring development is accessible by sustainable transport modes and well as by car, in order that reliance on the private car is minimised.

The local plan also sets out ten strategic objectives to support and achieve sustainable development. Strategic Objective SO1 (Landscape and the countryside) seeks to maintain and enhance the South Hampshire Green Belt and to protect locally valued views and landscapes.

By providing new business use development in the countryside, outside and remote from defined settlements in an area without supporting infrastructure, services or sustainable transport options for employees or visitors, it is considered the proposed development fails to constitute sustainable development. In these respects the proposal is considered contrary to the provisions of policy STR1 of the local plan and discordant with the aims and objectives of the NPPF.

Landscape and visual impacts

Policy ENV4 requires new development to retain and/or enhance landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context.

The greatest impact will be on views towards the northern corner of the development site, where Building A will protrude in a northeast direction alongside Court Lane. However, the applicant has ensured that Building A will be less heavily massed than the existing structure, so its impact on openness and the landscape will be more limited than the existing agricultural building. The south east elevation of this structure would be highly fenestrated with an articulated ridgeline, but the fenestration would be largely inward facing. Outwardly Building A would appear as an agricultural structure in-keeping with the rural location. Similarly Building B would be a much smaller structure than the building it will replace and its impact on the landscape would be acceptable. The proposed materials - cedar cladding, profile sheeting, powder coated windows and slate look tiles can be considered appropriate.

The extent of the new car parking proposed does have the potential to be out of character with the rural location, although in mitigation it would be visually contained within the complex of buildings.

The applicant's LVIA states that due to the established built form context of the site and its limited visual envelope within the local landscape, any potential effect on landscape and visual receptors will be restricted and change will be localised. Overall the proposed development would not be significantly detrimental in respect of the key characteristics or descriptions of the site and the surrounding landscape as identified in the LVIA document, which concludes that at maturity of the proposed landscaping: the Overall Level of Effect would be reduced to Moderate/Minor with the development being better integrated into the landscape.

Class R – permitted development rights/fallback position

As a fallback position, the applicant could, for a limited area of 500 square metres of floor space, utilise permitted development rights under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 which, in certain circumstances and within certain limits, allows the change of use of agricultural buildings to a flexible commercial use.

Class R rights allow development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order -

- (a) Class B8 (storage or distribution) of Schedule 1;
- (b) Class C1 (hotels) of Schedule 1; or
- (c) Class E (commercial, business or service) of Schedule 2.

Class R permitted development rights relate to the change of use of existing building(s) only (not demolition and replacement or extension) and are limited so that the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit cannot exceed 500 sq.m. This is significantly less floor space than the development proposed for this application (which equates to approx. 874 sq.m).

However, the application now proposed does not constitute Class R development and the relevant local and national planning policies and guidance therefore apply.

Ecology and Biodiversity Net Gain

As of the 7th July 2020 New Forest District Council has sought to secure the achievement of a minimum of 10% Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development. The Council's Ecologist raises no objections to the proposal, subject to the mitigation and enhancement measures set out in the Preliminary Ecological Assessment and Biodiversity Net Gain being secured. A condition could be applied to ensure delivery of these benefits.

Highway Impacts

A Transport Assessment (TA), Road Safety Audit and supporting plans have been submitted with the proposal. The TA concludes that agricultural buildings to be demolished generated in the region of 10 vehicle movements daily and that the proposed mixed use B1 use units could generate between 42 and 69 additional vehicles/day in the short length of Court Lane, between its junction with the B3347 and the site access.

As Court Lane is virtually single track the applicant is offering to either construct or fund a road-widening scheme that would provide the affected length of lane with a 4.8 metres wide carriageway. This would enable a large car and lorry to pass in free flow traffic conditions.

Whereas visibility to the southeast at the Court Lane/B3347 junction is well in excess of the standard, to the northwest it is short by 9.0 metres. In the circumstances it is proposed to regrade a short section of verge to provide an unobstructed visibility splay of 2.4 metres x 120 metres in that direction. The proposed level of parking provision complies with New Forest District Council's Parking Standard for the maximum parking demand, which would be if all the units were occupied by offices.

The proposed parking courtyard and widened site access could accommodate a 16.48 metres long articulated lorry entering the site, performing a 'U' and leaving in forward gear.

It is concluded that the proposed development complies in all respects with New Forest District Council's standards in terms of layout, car/cycle parking and servicing provision and that the likely resulting increase in traffic movements could be accommodated by the improved access and road layout without adversely affecting road safety. In addition, as the residual cumulative impact of the development traffic on the local road network would not be severe the proposal complies with paragraphs 110 and 111 of National Planning Policy Framework (NPPF). The County Highway Authority raise no objections to the proposal subject to conditions and to completion of a s.106 agreement to secure a contribution towards highway improvements.

Development Standards

Policy IMPL2 of the Local Plan Part 2 introduced new development standards including provision to enable the convenient installation of charging points for electric vehicles in employee and visitor parking areas.

In addition this policy requires new commercial developments of 250 - 999 sq.m gross internal area (GIA) are required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard in the water consumption criterion. The development amounts to 811 sq.m and while it will need to achieve an excellent standard in the water consumption standard it will not need to achieve BREEAM excellent standard overall, being under 1,000 sq.m.

If the Council were supportive of the proposal, conditions could be applied to ensure the development provides adequate electric vehicle charging points and meets the BREEAM water consumption criterion.

Residential Amenity Impacts

Policy ENV3 seeks to ensure that all new development is appropriate and sympathetic to its setting and should not cause adverse impacts upon residential amenity. The site is set sufficiently distant from any residential properties (280m) to avoid any adverse effect on residential amenities by reason of visual intrusion, overlooking or shading, considered under the amenity related provisions of Policy ENV3. Similarly intensification of use of the site is unlikely to have any significant impact on amenity, due to the degree of separation involved.

Air Quality

In response to the requirements of the recently adopted Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of an EV charging point, additional green infrastructure and reduced exposure to pollutants.

iv) Are there any considerations which weigh in favour of the development?

Having regard to the inappropriate form of development proposed, the applicant's submission outlines the considerations which he considers weigh in favour of the development. The applicant has prepared a Justification Report, in which he asserts:

- The existing buildings do not serve the requirements of the farming enterprises in their current condition, construction or layout.

- The existing buildings are no longer appropriate to accommodate the farming business and do not meet modern standards and therefore provide a lack of opportunity to be utilised.
- The level of demand for flexible office space is increasing (however, officers would argue to the contrary this is not evidenced by other developments in the area, where it has been shown that no demand for B1 use and subsequent pressure to change rural B1 units to dwellings) and local businesses can benefit from this development which will provide a building of a higher specification and improved appearance whilst supporting local businesses.
- The development supports the farming business and diversification opportunities by providing a viable alternative income stream whilst boosting the rural economy. This is evidenced by the existing commercial activity on the site, beyond that of agriculture.
- External threats to Court Farm include the change to farming subsidies as the UK has left the EU. This development will provide support to the existing farming business.
- The applicant considers the viable solution is to redevelop the existing buildings by constructing two new commercial buildings that are fit for purpose and create opportunities for businesses to be based at Court Farm.

In addition to these points of justification, the applicant asserts:

- There is a locational requirement for the development, being directly related to the small industrial estate on the site, which benefits from planning permissions granted since 2000.
- Appropriate measures have been taken to mitigate the harm identified, in the form of scale, layout, design, landscaping and biodiversity net gain.
- Furthermore the Council's saved Policies CS21 and DM22 favour the retention of existing employment sites and encourage improvement and redevelopments that will help maintain and enhance the environment and contribute to local distinctiveness. They seek to enable development that helps sustain the rural economy but not harm the countryside. These policies are supported by Chapter 6 of the NPPF.

v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

The proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF makes it clear that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless the proposal would accord with the exceptions criteria set out within the NPPF.

Having considered the matters weighing in favour of the development in iv) above, it is considered that they are insufficient to outweigh the harm to the Green Belt and all other harm identified (i.e. not constituting sustainable development).

Consequently it is considered in this case that the application does not achieve the 'very special circumstances' that would be required for the Council to conclude that the matters weighing in favour of the development clearly outweigh the harm to the Green Belt.

11 CONCLUSION

Having considered the matters weighing in favour of the development in iv) above, it is considered that they are insufficient to outweigh the harm to the Green Belt and all other harm identified (i.e. not constituting sustainable development).

Consequently, it is considered in this case that the application does not achieve the 'very special circumstances' that would be required for the Council to conclude that the matters weighing in favour of the development clearly outweigh the harm to the Green Belt.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. Whilst the proposal would bring some benefits in terms of redevelopment for employment, farming business and diversification, these benefits are not considered sufficient to constitute the 'very special circumstances' (as described in the NPPF) that would be required to overcome the fundamental policy and principle objection of new development and new buildings within the South Hampshire Green Belt.

In the absence of such very special circumstances, the proposed development is considered unacceptable in principle, as it would result in the erection of new buildings that do not constitute exceptions to new development in the Green Belt as defined within the NPPF and would therefore be harmful to the South Hampshire Green Belt.

2. The provision of new build commercial development in the countryside, outside and remote from defined settlements in an area without supporting infrastructure, services or sustainable transport options for employees or visitors, it is considered the proposed development fails to constitute sustainable development. In these respects the proposal is considered contrary to the provisions of policy STR1 of the local plan and discordant with the aims and objectives of the NPPF.

Further Information:

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PLANNING COMMITTEE

November 2022

Court Farm
Ringwood Road
Avon, Sopley
22/10127

Scale 1:1250

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

