

Application Number: 21/11058 Full Planning Permission

Site: HILL VIEW FARM, NORTH END LANE, HARBRIDGE,
ELLINGHAM, HARBRIDGE & IBSLEY SP6 3DB

Development: Agricultural dwelling

Applicant: Mr Napthine

Agent: Symonds and Sampson

Target Date: 06/10/2021

Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) The principle of the development
- 2) Impact on the character and appearance of the area

This application is to be brought to committee due to the objection of the Parish Council

2 SITE DESCRIPTION

The application site is on the east side of Lomer Lane at Bleak Hill close to the west edge of the district. It is a small parcel of a much larger land holding largely consisting of agricultural fields. There are some existing agricultural buildings present adjacent to the application site. The application site is currently a small enclosed field used as part of the wider holding.

The site is outside the built up areas identified by the local plan, nor is it in, or alongside, any of the small villages listed.

Vehicle access to the application site exists from North End Lane to the east, via a hard surfaced track.

Land to the west, outside the applicants control, known as Lomer Copse, is designated as a Site of Importance for Nature Conservation. (SINC)

The farm does not currently have a residential dwelling associated with it.

3 PROPOSED DEVELOPMENT

Erect a detached house for persons employed in agriculture locally and associated residential curtilage.

4 PLANNING HISTORY

16/10663 Agricultural barn for hay & implement store and provision of new access track (Agricultural Prior Notification) - 09/06/2016 Details not required to be approved Land at FERNHILL COPSE & LOMAR LANE YARD, NORTH END LANE, ELLINGHAM, HARBRIDGE & IBSLEY

14/10812 Retention of access and driveway; continued use of land as mixed agricultural & equestrian, use of building as stabling horses and menage for private purposes, hard standing; siting of two storage containers and access pathways - 30/10/2014 Granted Subject to Conditions
Land at LOMER LANE, HARBRIDGE, ELLINGHAM, HARBRIDGE & IBSLEY

09/94990 Agricultural Barn and track (Agricultural Prior Notification) - 07/01/2010
Details not required to be approved
Land of Fern Hill Copse, Bleak Hill, Harbridge

08/92824 2 barns; access track; hardstanding; landscaping - 14/11/2008 Granted
Subject to Conditions
FIELD, LOMER LANE, HARBRIDGE, ELLINGHAM, HARBRIDGE & IBSLEY

5 PLANNING POLICY AND GUIDANCE

The New Forest District Local Plan Part 1 - 2016-2036

Policy STR1: Achieving Sustainable Development

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Local Plan Part 2 Sites and Development Management Policies 2014

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

DM21: Agricultural or forestry workers dwellings

DM22: Employment development in the countryside

Local Plan Part 1: Core Strategy (2009)

Saved Policy CS21: Rural Economy

Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites

SPG - Residential Design Guide for Rural Areas

National Planning Policy Framework (NPPF) 2021

Constraints and Plan Policy Designations

Countryside

Avon Catchment Area

Small Sewage Discharge Risk Zone - RED

Plan Area

6 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge & Ibsley Parish Council: Object to:

The unproven need for an agricultural workers dwelling, as a major aspect of the applicants business plan has not been implemented;

The excessive scale of the proposed house and its curtilage;

Failure to demonstrate nutrient neutrality and avoid surface water run off;

Failure to provide construction management or environmental statements, or protect fauna and achieve bio-diversity enhancement.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: Identifies the site is in the River Avon catchment and demonstrating nutrient neutrality is required. No ecological enhancements are included in the proposals, but solutions can be achieved.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

3 letters in support.

- Appropriate location for such a dwelling, which would not be intrusive in the landscape
- The design is appropriate
- Occupiers would not be overlooked
- Important to be on site for animal welfare
- Important to maintain supply of small holdings in the forest
- Important to support the continued improvement in the agricultural enterprise

3 letters object to;

- Discharge of nutrients and water harmful to the environment and down stream flooding
- Impact on views from the New Forest National Park
- Applicant has not ensured access along public footpaths across his land, nor shown it on his plans
- Unauthorised buildings
- No public engagement
- Loss of productive agricultural land
- Increased light pollution
- Design inappropriate and not innovative or architecturally interesting or eco-friendly, too large nor modest sized
- Lack of ecological enhancements
- Need for further buildings to support business growth
- Concerns regarding the routing of construction traffic relying on SATNAV

10 PLANNING ASSESSMENT

Principle of Development

The scheme proposes to erect a detached house and form a residential curtilage. The house would be for the family of the owner of the land farming the surrounding land.

The site is in the open countryside, outside any of the towns and main villages defined by policy STR4. It is relatively close to Harbridge which is included as one of the small rural villages that don't have settlement boundaries, but not so close to comply with the strategic approach to the location of new development advocated by policy STR3. The primary objective is therefore to conserve and enhance the countryside and natural environment.

However DM20 presents opportunities when housing could be acceptable outside those identified areas. Para d) allows agricultural workers dwellings in accordance

with DM21, where it is of an appropriate scale and appearance in keeping with the rural character of the area.

Policy DM21 sets the policy criteria for assessing need for an agricultural workers dwelling, requiring evidence of a clearly established need and the agricultural activity is established, profitable and has a prospect of remaining so, imposing measures to ensure the dwelling is for a person primarily employed in an agricultural enterprise and clarifying that the need could not be fulfilled by existing accommodation.

Paragraph 80 of the National Planning Policy Framework also recognises that there will sometimes be a need for agricultural workers dwellings and allows for restricted occupancy homes in the countryside where:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

The application is supported by an appraisal of the business' viability and explanation of need for the proposed dwelling. The Council has employed the services of an independent consultant to review that assessment. Their report concludes:

"I am firmly of the opinion that there is an essential need for staff to be readily available at most times to provide for the health and welfare of the cattle and other livestock at Hill View Farm."

"I consider that if this farm is to continue to be managed properly, and the welfare of livestock is to be managed appropriately, staff should be readily available at most times."

"I have calculated the figures (excluding the donkeys) and, whilst I do not calculate a figure of 1.2 workers, I do agree that the livestock currently require a full-time worker."

"The (applicants) Statement indicates that the applicant has been farming at Hill View Farm in excess of three years; the provision of three years accounts confirms this statement. The farm accounts (provided, in confidence) demonstrate that the farm reported taxable profits in each of the last three years. The Balance Sheet reveals a business with assets that considerably exceed long-term borrowings; and long-term borrowings that are steadily reducing as they are repaid. The farm is profitable and appears sustainable"

At the time of the report the consultant reviewed available properties in the area, confirming none would be appropriate for the needs of the applicant, or that would improve on the applicants current situation of separation from the farm estate.

It is considered that the principle of the proposed siting of a dwelling for an agricultural worker can be accepted. Sufficient justification and evidence has been provided to justify the development in accordance with adopted local policy DM21 and guidance at para 80 of the NPPF.

Concerns raised by representations objecting to the loss of agricultural land are given little weight. The amount of land lost to the curtilage of the proposed dwelling is very small in comparison to the overall amount of land available and the purpose of the proposal is in order to ensure that the agricultural enterprise can operate more efficiently and effectively, making better use of the remaining land.

In addition to demonstrating need, the scheme would also have economic benefits during construction and for the agricultural enterprise and social benefits for the well being of the occupant and the welfare of the livestock.

Design, site layout and impact on local character and appearance of area

Being in the open countryside the site is rural in character, dominated by agricultural landscape and buildings. There are individual houses and clusters of agricultural buildings located sporadically throughout the surrounding area.

The position of the proposed house is adjacent to a small cluster of existing barns and stores associated with the agricultural enterprise undertaken by the applicant, as such it would not appear unduly isolated in the wider landscape, having a visual relationship with those buildings.

The design, detailing, proportions and articulation of the proposed house would preserve the rural setting, complemented by the materials. There are no other houses in close proximity that the house would be viewed in the context of.

Objections regarding the design not being good enough or innovative enough are misapplying policy regarding isolated houses in the countryside. With sufficient acceptable evidence justifying the need for the dwelling for agricultural workers, para.80 e) of the NPPF does not need to be passed.

Concerns are raised by the Parish Council regarding the size of the dwelling, especially its exceedence of the 100Sq.m threshold in policy DM20. The policy does not specifically set this as a size limit for agricultural workers dwellings, but applies 100Sq.m to replacement dwellings and extensions to dwellings, that might exceed the 30% increase over the original dwelling they are replacing or extending.

Nor does Policy DM21, specific to Agricultural Workers dwellings, impose a size limit for such dwellings. Amendments to reduce the floor area of the proposed dwelling, would not be readily appreciated over the distances the dwelling would be viewed, or reduce its profile or outline to the extent of having any impact on its presence.

The size would not be out of character with the scale of dwellings in the locality, nor due to its position adjacent to the existing agricultural buildings, a significant distance from public vantage points and the backdrop of trees the scale of the building would not be readily appreciated or be imposing in the character of the area

Considering the size of the proposed dwelling with the national technical housing standards where 132Sq.m is the largest minimum size for a 2 storey dwelling and the rural location of the site, it would be reasonable to remove permitted development rights for extensions and alterations permissible by the GPDO.

The proposed residential curtilage would be sufficient for amenity and setting needs, including the provision of parking. There are no landscape character designations covering the site that preclude the erection of residential outbuildings in accordance with the provisions of the GPDO, on any existing properties. Furthermore permitted development for agricultural buildings would apply across the agricultural holding, subject to previous works and the provisions of the GPDO. As such it would be unreasonable to limit the erection of residential outbuildings in this instance.

The proposed dwelling would preserve the rural character and appearance of the area.

Landscape impact and trees

The immediate landscape around the site would be unaffected. The mature dense copse of trees at Lomer Copse, immediately to the west is outside the application site and would be unaffected by the proposed siting of the proposed dwelling. As such it would continue to provide the mature backdrop to the site in views from the east across the Avon Valley.

The provision of a single agricultural workers dwelling would preserve the character of agricultural activities and land use that frame much of the edge of the National Park. The site is approximately 2.5km from the boundary with the New Forest National Park, as such it would not be readily perceived as a particular feature on the rising ground nor appreciated in the context of the scenic character of the National Park, the setting and quality of which would be preserved.

Heritage Assets

There are no heritage assets close enough to the site for there to be a relationship with their significance, setting or integrity.

Highway safety, access and parking

The site is served by an existing access from North End Lane, the scale of vehicle movements generated by the single house would be readily accommodated by the existing road network and access, especially given the applicant would already be travelling to the site on a daily basis.

The site is not well served for use of public transport, cycling or walking to local services, however that is a consequence of its rural location and association with agricultural activities, an essential aspect of its principle.

Concerns regarding the route taken by delivery vehicles conflicting with highway safety are given little weight. Such occurrences would be limited in number and occurrence on lightly trafficked roads. On such a small scheme the matter of delivery access and routes would be left to the applicant to manage.

Further matters raised regarding maintaining public rights of way, have no bearing on this application. The siting of the house and its curtilage would have no impact on PROW's crossing the applicants agricultural holding.

Residential amenity

The application site is sufficiently isolated from other residential properties that residential amenity would be preserved. Occupiers of the proposed house would benefit from adequate, privacy, outlook, daylight, amenity and residential garden to meet their reasonable needs.

Ecology

The site of the proposed house is currently a form of agricultural paddock associated with the operation of the existing farming activities. There are no protected habitats on the site and is unlikely to offer extensive supporting habitat. The woodland to the west, Lomer Copse, is designated as a SINCC. The application site is separated from the woodland by an existing estate track and the position of the proposed house is a further 25m away, as such there would not be a direct impact on the integrity of the woodland and the ecology it supports, during construction or occupation

Concerns regarding light pollution are given little weight. The single dwelling would not give rise to significant light spillage, lighting associated with the existing agricultural use, essential to winter working, would be highly likely to exceed any residential lighting. There would be no imperative to provide lighting along the access track due to it being on private land. Whilst it is known that external lighting

can have implications for nocturnal species the small scale of the scheme would not justify imposition of any controls or conditions regarding external lighting.

The occupier is highly likely to invest in a residential landscape setting, introducing plant species that would add to the biodiversity of the site. A condition could be used to secure installation of bird or bat boxes or bricks in the construction of the proposed house.

New Forest recreational impact

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 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 the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was 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 having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

New Forest Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

Other matters.

Surface water flooding is noted to occur along the length of the stream running down hill from Lomer Copse, through Fern Hill Copse, to the east towards the River Avon. Whilst there would be a marginal increase in the rate of surface water run off from the roof and driveway of the proposed house, it would be required to comply with sustainable drainage provisions of the building regulations, as such it is not considered there would be any justification for further consideration or assessment of surface water drainage associated with the proposals or a likelihood of materially altering flood risk in the vicinity of the site.

Discharge of foul water would also be dealt with in accordance with the Building Regulations and matters associated with the release of nutrients can only be related to the development proposed and the identified impact on European designated habitats, which has been addressed above.

Whilst it would always be encouraged, for a single house development there is no expectation that an applicant would engage in public consultation.

Should the business prove successful and further buildings be required, they would be assessed on their merits, against the provisions of the development plan or GPDO at that time. Policies already seek to ensure the economic viability of rural communities is sustained, as such there would be no reason to resist this application on the basis of future needs.

Developer Contributions

As part of the development, the following will/has been secured via a Section 106 agreement:

- New Forest Recreational Infrastructure: £6,282.00
- New Forest Recreational Non-Infrastructure: £999.00
- New Forest Air Quality Monitoring £91.00

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	135.5		135.5	135.5	£80/sqm	£18,841.85 *

Subtotal:	£18,841.85
Relief:	£0.00
Total Payable:	£18,841.85

11 CONCLUSION

Evidence has been provided to demonstrate a reasonable need for a dwelling for an agricultural worker to be provided on site. The proposed dwelling has been located in a position where there are existing buildings and the wider rural character and appearance of the landscape would be preserved.

There would be no direct impact on habitats and species close to the site and mitigation for the impact on important features of nature conservation interest across the New Forest have been secured.

The application is recommended for approval.

12 OTHER CONSIDERATIONS

None

13 RECOMMENDATION

Delegated Authority be given to the Executive Head of Planning, Regeneration and Economy to **GRANT PERMISSION** subject to:

- i. the completion and provision of a planning obligation entered into by way of Unilateral Undertaking in accordance with Section 106 to secure:
 - New Forest Recreational Infrastructure: £6,282.00
 - New Forest Recreational Non-Infrastructure: £999.00
 - New Forest Air Quality Monitoring £91.00
- ii. the imposition of the conditions set out below.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

Location plan Drg No: 4456:18 received 18/11/22
Site Plan Drg No: 4456:17 received 18/11/22
Proposed Elevations Drg No: 4456:16 received 18/11/22
Proposed Floor Plans Drg No:4456:15 received 18/11/22

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. The development hereby approved shall not be occupied unless

- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites. The Strategic Appropriate Assessment supporting the Local Plan has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the River Avon. Further detail regarding this can be found in the appropriate assessment that was

carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: Due to the size of the proposal and justification for the principle of the dwelling, to ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. Prior to commencement of construction of the dwelling above damp proof course details of measures to secure bio-diversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implement prior to first occupation and thereafter maintained and retained.

Reason: In the interests of enhancing bio-diversity in accordance with policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020 and the NPPF.

Further Information:

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New Forest DISTRICT COUNCIL

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PLANNING COMMITTEE

December 2022

Hill View Farm, North End Lane
Harbridge
Ellingham, Harbridge & Ibsley
21/11058

Scale 1:2000

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

