

**Application Number:** 23/11170 Full Planning Permission  
**Site:** THE OLD CART SHED, COURT FARM, RINGWOOD ROAD,  
AVON, SOPLEY BH23 7BG  
**Development:** Demolition of the existing barn; replacement with a new  
building to be used for commercial space (Class E (g)  
(retrospective)  
**Applicant:** Avon Tyrrell Farms  
**Agent:** BCM  
**Target Date:** 18/01/2024  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Development Management Service Manager Decision

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Green Belt
- 3) Impact on the character and appearance of the area
- 4) Impact on the residential amenities of the area
- 5) Highway matters including parking
- 6) On-site biodiversity and protected species

## 2 SITE DESCRIPTION

The site lies within the countryside and Green Belt to the north of Sopley. Together with the adjoining farm complex and associated land edged blue, the site forms part of the wider Avon Tyrrell Estate.

The site is situated on the south-eastern corner of the junction of the B3347 Ringwood Road with Court Lane, opposite the Avon Causeway. It contains a partially constructed metal framed barn structure, abutting an adjoining commercial building within the land edged blue. This structure forms the northern boundary of the site. To the southern and western boundaries of the site is a wall which separates the site from the farmhouse and Ringwood Road. This results in the site being a substantially enclosed courtyard area accessed from the north-east through the main entrance into the wider complex off Court Lane.

## 3 PROPOSED DEVELOPMENT

The proposal is for the retention of the partially built structure and its completion as a new building for commercial purposes following the demolition of the previous structure. There are 8 parking spaces proposed within the site area.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
00/70755 Conversion of agricultural buildings to B1 offices	13/08/2001	Granted Subject to Conditions	Decided

#### 5 PLANNING POLICY AND GUIDANCE

##### Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel  
Policy ECON1: Employment land and development  
Policy ENV2: The South West Hampshire Green Belt  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL2: Development standards  
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
Policy STR6: Sustainable economic growth

##### Local Plan Part 2: Sites and Development Management 2014

DM22: Employment development in the countryside

##### Core Strategy(saved policies)

CS21: Rural economy

##### Supplementary Planning Guidance And Documents

SPD - Parking Standards  
SPD - Air Quality in New Development. Adopted June 2022

##### National Planning Policy Framework

NPPF Ch. 6 - Building a strong, competitive economy  
NPPF Ch.11 - Making effective use of land  
NPPF Ch.13 - Protecting Green Belt land

##### National Planning Policy Guidance

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### Sopley Parish Council original comment:

Recommend Refusal for the reasons listed below:

The proposal is non-compliant with Policy ENV 3, The originally distinct building has now been replaced with something completely different. In terms of Local distinctiveness, a 150 year old barn has now been replaced with a steel new structure.

No permission for demolition of existing barn.

No ecological report done on the old building.

The new building is out of character and an eyesore from the road.

Further to the applicant addressing a subsequent meeting of the Parish Council, the following comment has been received:

**Sopley Parish Council** further comment:  
Recommend permission but happy to accept NFDC delegated powers.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

**Ecologist:** Request a comprehensive package of mitigation and enhancement

**HCC Highways:** No objection

**Natural England:** No objection

## 9 REPRESENTATIONS RECEIVED

None

## 10 PLANNING ASSESSMENT

### Introduction

Planning permission was granted for the conversion of the building to commercial use in 2001 (Ref 00/70755) . This permission was commenced within the five years and remained extant until the building was demolished in 2023. Work on the development ceased until more recently when movement was detected in the barn, resulting in it being demolished for safety reasons due to it being situated at the junction of a busy road.

The current application has been submitted following enforcement action relating to the subsequent commencement of construction of a replacement building in July 2023. The submitted proposals reflect works implemented so far on site, albeit that works have ceased pending the outcome of this application.

### Principle of Development .

Policy ECON1 of the Local Plan sets out the criteria against which new employment development should be considered. Specifically, safe, suitable access needs to be provided, the development should not adversely affect visual or residential amenity, and nor should it adversely affect other businesses in the locality.

However, as the site is also located within the countryside, the development should also either comply with Policy CS21 of the Local Plan or allow for the establishment or growth of a high value-added or knowledge-based business. As the proposal is a speculative development and therefore the type of end user unknown, it would need to comply with Saved Policy CS21. With this in mind, the proposal would be expected to enhance the environment and contribute towards local distinctiveness in order to be considered as an acceptable farm diversification project.

Having regard to other local businesses within the farm complex, there are a variety of other uses, including heating engineers and a fitness suite. In addition to this, the Avon Tyrrell Estate (applicant) has its office at the farm, which still includes agricultural practices and associated storage. It is not considered that the proposed suite of self-service office/conference facilities would conflict with other existing businesses at the farm.

The proposal is therefore considered to be broadly consistent with relevant employment policy (policies ECON1 and CS21) subject to the consideration of the impact of the proposal on highway safety, the character of the area and the Green Belt, which are all discussed below.

### South West Hampshire Green Belt

New buildings are not considered to be appropriate development within the Green Belt. However, under Paragraph 154d) of the NPPF, replacement buildings can be acceptable providing they are not materially larger than the one they replace and the use is the same.

It is noted that the proposed structure would be approximately 1m taller and 0.6m wider than the previous structure, although the length of the building would be around 1m shorter than the previous conversion scheme. Whilst this results in a building having a slightly greater bulk, it is not considered to be materially larger.

With regard to the use of the building, the matter is less clear cut. Prior to the demolition of the building, there was an extant permission for the conversion of the building to an office use following the commencement of works and conversion of the single-storey element of the building. However, the last use of the building now demolished, was agricultural and on this basis the current proposals would not be in the same use.

Whilst consideration of the following 5 tests is appropriate, whether or not there are very special circumstances to override Green Belt policy is also a material consideration.

#### 1. Is the development appropriate in the Green Belt?

As the last lawful use of the building proposed to be replaced was agricultural, the proposal does not comply with part d) of paragraph 154 of the NPPF which (as discussed above) allows for replacement buildings subject to the use being the same. Nor does the proposal meet any of the other exceptions set out in Paragraph 154 of the NPPF. As such, the proposal must be viewed as inappropriate development within the Green Belt.

#### 2. Would the openness of the Green Belt be adversely affected?

It is not considered that the replacement building would have a significant impact on the openness of the Green Belt. The wider farm complex contains several buildings of varying sizes, both larger and smaller than that proposed. The new building would not encroach into the countryside beyond the existing built form, being contained by the existing highway network.

#### 3. Is there any non-Green Belt harm?

There are no concerns with regard to the impact of the proposal on residential amenity, highway safety or impact on the character and appearance of the area. (See further assessment below)

#### 4. Are there considerations which weigh in favour of the development?

The proposal would provide 2 self-contained units of office/commercial accommodation which would complement the uses already in operation at the farm. In turn, this would provide further income in order to invest into the ongoing farm enterprise. The proposal would improve the appearance and security of the site, which would otherwise have an opening to its northern side where the previous structure was removed.

5. Do these benefits represent 'very special circumstances' that would outweigh any harm to the Green Belt?

Overall, it is considered that the benefits of the development weigh moderately in favour of the scheme, but, on balance, are not so significant or unusual as to amount to very special circumstances that would outweigh the harm to the Green Belt. Had the application been submitted prior to the demolition of the building, the fallback position of conversion would have been a valid consideration although given the particular circumstances of this application, there is no fallback position.

The applicant has put forward their own 'very special circumstances' which are as follows:

- an improvement in the appearance of the site - it is considered that there are alternative ways to improve the appearance of the site without the need for a two-storey building, such as a replacement boundary wall.
- greater biodiversity opportunities - there is a limited amount of planting proposed and opportunities would exist for bat/bird boxes on the proposed structure. This would offer greater opportunities than the existing site, although an alternative scheme could offer more biodiversity.
- improving employment opportunities in the area (both construction and office based). Paragraph 88 of the NPPF states that the development and diversification of agricultural and other land based rural businesses should be enabled through planning policies and decisions. Paragraph 89 goes on to say that such policies and decisions should recognise that development such as that proposed should not have an unacceptable impact on local roads and that it is sensitive to its surroundings.

However, on balance, it is not considered that these factors constitute very special circumstances that would be sufficient to warrant overriding Green Belt policy in this location. The proposal represents inappropriate development due to the fact that the proposed building would be in a different use to the one it replaces - the approved office use never commenced in the now demolished former building. As an agricultural use, the site is not considered to be previously developed land and, as such, the proposal is contrary to Green Belt policy.

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

The approved proposal was for the conversion of the L-shaped building for offices of various sizes with associated kitchen and toilet facilities. The change of use of the single-storey element of this was implemented and is presently occupied. The remaining two-storey element became unstable and, in view of its location on a busy road, was removed for health and safety reasons, and a new steel frame erected in its place.

As stated above, although the proposed building is slightly larger than the previous structure, given the overall scale of the proposal and its locational context, it is not considered that the resultant building would appear incongruous or harmful in this location where it would complete a previously enclosed courtyard area of the wider farm complex. The proposed materials of brick and timber cladding would reflect the previous building and would not appear out of context in this rural location.

The design of the proposed building incorporates two large barn door style openings to the north and south elevations which reflect traditional openings. Although the

proposal includes more windows than the approved conversion scheme, it no longer includes any roof lights.

### Residential amenity

There are limited residential properties in the immediate area, with the barn being some 40m from the nearest one. Given this distance, it is not considered that the proposal would result in any loss of residential amenity in terms of overlooking, loss of light or noise and disturbance.

### Highway safety, access and parking

The access to the site through the farmyard is existing and no alterations are proposed. The Highway Authority has considered the proposal and, although the replacement building would result in a small increase of trips compared to the existing use, they consider this increase acceptable in this instance.

It is noted that improvement works are due to be carried out at the junction of Court Lane with Ringwood Road as part of an extant permission for works to other buildings within the farm complex, although this permission has not been implemented to date. Previous highway improvements included in the original approval for the conversion of the building were implemented at the time the adjacent barn was converted.

The submitted plans indicate a turning circle for a fire appliance and two disabled parking bays. Previously, 15 spaces were to be provided for the conversion scheme and the proposal now includes only 8, as the converted section of the building uses a parking area outside of the site area to the east of the building. Although the site appears to be able to accommodate the number of spaces indicated on the form, this equates to 1.6 spaces less than the recommended level of parking for this area of commercial floor space. The plan does not demonstrate that these spaces are achievable whilst maintaining the emergency turning circle.

However, having regard to the previous parking layout and the proposed turning circle, it is considered that an appropriate parking layout could be achieved should permission be forthcoming. On this basis, it is not considered that the proposal would result in harm to highway safety.

### On-Site Biodiversity and protected species

It is unfortunate that the previous building was demolished prior to the completion of any ecological surveys, as there is a possibility that the structure supported roosting bats and nesting birds. Any harm that may have occurred to protected species would be considered under the provisions Wildlife and Countryside Act.

The Design and Access Statement advises that internal surveys were not able to be undertaken due to the condition of the building. However, it is considered that external emergence/re-entry surveys could have been conducted from external viewpoints.

As the original building has now been demolished, it is considered appropriate that a comprehensive package of mitigation and enhancement measures are provided for the scheme. The application states that bat and bird boxes would be incorporated into the design of the building, although no enhancement features are indicated on the submitted plans. Appropriate mitigation measures and habitat enhancement can be secured by condition.

## **11 OTHER MATTERS**

Having regard to the initial comments raised by the Parish Council about the removal of the original building, the site is not in a Conservation Area; nor was the previous structure a listed building, and a replacement building in the same use would not be considered inappropriate on this basis. As stated above, it is understood that the building was in such poor repair that it was unstable, such that a strong wind could have resulted in it collapsing onto the highway.

Whilst the metal frame structure is currently visible, this structure would be hidden when works are complete. Externally, the proposed materials would not appear out of context. The applicant is willing to provide ecological improvements and this could be secured through an appropriately worded condition should approval be granted.

## **12 CONCLUSION / PLANNING BALANCE**

The proposal is not considered to have an adverse impact on the character or appearance of the area and would not give rise to unacceptable impacts on either residential amenity or highway safety.

However, the proposal does constitute inappropriate development within the Green Belt. Paragraph 152 of the NPPF advises that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." On balance, there are not considered to be any very special circumstances to outweigh the harm to the Green Belt and refusal is therefore recommended.

## **13 RECOMMENDATION**

**Refuse**

### **Reason(s) for Refusal:**

1. The site lies within the Green Belt where the provision of new buildings is inappropriate development unless it meets one of the 'exceptions' set out in paragraph 154 of the National Planning Policy Framework (NPPF). The proposal does not meet one of these 'exceptions' in view of the previous building being in a different use to that now proposed. As such, the proposal constitutes inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It is not considered that the application has demonstrated that there are very special circumstances that would outweigh the harm to the Green Belt. Therefore the proposal would be contrary to Policy ENV2 of the Local Plan Part 1 and paragraphs 152 and 154 of the NPPF.

### **Further Information:**

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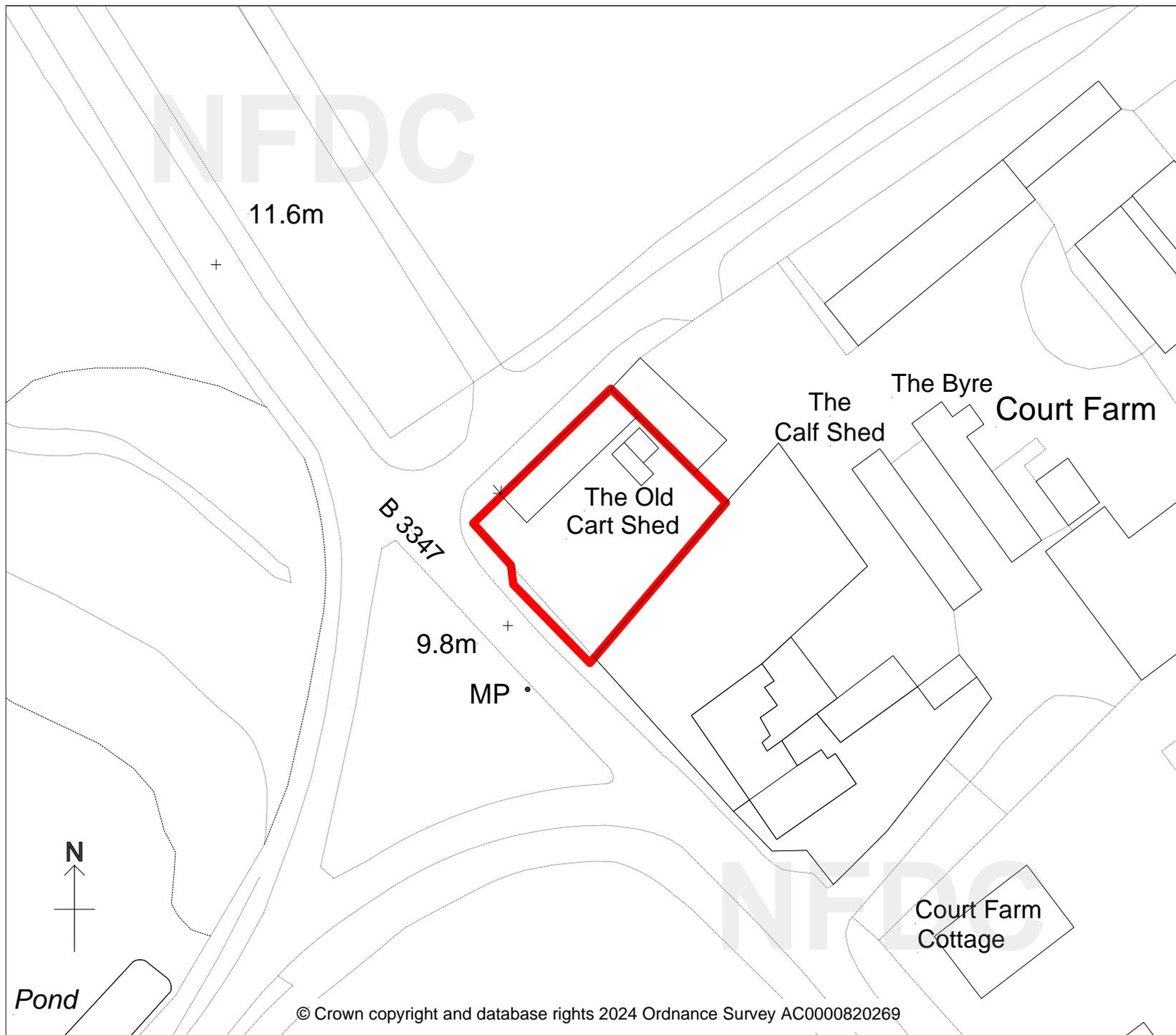
**PLANNING COMMITTEE**

March 2024

The Old Cart Shed  
Court Farm  
Ringwood Road  
23/1170

Scale 1:848

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



NFDC

11.6m

+

B 3347

The Old  
Cart Shed

The Calf Shed  
The Byre  
Court Farm

9.8m

+

MP •

Court Farm  
Cottage

NFDC

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Pond