

Application Number: 16/10508 Full Planning Permission

Site: FOUR ACRES FARM, SALISBURY ROAD, CALMORE,
NETLEY MARSH SO40 2RQ

Development: Temporary siting of agricultural workers' mobile dwelling with ancillary agricultural storage sheds (retrospective) and container

Applicant: Mr & Mrs Gibson

Target Date: 11/07/2016

Extension Date: 13/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor comments

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Explosives Safeguarding Zone
Plan Area
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
7. The countryside
8. Biodiversity and landscape

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy
CS21: Rural economy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM20: Residential development in the countryside
DM21: Agricultural or forestry workers dwellings

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

Mitigation Strategy for European Sites
Residential Design Guide for Rural Areas
Landscape Types and Character Areas Map
Policies CS21 and DM21 (Agricultural Worker's Dwellings)

6 RELEVANT PLANNING HISTORY

16/10366 Agricultural building (Agricultural Prior Notification) Prior Approval Refused:
13 April 2016

7 PARISH / TOWN COUNCIL COMMENTS

Netley Marsh Parish Council are happy to accept the decision reached by the NFDC planning officers.

'As there is a presumption against development. Netley Marsh PC also questions the need on this site and the consideration of the 3 sites being considered in one application'.

8 COUNCILLOR COMMENTS

Cllr Tipp has written in support of the planning application. The following points are made:

- Development is barely visible from neighbouring properties and would not be detrimental to them;
- The applicant has demonstrated that he has a viable business and needs to be on site to deal with animals at all times;
- The site is in area being put forward for development and is likely to be developed in the next decade.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer: insufficient information
- 9.2 Tree Officer: no objection
- 9.3 Landscape Officer: objection
- 9.4 Ministry of Defence: no safeguarding objections
- 9.5 Southern Gas: statutory comments
- 9.6 Land Drainage: recommend condition regarding surface water drainage
- 9.7 Environmental Health (Contaminated Land): no comments
- 9.8 Ecologist: no objection raised

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter received objecting to this planning application.
- 10.2 1 letter received raising the following concerns:
- Concerns raised regarding run off which now involves a lot more mud- and possibly not only mud;
 - Presumably there is a dung heap- the air is not as clean smelling;
 - No big objection provided not affected by waste.
- 10.3 6 letters received in support of the application which are addressed to and have been forwarded via the applicant's agent: (summary)
- Freezer packs have been purchased for the past 4 years;
 - The animals are well cared for because the owners live on site;
 - Meat is preferable to large scale intensive farming;
 - A new owner of their previous site confirms they have a tenancy agreement with the applicants to continue to graze pigs;
 - The head of catering at 'The Bibury Club' at Salisbury race course confirms pork shoulder sausages were purchased during the summer of 2014;
 - Price Farm Foods confirm pork carcasses have been purchased since 2014;
 - An independent butcher confirms carcasses have been purchased for a few years and the high quality is attributed to the pigs being carefully attended;
 - Some writers look forward to supplying meat again when re-established.

11 CRIME & DISORDER IMPLICATIONS

n/a

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with 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 the agent has been advised of the objections to the application and has been provided with the opportunity to address these concerns although ultimately, this further information is not considered to be able to overcome the objections.

14 ASSESSMENT

The Proposal

- 14.1 This application seeks retrospective planning permission for the temporary siting of an agricultural workers dwelling and ancillary agricultural storage sheds. The application also seeks permission for a shipping container for butchering and cold storage of pork meat products. The application relates to Four Acres Farm on the south side of Salisbury Road located beyond the built up area and within the countryside. Four Acres Farm comprises approximately 1.8ha.
- 14.2 The application advises that the applicant (Mrs Gibson) operates the agricultural enterprise as the full-time farm worker and is assisted by Mr Gibson and their son as required. The enterprise is primarily based on the breeding and rearing of pigs and the off site sale of pork meat products. Land at Four Acres Farm is used to keep the breeding boars and sows and the litters and weaners. A further 6.9ha of land is rented by the applicants at West Wellow and a further 10ha is rented at Ower. The land at West Wellow is used for further grazing and foraging for the pigs and the land at Ower is to be used for grazing and foraging as required.
- 14.3 The application advises that the applicants have developed a range of pork meat products to appeal to niche and broader markets and have established a strong existing market base for pig products with opportunities to expand. The applicants also have ducks and hens producing eggs to be sold off site and there are plans to expand their numbers and to include sheep and cattle.
- 14.4 The mobile home is a twin unit located at the end of the entrance track abutting the west flank boundary. It has been extended to include a farm office which the application describes as a portable structure used to provide a boot room, farm office and wash-room facilities. The mobile home and extension are timber clad and rest on concrete blocks. It is observed that the additions to the mobile home nearby, double its size. The application specifies that the position of the mobile home allows the applicants to control access to the site and monitor livestock

- 14.5 The shipping container would be positioned opposite the mobile home and comprise a standard 20ft unit which would be connected to mains electricity and water supplies. The existing ancillary timber storage sheds are located on a hard standing adjacent to the access track and are typical of small garden sheds.

Planning Policy

- 14.6 The NPPF details that local authorities should avoid new isolated homes in the countryside unless there are special circumstances; one such circumstance could comprise the essential need for a rural worker to live permanently at or near their place of work.
- 14.7 Policy DM20 maintains this presumption against new residential development in the countryside but facilitates agricultural workers' dwellings where they accord with policy DM21; however this policy relates to permanent dwellings and is not directly applicable.
- 14.8 In the absence of a specific Development Plan policy the Agricultural Appraisal suggests that it is helpful to refer to the more detailed requirements of Annex A of the now superseded national PPS7 which provides a framework within which to consider such proposals. The Council's advisory note on the implementation of policies CS21 and DM21 confirms that the Local Planning Authority views this previous guidance, particularly in relation to functional and financial tests, as a sensible way of assessing 'essential need' and is a material consideration in the assessment of related planning applications.
- 14.9 Policy DM20 requires that in all cases, 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.

Essential Need

- 14.10 The Council appointed an Agricultural Consultant to undertake a rural appraisal of the business and the application details to establish whether there is an essential need for a worker to be permanently on site. The appraisal concludes that there is no established essential need.
- 14.11 The consultant's appraisal notes that the proposal is to expand to 40 sows and produce 750 plus meat products per year utilising the further land available to the applicant for rearing with all the breeding sows and weaners based at Four Acres Farm. The intention is to move away from selling carcasses and towards selling higher value pork products to customers including restaurants. On other livestock, it is noted that limited details have been provided but with the intention to rear and finish 20 beef cattle each year, run a small flock of 20 ewes, and keep a flock of 200 laying hens and 20- 30 laying ducks. The appraisal reports as follows:
- 14.12 **Firm Intention and Ability:**
The ability and intention of the applicant is not disputed but there is concern with regards to the ability to develop and continue the proposed farming enterprise given that it is entirely dependent on

rented land. There is no guarantee that Four Acres Farm will be available after September 2020 and no guarantee that West Wellow will be available after January 2021. In the absence of long term availability, there would be no case for a permanent dwelling.

- 14.13 **Functional Need:**
During farrowing, extra vigilance and frequent observation would be required and is necessary to help maximise piglet survival. If there were 40 sows, this might result in 2 farrowing's per week and on this scale, it is considered that there would be a functional need for an experienced stock person within easy access of the breeding sows.
- 14.14 Nevertheless, the lack of security of tenure brings into question this functional need in future with this assessment dependent upon stock numbers. Breeding sows are ideally stocked at 8 - 10 sows per acre and with little more than 4 acres at Four Acres Farm, there would not appear enough room to accommodate the proposed 40 sows and progeny. This also does not take into account the ability to rotate and rest land and also does not allow for issues of waste management which are particularly important on small sites. Furthermore, it is not clear how the poultry would be accommodated.
- 14.15 With regards to the cattle, if strong calves are purchased at around 6 months and reared through to 24 months, this would imply that there would be 20 cattle at any one time. However, there is no winter housing whilst the land at West Wellow is understood to be at high flood risk. It is also where 750 pigs would be finished each year; the proposed flock of sheep raise similar issues. Functional need cannot be established where no case has been made as to how the enterprises are to be accommodated within such a restriction.
- 14.16 **Sound financial basis:**
The applicants' budget details are based on stock numbers that are considered to be unjustified. Regarding the financial forecasts, concern is raised given that there is no comprehensive market research or feasibility study to support and justify the turnover based on the direct sale of pork and pork products to customers from 750 bred and reared pigs 'expected during the third year'.
- 14.17 **Alternative Accommodation:**
No alternative accommodation is known to be available.

Agent Response

- 14.18 The applicants agent has sought to address the above concerns (supported also with further information from their land agent and letters from customers) as follows:
- **Firm Intention and Ability:** Annex A does not state that land can not be rented while a rural worker who owns land might choose to sell land and thus "Land ownership therefore provides no more guarantee than land that is rented". A flood map is also provided seeking to show that 6.5 acres of land at West Wellow is outside flood zones 2 and 3 with the remainder at lowest risk level;
 - **Functional Need:** This does not relate to the tenure of the land and the Council's Consultant supports the need for a worker to be on site;

- **Sound financial basis:** The applicants have previously established a market base for their products and have begun to re-establish a market base after moving to this site. They have made significant investment into the business and have sought to demonstrate that the proposed stock numbers relating to pigs and chickens are justified with livestock rotated between Four Acres Farm, West Wellow and Ower.
- **Alternative Accommodation:** this is not disputed if an essential need is established.

14.19 The Council's consultant has reviewed this additional information but confirms that the issues raised are still apparent and these details do not alter the conclusions of the original appraisal. Accordingly, no essential need has been established.

Landscape Impact

14.20 Four Acres Farm is located on the very edge of the Landscape Character Area of the Copythorne Forest Farmlands and is composed entirely of the landscape type Ancient Forest Farmlands. The Council's landscape officer writes that this proposal, to site a temporary agricultural worker's dwelling on the narrow shared access to the pig pasture, is well contained visually within the existing landscape infrastructure and, although on land rising to the north, views are limited by existing hedged field boundaries from the Public Right of Way to the south. Similarly, views into the site from the north are limited and thus, from a visual amenity viewpoint, there is no objection to this application.

14.21 Nonetheless, the landscape character is disrupted by the coniferous windbreaks that visually contains the site which are a detracting feature in this small pastoral landscape where hedges with oaks are a feature. There are also landscape concerns that an intensive pig rearing business on a very small holding will not be sustainable in the longer term eventually resulting in a new dwelling in the countryside that does not support an agricultural need and which is sited in such a way as to prevent the reinstatement of appropriate hedge and oak planting on the western boundary.

14.22 For the above reasons, the proposal is considered to be contrary to policies CS2 and DM20. The agent has sought to address these concerns but the landscape officer has maintained this objection.

14.23 In respect of these comments, the mobile home and structures are not readily visible from the wider public viewpoints. Although the permanent siting of a container would not be acceptable, in the event that permission was granted, a condition might be attached requiring this to be clad. Therefore on balance it is not considered to be appropriate to raise an objection. Further, while it is acknowledged that this application seeks only a temporary permission in respect of a mobile home (and as such the design etc of any permanent dwelling is not subject to consideration), there are concerns that the size of the site would not be sufficient to accommodate the aspirations of the applicants without having a detrimental landscape impact. As such, there is an objection to the application on this basis.

Protected Trees

- 14.24 There is a line of protected oak trees along the western site boundary. The mobile home is positioned in a natural gap in this line of trees and has been constructed on concrete pad foundations. It is considered that this will have caused minimal impact on the trees on this boundary and as such, no objection has been raised to the application with regards to the impact on these trees.

Residential Amenity

- 14.25 Only Highlands (a two-storey dwelling) stands within close proximity of the proposals. This faces the highway (i.e. orientated away from the mobile home) and shares the same vehicular access. It is considered that the proposal would have an impact on the residential amenities of these occupiers but this would be primarily through the use of the land rather than provision of the dwelling/ further structures which are the subject of this application. As such, it is not considered that any impact on the residential amenities of the occupiers of Highlands would amount to a sustainable refusal reason.
- 14.26 All further residential properties are located at an appreciable distance from the site of the proposal and, therefore, having regard to the nature and scale of the planning application, it is not considered that any significant adverse impact in residential amenity would be caused.

Highway Safety

- 14.27 The site is accessed via the A36 with the access being shared with the neighbouring dwelling. This access is of insufficient width to allow 2 vehicles to pass and is located opposite the junction with the A326; the posted speed limit in the vicinity of the application site is 60mph. Hampshire Highways advise that any increase in the use of this access will therefore result in an increased probability of vehicles being forced to reverse onto the A36 which, given the nature of the A36 and the proximity of the junction and slip road is considered to be undesirable and would amount to a reason for refusal.
- 14.28 The planning statement also does not provide sufficient information detailing existing movements or any details regarding available visibility at the entrance (which is likely to be less than that required). There is also an objection to the application on this basis. This objection remains despite the additional (limited) information submitted by the agent.

Ecology

- 14.29 The application does not affect any known identified sites of nature conservation interest and it is unlikely that protected species would be significantly affected by the development if the site was previously utilised for an intensive agricultural use or previous use.
- 14.30 There is no information to enable an assessment of ecological impact and demonstrate accordance with policies CS3/ DM2 which states 'Development proposals will be expected to incorporate features to encourage biodiversity and retain, and where possible, enhance existing features of nature conservation value within the site. Existing

ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity'. However, in the circumstances, it is not considered appropriate to withhold planning permission for this reason but such mitigation could reasonably form the basis of an appropriately worded planning condition in the event that planning permission.

Outstanding Issues

- 14.31 The application site does fall within an area of land where the Council have suggested that new housing might be built. However, these proposals are only at an early consultation stage and do not form a material consideration in the assessment of this planning application at this stage.
- 14.32 With regards to concerns about waste, the keeping of pigs does not specifically form a part of this planning application. If this does cause a nuisance, then the matter can be referred to the Council's Environmental Health team who might be able to assist.

Human Rights

- 14.33 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The application has not demonstrated the essential need for a rural worker to live permanently at their place of work in the countryside. The application therefore comprises inappropriate residential development within the countryside which is contrary to the Council's Advisory Note on the Implementation of Local Plan Policies CS21 and DM21 (March 2016), Planning Policies DM20 and DM21 of the Sites and Development Management (Adopted) April 2014, Planning Policies CS10 and CS21 of the New Forest District outside the National Park Core Strategy (October 2009) and the provisions of the National Planning Policy Framework (2012).

2. By reason of the restricted size of the application site and the proposals for the future growth of the business, the application fails to demonstrate that the proposal could be satisfactorily accommodated without detriment to the landscape character of the site and its surroundings. The application is therefore considered to be contrary to Planning Policy DM20 of the Local Plan Part 2: Sites and Development Management (Adopted) April 2014, Planning Policy CS2 of the New Forest District outside the National Park Core Strategy (October 2009) and the provisions of the National Planning Policy Framework (2012).
3. The application fails to demonstrate that the development can be accommodated in a manner which would not cause increased danger and inconvenience to highway users. The proposal is therefore considered to be contrary to Planning Policies CS2 and CS24 of the New Forest District outside the National Park Core Strategy (October 2009) and the provisions of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

1. 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 takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the agent was advised of the objections to the application and given the opportunity to address these concerns although ultimately, the further information provided was not considered to overcome the objections.

Further Information:

Major Team

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Planning Development
Control Committee
August 2016

Item No: 3n
Four Acres Farm
Salisbury Road
Calmore Netley Marsh
16/10508
SU3315

Scale 1:3000

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

