

NEW FOREST NOTES FEBRUARY 2007

The Commoners' Housing Scheme

It is a measure of just how important a service the commoners provide to the New Forest that there exists a special exception in the strictly protective planning policies of the area, allowing them to build modest houses, even outside the limits of established settlements. These houses are intended to form a base for their farming activities in the Forest. The Commoners' Housing Scheme has been in existence since 1992, firstly under the auspices of a private trust, then managed by New Forest District Council and now under the National Park. I am sure it has been quite unintentional on the part of these authorities, and related entirely to the complexity of the scheme, but it has always been rather difficult to obtain precise details of how it works. Now, on the transfer to the Park, a flood of light has been thrown on the process thorough an excellent report by Emma Rigglesworth, formerly of the New Forest Committee and now possessing the rather grand Park title "Head of Sustainable Development". For the first time we are given a reasonably clear picture of how the scheme works and who can benefit from it.

It must be the dream of every pony-keeping family in the country to purchase a few acres of good pasture in a beautiful part of the New Forest, to build on it a little house and stables and to live there happily ever after. Now, theoretically, a "commoner" can do exactly that, but the road to success is not entirely straightforward, and to the disappointment of anyone seeing a quick profit in hoodwinking the planning system, there is little chance of a crock of gold at the end of this development rainbow. That at least, I am told, is the result of the safeguards which have been devised.

The scheme was designed with a view to allowing the children of established families of commoners to start living and farming in their own right within an area where otherwise they would not have been able to afford housing. Today, I suppose, that such a limitation would be regarded as discriminatory and contrary to human rights. Certainly nothing to this effect appears in the report or in the criteria laid down for judging candidates. Presumably any applicant from Birmingham or the Congo must be judged on an equal basis. To meet the stated criteria, a commoner must have kept a minimum of five animals on the Forest for seven years. That is a very low threshold and it is presumably intended that it should be low. He must have a good record of marking fee payment, high animal welfare standards and must have co-operated with the agisters. If he meets these simple requirements, he is in with a good chance of being able to build his dream home to use as a base for his future farming of the Forest.

His next task is to secure a few acres of grazing land on which his house will be built. That is not quite as easy as buying a field wherever he likes and then demanding the grant of planning permission. The siting and design of the house within the New Forest landscape must be acceptable to the planners. Although it does not appear to be specifically laid down, presumably services must be available and there must be minimal interference with

neighbours. There are (elsewhere) strict rules governing the location of new livestock buildings in relation to dwellings. Finally, the proposed house must not exceed 120 square metres of habitable floor space, although how far the planners would be able to hold that line in future applications to extend is somewhat doubtful.

Our commoner now has say two acres of grazing which cost him, say £50,000 in Ibsley, or a bit less in Marchwood. His planning permission is going through and there is only one more hurdle to jump. In order to prevent an unscrupulous man from exploiting the scheme by selling on his new house for a million pounds after six months, the capital value must be controlled and this is how the housing scheme seeks to achieve that. The commoner must convey the land to the managing authority – now the Park. The building plot is split off from the grazing and re-conveyed to the commoner subject to restrictive covenants which secure that the house can only be sold to another practising commoner and that the price to be accepted must be the agricultural value of the plot (i.e., without planning permission), plus the cost of building – both updated to the time of sale. Theoretically the Park can compel sale if the commoner fails to continue farming the Forest, but I can see that giving rise to some interesting litigation and providing opportunities for imaginative circumvention. The remainder of the land (the grazing) is retained by the managing body and leased to the commoner at a nominal rent. If, after a year or so, he gets bored with pony keeping and sells up, he can expect to receive little more than his original investment and perhaps even less if he paid a lot for the grazing, although there seems to be an element of compensation for the loss of the grazing lease. Details of that the Park has so far been unable to supply. On the other hand, if he sticks to his common right farming for life, he may enjoy perhaps sixty years of living on a millionaire's site while providing an invaluable service to the Forest and all for an initial outlay (recoverable) of less than £100,000. There is thus a great potential benefit to both Forest and commoner.

Ms Rigglesworth's paper tells us that so far there is a total of seven commoners' houses, with one in each of the villages of Bull Hill, Burley, Bartley, Furzley, Brockenhurst, Minstead and Wootton.

New Forest Transport Conference

In January the Hampshire County Council held its second New Forest Transport seminar at Beaulieu. The agenda was packed with weighty items like "Community Rail", "A Bus Operator's Perspective" and "Accessibility, Passenger and Community Transport in the New Forest". What attracted many of those attending, however, was not these interesting matters, but the opportunity to promote or oppose an outer bypass for Lyndhurst. There was the now familiar presentation by Professor Barber explaining how little damage an outer bypass would do to the New Forest and by the Lyndhurst Parish Council explaining why the only acceptable route must be deep within the Forest and must not inconvenience the residents of the parish. In fact, almost the whole of the morning session was devoted to a discussion of these propositions. No opportunity was afforded to the Forest to present a contrary view through a formal presentation, but questions and comments by dissenters were

permitted. There was an interesting address from a representative of Natural England in which the nature and stringency of the protection afforded by European legislation was described, but in the abstract only and not in direct relation to the outer bypass. Nevertheless, the implication of his words was clear enough: no outer bypass is likely unless it is deemed a priority national concern and there is no possible alternative, however expensive. That, of course, is theory only and with the application of enough political pressure, theories have a way of collapsing – or at least they did under the former weak administration of English Nature. On the whole I found Natural England's assessment rather encouraging and I am not generally given to optimism in judging threats to the Forest.

Even more hopeful was a slight but significant shift in the County Council's position, evidenced by comments from both officers and some councillors. There seemed finally to be a waning of the old arrogance which decreed that no coalition of pony-keeping yokels, a few bug-loving scientists and a Luddite MP would be allowed to stand in the way of grand development projects promoted by the County Council. Indeed, for the first time it was more or less admitted that the County could not simply bludgeon the New Forest into submission and that if a solution is to be found involving Forest land, it must be with the approval of the Verderers and Natural England and not in opposition to them. One senior councillor with environment and highway responsibilities freely acknowledged that the protective powers of the New Forest Acts were not just a "Beechers Brook" of an obstacle to an outer bypass, but "an Empire State Building". He was not prepared to see millions of pounds of council taxpayers' money spent on preliminary assessments of a bypass project merely in the hope that the Forest's objections might be resolved. That suggests a degree of prudence and realism on the part of the County undreamt of twenty years ago. Empty road-building coffers and competing demands for the little money available has evidently done much good in Winchester, and the Forest may prove to have been an early beneficiary.

Weakening of camp site controls

Last year the Forestry Commission achieved a remarkable coup in leasing off a large chunk of the New Forest (the camp sites) to a private commercial company (Forest Holidays Ltd) without any local consultation. The extraordinary nature of this transaction was only matched by the supine response of the Forest. Very few voices were raised in protest. The Forestry Commission, no doubt, could scarcely believe its luck. It must have been expecting mass demonstrations in Lyndhurst High Street. From those few who did protest, there were predictions of much trouble to come. Now, within a few months, some worrying signs are appearing.

In January the chief executive of Forest Holidays announced that he intends to open up virtually all the camp sites to dog keepers, whereas formerly a significant part of Forest camping was dog free. I am told that his remarks are not limited to the New Forest, but that is not much comfort. The New Forest Review of 1988 insisted on the dog free status of Denny Wood, which is particularly essential from a conservation point of view. However, Forest Holidays has been advertising this camp on its website as "dogs welcome". The Deputy

Surveyor tells me that this is a mistake resulting from a confusion with Matley Wood and that it will be corrected. He also says that despite the reported announcement from Forest Holidays, Ashurst will remain dog free. On the other hand, the dog free areas in other sites are to be scrapped.

Since the number of dogs and their pressure upon the New Forest has been a crucial consideration in the Commission's expansion plans at Roundhill, these changes must give cause for concern. The "appropriate assessment" of the Roundhill proposals only squeezed through on the understanding that dog keeping there would be very severely limited. The Deputy Surveyor rightly points out that this would only take effect if planning permission is secured and that he is confident in the ability of Forest Holidays to educate dog keepers. One is left with the impression of a camp management which is not very well coordinated and driven by a desire to put recreational demands ahead of Forest interests.

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