



Please use these guidance notes and application form to establish whether you are eligible for the New Forest National Park Authority's Commoners Dwelling Scheme.

# Commoners Dwelling Scheme

## **Guidance notes and application form**



Completed forms should be marked as confidential and returned to:  
New Forest National Park Authority, Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

**Please be assured that personal and financial details will be treated in confidence.**



## GUIDANCE NOTES

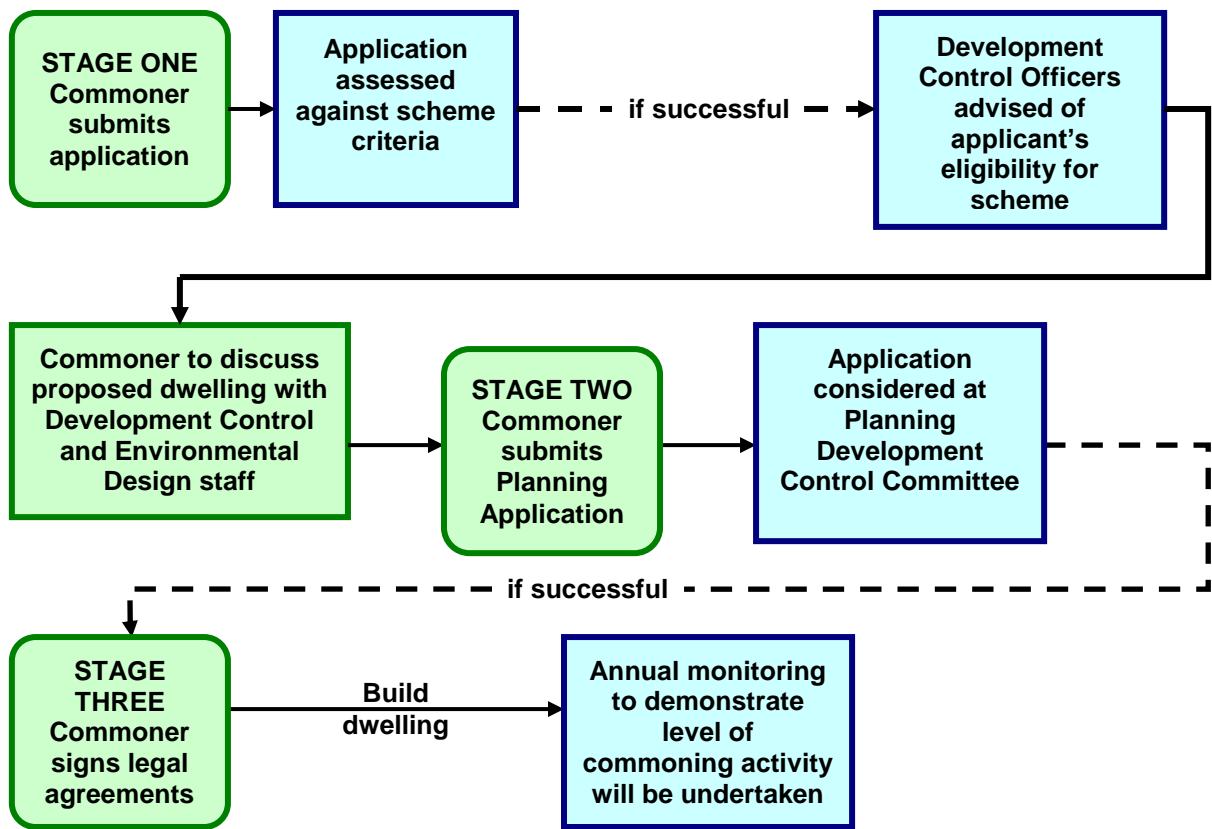
The New Forest National Park Authority has very strict policies on house building within the National Park in order to protect the Special Qualities of the area. Commoners dwellings are allowed as exceptions to these strict restraints in recognition of the role commoning plays in maintaining the Special Qualities and cultural traditions of the Forest. The Commoners Dwelling Scheme comes under policy CP11: Affordable Housing of the Core Strategy and Development Management Policies Development Plan Document for the New Forest National Park (adopted 2010).

Applying to build a commoners dwelling under this scheme is a three stage process, set out below.

- Stage 1      Assessment your commoning history and need for housing. This will be determined by the Commoners Dwelling Scheme Panel based on your answers in this application form. If the NPA is satisfied that you meet the requirements of the scheme, we will advise our development control officers that you are eligible for the scheme. We would expect this process to take around 12 weeks from receipt of your application. If you are ineligible we will write to you giving the reasons why we cannot consider your application.
- Stage 2      Application for planning permission. You must make an application for planning permission using our normal planning processes. We strongly advise that you talk to our development control and environmental design officers about the design, location and siting of your proposed dwelling. Acceptance at Stage 1 does not guarantee that planning permission will be granted. If you need further assistance with this please contact the NPA on 01590 646610.
- Stage 3      Signing of legal agreements. If you are successful in gaining planning permission for your dwelling you will be required to sign a set of legal documents which will ensure that the dwelling will remain in use for commoning in perpetuity. You are advised to take independent legal advice at this stage.



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## **How we assess your application**

Your application will be assessed by the Commoners Dwelling Scheme Panel. The Panel comprises an NPA Member, a Verderer, two representatives of the local community appointed for their knowledge and understanding of commoning, and two NPA officers. The Panel will determine whether you meet the requirements of the scheme. In making this decision, they will consider:

### **1. Your need for a commoners' dwelling**

You will be required to demonstrate your 'need' for a commoners dwelling. To do this you will have to prove that:

- you cannot common from your existing dwelling; and
- that you do not have access to a property from which you can carry out your commoning.

If in recent years you have moved from a property/properties from which you could carry out commoning, the NPA will need to understand the reasons for the move. You will need to demonstrate that you have looked to secure a suitable property by other means prior to applying to the Scheme.

### **2. Your commoning background**

The NPA must be certain that you are a genuine commoner with an established recent history of active commoning activity.

You must therefore demonstrate that you have:

- commoned in your own right with a minimum of five ponies and/or cattle depastured each year for at least seven years in succession; or
- commoned in your own right with five ponies and/or cattle depastured each year for at least five years plus two years in succession in conjunction with your family.

The NPA will check the information given with the Verderers who will be asked to provide:

- Commoning history e.g. payment of marking fees
- Animal welfare history
- Agister's references to support commoning history.

The NPA will also consult other organisations concerned with commoning, as appropriate. In determining eligibility under the scheme, the NPA will have regard to animal welfare considerations as well as commoning history.



### **3. Your proposed holding**

It is essential that you own both the land on which the dwelling is proposed and have vehicular access to it. Your proposed site must include building land and back-up grazing land for use in association with your commoning enterprise, this must be a

minimum of two acres (0.81 hectares). However, the expectation is that larger amounts of grazing land would be required for exceptional larger holdings. It must also be land that has common rights of pasture, as identified in the Verderer's records.

Any dwelling built under this policy will have to meet the highest design standards. If you are eligible for the scheme, you are advised to employ an architect or builder who understands the NPA's policies and can design a dwelling that meets both your needs and the NPA's requirements. The maximum size of the dwelling permissible under the policy is 120 square metres floor area. You are strongly advised to get in touch with our environmental design team at the earliest opportunity to discuss your proposals. Notwithstanding eligibility and need, the NPA reserves the right to refuse permission for a dwelling that would harm the special character of the New Forest.

### **4. Your ability to build your proposed dwelling**

You will need to show that you are able to meet the full costs of constructing your dwelling. These costs will include building costs, costs of obtaining planning permission and building regulations approval, design fees and costs of providing any services needed (e.g. electricity, water, telephone).

We will ask for written evidence to demonstrate that you have sufficient funds to meet all these costs. This might be an original bank, building society or savings account statement or a mortgage offer. We may also run a credit check.

If you plan to take out a mortgage, we will need to be assured that you will be able to finance the construction of the dwelling through to completion. In the event that you need a mortgage for the scheme, we will require that the amount of mortgage does not exceed 90% of the transfer value of the property.

### **Legal Agreements**

If granted planning permission for your dwelling you will be required to sign a set of legal documents that will ensure the dwelling will remain in use for commoning in perpetuity. You are strongly advised to take independent legal advice at this stage.

The agreement comprises a Section 106 Planning Agreement which requires the commoner, who is responsible for building the dwelling, to transfer the freehold interest of the site on which the dwelling is built to the NPA. The Authority then divides the site into grazing and



building land. The building land is conveyed back to the commoner with imposed covenants restricting the use of the dwelling and land to commoning. The grazing land is then leased back to the commoner at a peppercorn rent. Ownership of the dwelling may only pass to a person who has been confirmed eligible for the Commoners Dwelling Scheme and approved by the NPA.

The legal agreements you sign will give the NPA power to ensure that the dwelling remains used in perpetuity by people active in practising commoning. This will mean that in certain circumstances including if you either cease commoning, or default on your mortgage payments then the NPA may forfeit your lease of the grazing land and take possession of the dwelling. This will be dealt with in a sensitive and practical manner on a case by case basis and will be subject to considerations arising from ill-health or retirement.

In taking possession of the holding, the NPA will pay only the transfer value of the dwelling, i.e. the current agricultural value of the land plus the current bricks and mortar building costs, and re-sell the property at the transfer value to another eligible commoner, and transfer the grazing lease to that commoner. You will need to repay any mortgage in full from the transfer value. You should bear in mind that the mortgagee will have various powers under the terms of the mortgage deed in the event of default on the mortgage obligations.

### **Monitoring**

All occupiers of commoners dwellings built under this scheme will be required to submit an annual statement of their commoning activity on 31 March each year to the National Park Authority. This will be verified with the Verderers and other relevant organisations. The purpose of this is to enable the Authority to check that the dwelling is being used for the purpose for which it was permitted, i.e. to support commoning activity. The Authority reserves the right to inspect the land at any time to check compliance with conditions.

### **Change of ownership**

There may be circumstances when you wish to pass the ownership of the dwelling to another person, e.g. sell or gift it to another member of your family. This is possible provided that the person to whom ownership is being transferred meets the requirements of this scheme. The lease of the grazing land must be assigned simultaneously with the change in ownership of the dwelling. The Authority will need to approve any such change of ownership.

### **Human Rights**

We need to draw your attention to the potential impact that this scheme and the related agreements might have on your human rights.

We have given this careful consideration and advise that there may be some interference with your human rights. However, this has to be balanced against the exceptional nature of the development for which planning permission is being granted, and the purposes of granting this permission to support commoning. Insofar as there is an interference with your



human rights in connection with the completion of this application, this is considered necessary for the protection of the special qualities of the New Forest.

These guidance notes are intended to make you aware of the conditions, covenants and restrictions attaching to any grant of planning permission for a commoners' dwelling, and of the consequences of any default on your part. You are strongly recommended to take independent legal advice before entering into this scheme.



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**Commoners Dwelling Scheme**  
**Application Form**

**PART A – YOUR DETAILS**

1. Name

2. Current Address  
(including postcode)

3. Home Phone number

Mobile Phone number

Email (if applicable)

4. Date of Birth

5. Number of children living  
with you (if applicable)

6. Ages of children  
(if applicable)

7. Please give details of anyone else who lives with you permanently





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**PART B – PLEASE TELL US ABOUT YOUR PRESENT AND PREVIOUS ADDRESSES**

8. Does your current property have common rights of grazing? Yes  No

9. How long have you lived in the property?

10. Do you own your current property Yes  No

(If no, please go to Question 11.)

(i) If the property is jointly owned, please supply full details:

(ii) Do you own any land adjoining the property other than the garden? Yes  No

(iii) If yes, what is the hectareage of land that you own? (please supply a map with the area that you own clearly marked)

(iv) Is this land capable of supporting animals off the Forest? Yes  No

(v) What is the current market value of the property (including any land adjoining it)?

£

(vi) Do you have a mortgage on the property? Yes  No

(vii) If so, what is the outstanding balance to be repaid?

£

11. If you do not own your property, who is the landlord and what is his/her address?



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12. Please tell us why you are unable to common from your current property?

13. Please tell us how you have looked to secure a suitable property by other means prior to applying to this Scheme?



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14. Please supply the following details for all previous addresses in the last 7 years.

Address:		
Date of leaving:		
Date moved in:		
Reason for move:		
Did this property have common rights:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were you able to common from this property:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Address:		
Date of leaving:		
Date moved in:		
Reason for move:		
Did this property have common rights:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were you able to common from this property:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please continue on a separate sheet if required.



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**PART C – PLEASE TELL US ABOUT YOUR COMMONING ENTERPRISE**

15. Do you own any other land in or near the New Forest to support your commoning? Yes  No

If yes, please supply details including location and size and attach a map with the area that you own clearly marked

16. Do you lease or rent any land in or near the New Forest to support your commoning? Yes  No

If yes, please supply details including location and size, landlord, address of landlord and length of lease/details of tenancy.



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17. Please supply a breakdown of your average income from commoning over the last 5 years. This should include trading and profit and loss accounts.

A large, empty rectangular box with a thin black border, intended for the user to provide a breakdown of their average income from commoning over the last 5 years.



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18. What are your other sources of income apart from commoning? Please supply annual accounts/income in support of this statement.

A large, empty rectangular box with a thin black border, intended for the respondent to provide their answer to question 18.



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**PART D - PLEASE TELL US ABOUT YOUR PROPOSED DWELLING**

**Ownership**

19. Will your proposed dwelling be in joint names (e.g. husband/wife/partner)? If so please supply details.

**Site, access and services**

20. Where do you wish to site the proposed dwelling? (please enclose a map with the location of the proposed dwelling clearly marked)

21. Please confirm that you own the land on which you propose to build the dwelling?

Yes

No

If the land is jointly owned please supply details

22. What is the area of the land in hectares?

23. Does this land have:

Vehicle access?                      Yes                       No

Water supply?                              Yes                               No

Electricity supply?                              Yes                               No

Gas supply?                                      Yes                                       No

Telephone?                                      Yes                                       No

Mains drainage?                                      Yes                                       No



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Other forms of sewerage  
collection

Yes

No

Please supply details (including a plan) of vehicular and pedestrian access to the site.

Who owns the access?

If you do not own the access, what are the conditions of your rights of access?

### Dwelling

24. What is the proposed size of the dwelling?  
(the maximum allowable under this scheme  
is 100sq.m.)

### Costs

25. What is the estimated cost of the  
dwelling?

£

Please include additional costs such as:

- building costs
- costs of obtaining planning permission and building regulations approval
- design fees
- costs of providing any services needed (electricity, water, telephone, drainage etc)
- costs of any licenses for access
- your own legal fees

26. How do you intend to build the dwelling  
(i.e. builder, sub-contractor, self-build)?

27. How do you propose to meet the costs identified above of building the dwelling?





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**If you are planning to finance the build from your own funds, we will need to see a copy of your bank, building society or savings account statement.**

28. If you need a mortgage to pay for the dwelling, who would be the lender?

Name

Address

Tel:

29. Is your proposed mortgage being arranged by a broker? If so, please supply details:

Name

Address

Tel:

**We will need to see a copy of any mortgage offer in connection with this proposal when you receive it.**



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**PART E – COMMONING HISTORY**

**Note: Details of commoning history will be checked with the Verderers and other New Forest organisations and cannot be treated as confidential.**

30. How long have you been a practising commoner?

Please give details of other members of your family who are or have been practising commoners:

Name
Address
Relationship to the applicant:
Name
Address
Relationship to the applicant:
Name
Address
Relationship to the applicant:

Please continue on a separate sheet if required.



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31. How many animals have you depastured on the Forest in the last seven years?  
[Note: this should include a minimum of 5 cattle and/or ponies in each of the last 7 years]

	2006	2007	2008	2009	2010	2011	2012
Ponies							
Cattle							
Pigs							

32. How you been the sole owner of these animals? Yes  No

Please give details of all commonable animals that you own at present

If you have children, do any have animals of their own that are depastured on the Forest?

If so, are marking fees paid in their name? Yes  No



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**PART F – FUTURE COMMONING PLANS**

33. If permission for a commoners dwelling is granted, how do you see your commoning activities continuing in the future e.g. increasing/decreasing stock numbers, marketing activities?

34. If permission for a commoners dwelling is granted, how will your commoning activity benefit the New Forest overall?



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**PART G - DECLARATION**

I / We the undersigned hereby apply to be considered eligible for a commoners dwelling.

I / We consent to the Authority pursuing all such enquiries as are deemed necessary in order to verify the information that I / We have supplied. I / We hereby authorise the proposed mortgagee ..... (insert name), the Verderers and any other New Forest organisations or bodies concerned with commoning to supply replies to such enquiries as the Authority may make in connection with this application.

The information in this form is true to the best of my/our knowledge and belief.

Signature

Name printed in block capitals

Signature

Name printed in block capitals

Date



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**PART H - FOR OFFICE USE ONLY**

**For Office Use:**

**When completed, please send this form and any supporting documentation, marked confidential, to:**

**Clare Ings  
New Forest National Park Authority  
Lymington Town Hall  
Avenue Road  
Lymington  
SO41 9ZG**

**For Office Use:**

Date received form:

Date received all necessary information to enable application to be assessed: