

**Application No: 22/00336/FULL Full Application**

**Site:** Land Adjacent, Warren Copse, Woodgreen, SP6 2QY

**Proposal:** Commoners dwelling; barn; stables; pole barn; solar panels; manege

**Applicant:** Mr & Mrs Mansbridge

**Case Officer:** Ann Braid

**Parish:** WOODGREEN

**1. REASON FOR COMMITTEE CONSIDERATION**

All planning applications for commoner’s dwellings are reported to the Planning Committee.

Contrary to Parish Council view.

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- SP1 Supporting sustainable development
- SP5 Nature conservation sites of international importance
- SP6 The natural environment
- SP16 The historic and built environment
- SP29 New Forest commoners’ dwellings
- DP2 General development principles
- DP50 Agricultural and forestry buildings
- DP52 Field shelters and stables
- DP53 Maneges

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- Sec 5 - Delivering a sufficient supply of homes
- Sec 12 - Achieving well-designed places
- Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

## 7. PARISH COUNCIL COMMENTS

**Woodgreen Parish Council:** Recommend refusal for the reasons listed below.

- Parish Council supports commoning within the New Forest however feel that such a large development is not suitable for this location.
- The top half of the field is highly visible from across the valley (particularly from Deadman's Corner) and would have a great impact on the landscape in an area which currently is open fields with no development. Feel that this development is an encroachment onto open Forest.

**Hale Parish Council** (adjoining parish): Recommend refusal as concerned with the overgrazing of Hale Purlieu. Further comments:

- DP2 - The proposed dwelling, associated outbuildings and manege are not appropriate in terms of massing and scale and constitute an overdevelopment of the site. The siting of the development enables it to be viewed from across the valley along Roger Penny way thus creating a visual intrusion.
- SP7 - The development will have a major impact on the landscape character of the area, again due to the massing and scale of the development and its large visual impact on the landscape.
- DP18 - The scale and setting of the development means that it is not "contextually appropriate" and does "harm key visual features, landscape setting and other valued components of the landscape."
- SP11 - The location of the development does not support the NPA's policy to mitigate climate change, particularly in respect to the reliance of car use in this location.
- SP5 and SP6 - The proposed development would be in close proximity to internationally and nationally designated sites (SSSI, SAC, SAC) and would impact negatively on these particularly in respect to local water sources and the possible increase in pollutants such a development would bring.
- SP15 - The proposed development is situated on a site in the north of the New Forest, this area has been identified as one of the most tranquil in the Forest, (determined by the amount of manmade noise and visual disturbance). This development will add both noise and light pollution to this "tranquil" area and thus impact on the "dark skies" status aimed for by the National Park Authority.

## 8. CONSULTEES

- 8.1 Tree Officer: No objection subject to condition
- 8.2 Highway Authority (HCC): No objection
- 8.3 The National Trust: None received
- 8.4 Planning Policy Officer: The applicant has responded appropriately to Natural England's consultation response

regarding water quality and impacts on the River Avon.

- 8.5 Natural England: Details of the proposed drainage scheme should be secured by condition and Natural England should be consulted on the details to ensure an appropriate solution to achieve nutrient neutrality.

## 9. REPRESENTATIONS

- 9.1 100 letters of support have been received. Of these, 50 offered support with no further comment. Other reasons for supporting the case include:

- Support for the future of commoning
- The applicants are genuine commoners
- Commoning is vital to the future of the New Forest
- The Commoners Dwellings Scheme should be supported
- The applicants breed New Forest ponies
- The applicant is a farrier
- There are no affordable houses for commoners
- The design of the dwelling is traditional
- The need for the dwelling outweighs the harm

The Commoners Defence Association fully support the application.

- 9.2 14 letters of objection have been received with the following concerns:

- Impact on the landscape, especially views from Deadman Hill
- Vulnerable site, impact on Hale Purlieu
- Damage to the access track
- Impacts on wildlife and ecology
- Pollution
- Not in keeping with the locality
- Proposed dwelling is too large
- The development would set a precedent
- Commoning needs can be met elsewhere
- Contrary to policies for the protection of the Forest
- Solar panels are unsightly
- The destruction would be irreversible.

- 9.3 Three letters making comments only:

- the location is not overlooked
- commoning maintains the lowland heath
- conditions are requested to control noisy uses, to agree materials and the maintenance of the track
- the site has historically be used for commoning
- the land across which the applicant has right of access is not

as shown on the plans, and a land registry document has been supplied.

## **10. RELEVANT HISTORY**

10.1 None

## **11. ASSESSMENT**

11.1 The site is a single 2.3 hectare field situated to the east of the settlement of Woodgreen, and is accessed by a gravel track which serves the properties in Warren Copse. The land slopes down from the track towards a stream which forms the eastern boundary of the site. To the north of the site is Hale Purlieu, to the north east lies the valley of Millersford Bottom and to the south east the land rises to the ridge, along which runs Roger Penny Way. Immediately to the south is a paddock, which is divided from the site by a fence and hedging. The site lies adjacent to the boundary of the Western Escarpment Conservation Area, and the access and a length of existing track lie within the conservation area.

11.2 The application is for a commoner's dwelling and associated barns, stables and a manege. The proposed dwelling would be located to the west of the site, with a barn, a pole barn, stables and a manege located to the north. Access to the site would be taken from the existing gravel track, and the remainder of the land would be left as paddock. The dwelling would be a two-storey red brick building under a slate roof and a garage with an office over and a utility room on the ground floor would be linked to the house by a covered way. The house would have an internal floor area of 100 square metres excluding the linked outbuilding. The enclosed barn would measure 24 metres by 10.5 metres with a ridge height of just under 6 metres and would be constructed in a steel frame clad in timber and a fibre cement roof. The pole barn would be an open fronted structure and would also be clad on three sides in timber with a fibre cement roof. It would measure 12 metres by 10.5 metres and just under 6 metres to the ridge. It is proposed to install arrays of solar panels on the barn roofs. The stable block would comprise three stables, with a tack room and workshop and would measure 18.5 metres long and 5.2 metres wide at the widest points. The stables themselves would measure 3.6 metres by 3.6 metres and the building would be 4.2 metres high to the ridge. The manege would measure 40 metres by 20 metres and would be surfaced in a grey mix of sand and fibre.

11.3 Issues to be assessed would include:

- The applicant's compliance with the eligibility criteria as required by the commoner's dwelling scheme;
- The scale and design of the dwelling;
- The extent and nature of the associated development

- The impact on neighbours, the wider New Forest landscape and the conservation area;
- The impact on trees and nature conservation interests in the area; and
- The siting of the manege and any re-grading of the land that would be required

11.4 New residential development is strictly controlled within the National Park under Policy SP19, the exceptions being agricultural or forestry workers dwellings, affordable housing, estate workers' housing and commoners' dwellings. Applications for commoners' dwellings are considered under Local Plan Policy SP29 and follow a three stage process. Stage One is the consideration of an applicant's eligibility by the Commoner's Dwelling Scheme Panel (CDSP) who provide an initial recommendation as to whether an applicant should be considered as an appropriate person to apply for planning permission under the Commoner's Dwelling Scheme (CDS). Stage Two is the determination of the planning application by the Authority, all elements for planning application being considered in the usual way, and Stage Three is the completion of various legal agreements, obligations, transfers and leasing arrangements.

### **Stage One**

11.5 As part of Stage One, an applicant must demonstrate that they are a genuine commoner with an established recent history of commoning in terms of the number of stock depastured (a minimum of five ponies and/or cattle for at least seven years in their own right, or the same number of stock in their own right for at least five years, plus two years with their family), their needs for housing, demonstrating that commoning cannot be carried out from their current address and that they do not have access to another property from which to common. In addition, the land must have common rights of pasture, be a minimum of two acres and be owned by the applicant. The commoning history relates to stock (payment of marking fees), animal welfare and agister's references. The applicant also has to be financially capable of building the dwelling. The information relating to the commoning history is checked by the Verderers and the Commoners Defence Association are consulted. This is the information that the CDSP considers and upon which it makes a recommendation on the eligibility, or otherwise, of an applicant, as a candidate for the CDS. In these respects, the criteria of the CDS have been met, and the CDSP were therefore supportive of the proposed arrangements subject to safeguards being in place through legal agreements.

11.6 The applicants' family has been commoning for 300 years, and the applicant has been commoning since he was a child. The family currently turn out 17 ponies in the south of the Forest. There are currently two riding ponies, which are used when

checking stock and when rounding up animals in the drifts. New Forest ponies are also shown, to promote the breed. The applicants currently rent 17 acres, and the rental charges are unsustainable. House prices are too high to enable the applicants to buy a suitable property. Unless the applicants are able to establish another property for their commoning enterprise, there is a risk that they will need to cease commoning completely. Although the proposed site for the dwelling is in the north of the Forest, the applicants have advised that this need not be a problem as stock can, over time, be relocated which can be beneficial through the greater dispersal of the stock. The proposed dwelling would enable the applicants to care for their stock on the holding and their depastured ponies can also be checked. With regard to the associated buildings, it is accepted that some buildings will be required to house stock and agricultural machinery, and consideration has to be given to ensure that it is commensurate with the nature of the commoner's holding and activities. The applicant has advised that the steel framed barn would be used for machinery storage, farm equipment storage and an area allocated for mare foaling, for stock welfare and as a holding pen. The workshop, which forms part of the stable block, is to be used to securely store the equipment used by the applicant in his work as a farrier. The riding arena will be used to halter break and train semi-feral young stock and break in new forest ponies for riding and continue their training. It would be used as an all weather turnout area for new forest colts/stallion which cannot be turned out with other mares or geldings due to safety reasons.

- 11.7 Commoners' dwellings differ from other forms of affordable housing in so far that they are financed and built by the applicant (rather than a housing provider) and for this reason, the applicant has demonstrated to the satisfaction of the Panel how they propose to meet the costs of building the dwelling as part of the Stage One process. Furthermore, it is not always practical to locate new commoners' dwellings on sites in or adjoining villages. There are also other criteria which have to be met such as the applicant having to own the land and having access to sufficient back-up grazing for use in association with the commoning enterprise. Officers agree with the assessment of the CDS panel but it is open to Members to consider the applicants' eligibility as part of the wider planning application process.

## **Stage 2**

- 11.8 This is the planning application stage, and has to be considered in the same way as any other application in terms of impact on the landscape, design, layout as well as impacts on the amenities of nearby dwellings, trees and the ecology of the National Park. The introduction of a commoner's dwelling and barns on this greenfield site would inevitably alter the appearance of the immediate area and would be visible within the wider landscape.

The visibility of the proposed development and its impact in the landscape is the principal objection raised in the representations, particularly the view from Deadman Hill, where there is a car park on the north side of Roger Penny Way. The impact has been assessed in both near and wider views, including the impact on views into the dispersed settlement within character area K of the Western Escarpment Conservation Area. From the direction of Deadman Hill, the development would be set against a wooded hillside. Whilst the new dwelling and associated buildings would be visible in the landscape, the character of the development would be that of a small farm holding, typical of commoners' holdings on the forest. The character of the development is not considered inappropriate to the rural locality or to the wider Forest. The choice of sites open to the applicant, and affordable for them, is extremely constrained. The chosen site complies with the requirements of the CDS in terms of its area, it is in the ownership of the applicant and has the necessary rights. The requirements mean that all sites for proposed commoners' dwellings are likely to be scarce and similarly sensitive, and a judgement needs to be made as to whether the benefits for commoning and therefore for the unique cultural heritage of the New Forest outweigh the harm perceived in this case.

- 11.9 The dwelling would measure 100 square metres, the appropriate size for a commoner's dwelling, and would be constructed of red brick under a slate roof. The ridge height of the main house would be 8 metres and that of the garage would be 5.5 metres. With regard to design, the dwelling would resemble a forest cottage with a traditional-looking porch, and it would face west towards the wooded slope and the access track. The design, scale and overall appearance of the dwelling would be acceptable, materials would be a traditional mix, and all windows would be timber-framed. A condition would need to be attached which would ensure that the attached outbuilding, the farm office and utility room are not used as habitable accommodation. Subject to this, the floor area of the dwelling is considered to be compliant with the floor area limitations of Policy SP29 and design advice set out in the Design Guide SPD.
- 11.10 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 planning permission would adversely affect the integrity of the New Forest European site, in view of its conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect on designated European sites without mitigation. The site lies within the catchment area of the River Avon. With regard to impacts on Water Quality Natural England has advised that development within the catchment of the River Avon should be 'phosphate neutral' to avoid impacts on the integrity of the River Avon's Natura 2000 designations. Excessive nutrients (principally

phosphates) in the River Avon and are causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within the designated European nature conservation sites in the River Avon to which the Habitat Regulations apply. In order to achieve phosphate neutrality, the applicant has proposed the use of a package treatment plant (PTP), and this has been assessed by Natural England. Whilst the principle of the PTP is acceptable, the details of the chosen package will need to be agreed, and Natural England has offered advice in this regard. A planning condition will need to be attached to the consent to agree measures that would ensure nutrient neutrality. These measures will need to be in place prior to the occupation of the dwelling.

- 11.11 In relation to other impacts on ecology, an ecological report has been submitted which sets out the proposed mitigation and enhancements as well as a Construction Environmental Management Plan. The recommendations of this report may be secured by condition.
- 11.12 The agricultural barns are considered appropriate in this rural area. The scale and extent of the buildings and their design and materials would be appropriate, representing a simple unfussy and practical solution. The use of metal sheeting is a cost effective and robust solution in this instance. Their ridge height is proposed to be lower than that of the house and they would be set against the wooded slope. The stables would have a floor area of 56 square metres including the tack room and the attached workshop would add another 17 square metres. The chosen materials for this building would be appropriate and the scale of the building and its location against the trees would comply with the recommendations of Local Plan Policy DP52 and the Guidelines for Horse-related Development SPD. The manege is of the recommended dimensions set out in the SPD and would be used for the welfare and training of the applicants' Forest stock. The materials for the manege surface (grey sand and fibre) and timber post-and rail fencing are also considered appropriate. Although the site slopes gently, the manege has been sited in the location where the least re-grading of land will be required. The manege has been designed to be compliant with Policy DP53 and the advice in the SPD.
- 11.13 With regard to neighbour amenity, there are a number of houses located to the west of the site, set a minimum of over 80m away from the boundary, and screened by wide belts of mature trees. The proposal would not therefore have any direct impact on the residential amenities of the occupants of the properties through loss of light, outlook or privacy. There is some potential for increased traffic along the access to cause some noise and disturbance together with larger vehicles/trailers. The applicants do not intend to enlarge their commoning enterprise which is manageable at its current level as they only breed a small number



of ponies. Given the relatively modest scale of the commoning enterprise, it is not considered the additional traffic generated would have such a significant impact as to sustain a refusal on this basis, particularly as it is apparent that the access track is already in use by vehicles to access the site and adjacent fields.

- 11.14 The western boundary of the property is situated in the designated conservation area and the trees close to the site are therefore a constraint to the proposed development. An arboricultural report has been submitted. The proposed dwelling would be sited sufficiently far from the tree root protection areas as to have no adverse impact. The outbuildings would marginally encroach into the root protection areas of several trees, however the extent of encroachment is considered by the tree officers to be minor and of no consequence to the long term retention of the trees, providing the submitted arboricultural information is adhered to. This may be secured by condition.

### **Stage 3**

- 11.15 Under the commoners' dwellings scheme it is a requirement that the applicant enters into a S106 agreement to ensure that the dwelling would remain available for commoners in perpetuity. Should the Authority be minded to approve the application, the third stage of the process requires the completion of a detailed legal agreement to ensure that the dwelling remains in use for commoning in perpetuity. Through this agreement, the applicant is required to transfer the freehold interest of the site on which the dwelling is to be built to the Authority. The Authority then divides the site into grazing and building land. The building land is conveyed back to the applicant with 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.
- 11.16 The applicant is aware of these requirements and would be content to enter a legal agreement as so described above.

## **12. RECOMMENDATION**

Subject to the prior completion of a section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following 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 Development shall only be carried out in accordance with drawing numbers:

man sht 1 Rev A, man sht 2 Rev A, man sht 3 Rev C, man sht 4 Rev x, man sht 5 Rev x, man sht 6 Rev x, man sht 7 Rev C, man sht 8 Rev C and man sht 9 Rev x. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 No development shall take place above slab level until samples or exact details of the facing and roofing materials for the house and associated buildings have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the development in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 No windows or doors shall be installed until typical joinery details for the new windows and doors have been submitted to, and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character of the building in accordance with Policies DP2, DP18 and SP17 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 Prior to the commencement of development a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 The dwelling hereby permitted shall not be occupied until the barns hatched green on the approved plan have been completed.

Reason: The dwelling and barns together are only justified on the basis that they are necessary to provide accommodation for a commoner and to enable the practice of commoning to be successfully undertaken in accordance with Policies SP29 and DP50 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 9 The occupation of the dwelling shall be limited to a New Forest commoner eligible under the Commoners Dwelling Scheme, and any resident dependants.

Reason: The dwelling is only justified on the basis that it is necessary to provide accommodation for a commoner in accordance with Policy SP29 of the New Forest National Park Local Plan 2016-2036 (August 2019). The proposal would otherwise be contrary to policy SP19 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 10 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted MJC Tree Services Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement (ref- MJC-22-0109) while in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 11 The dwelling shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the New Forest National Park Authority. Such proposals must:

- Provide for mitigation in accordance with the Authority's Interim Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.

- 12 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement, as well as the Construction Environmental Management Plan, which are contained in the ecological report by ABR Ecology dated 20 April 2022 hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard the ecology of the locality and protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 13 The barns hereby permitted shall only be used for agricultural / commoning purposes and for no other commercial, business or storage purposes whatsoever.

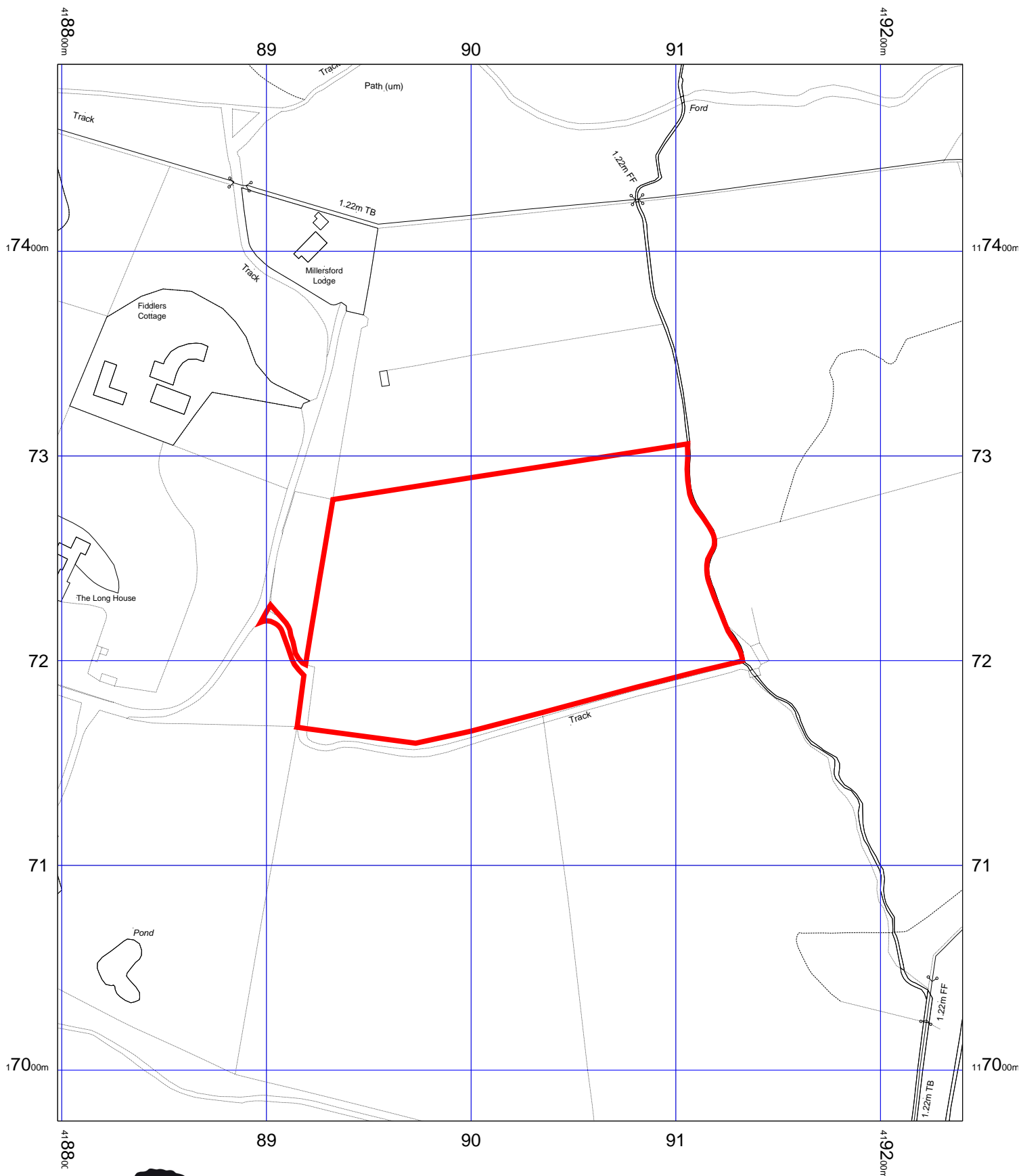
Reason: The building is only justified on the basis that it is necessary for agriculture / commoning and in accordance with Policy DP20 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 14 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the locally distinctive character of the Western Escarpment Conservation Area in accordance with Policy SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).as well as the Western Escarpment Conservation Area Management Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England 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: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy SP29 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 02/09/2022

**Ref: 22/00336**

**Scale: 1:2500**

© Crown copyright and database rights 2022 Ordnance Survey 100014703

