

THE COUNTY FARMS ESTATE MANAGEMENT AND RESTRUCTURING

Report of the Head of Business Strategy and Support

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation(s):

1. That the Committee approves the recommendation set out in the opening paragraphs of section 1 and 2 of this report.

1.0 Beara Down Farm, Bratton Fleming

- (i) That the Beara Down farmhouse, buildings and some land extending in total to 15.84 acres or thereabouts and more particularly described as OS 9089 and Pt's OS 7200, 9793 and 0005 be relet on a further Farm Business Tenancy Agreement to the existing tenant for a term commencing 25 March 2017 and expiring 25 March 2018, subject to terms being agreed.
- (ii) That 26.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 0800, 0805, 1500, 3122, 4425 and 5625 be relet on a further Farm Business Tenancy Agreement to the existing tenant for a term commencing 25 March 2017 and expiring 25 March 2024, subject to terms being agreed.

1.1 At the County Farms Estate Committee meeting of 9 February 2012 members considered the part II report BSS/12/05 and resolved under minute reference FE/128:

- (a) That the tenants proposed short surrender of Beara Down Farm be accepted;*
- (b) that 56.92 acres of land or thereabouts forming part Beara Down Farm, Bratton Fleming and more particularly described as OS 5157, 7747, 0546, 2044, 3141, 0131, 1730, 9715 and 1514 be declared permanently surplus to the operational requirements of the Estate so that it can be sold to the tenant simultaneously to the tenancy surrender referred to in (a) above, subject to terms being agreed;*
- (c) that the tenant's counteroffer to purchase the 56.92 acres of land be accepted, subject to all other terms and conditions being agreed;*
- (d) that the Beara Down farmhouse, buildings and 20.79 acres of land or thereabouts and more particularly described as OS Pt 7200, 9089, 0005, 0805, 0800 and 1500 be relet back to the tenant on a five year Farm*

Business Tenancy Agreement commencing 25 March 2012 and terminating 25 March 2017, subject to terms being agreed;

(e) that 21.05 acres of land or thereabouts forming part Beara Down Farm and more particularly described as OS 3122, 4425 and 5625 be relet back to the tenant on a further separate five year Farm Business Tenancy Agreement commencing 25 March 2012 and terminating 25 March 2017, subject to terms being agreed.

- 1.2 The tenant of Beara Down Farm subsequently surrendered his Agricultural Holdings Act 1986 tenancy, purchased the 56.92 acres of land and took the two Farm Business Tenancy Agreements referred to in resolution (d) and (e) above. The two Farm Business Tenancies are due to terminate on 25 March 2017. Notices to Quit have been served.
- 1.3 The tenant of Beara Down Farm has, since 2012, erected agricultural buildings on his own land and the farm business is in the process of being relocated. A planning application has recently been submitted for an agricultural dwelling on the tenants own land and although confident the application will be approved by the Local Planning Authority, it is unlikely the dwelling will be constructed and available to occupy by 25 March 2017. The tenant has thus asked if he can continue to occupy the farmhouse and buildings for a short while longer.
- 1.4 Negotiations are ongoing with the neighbouring special purchasers of part Beara Down Farm concerning the potential, subject to planning and contract sale of approximately 2.00 acres of land forming part OS 0005 for Industrial/Employment Use development, extending the adjacent small industrial site. It is understood the prospective purchaser will be submitting a full planning application within the foreseeable future.
- 1.5 An outline planning application for residential development was submitted by NPS South West Ltd, for and on behalf of the County Council, on the Beara Down farmstead and a field linking the farmstead to the existing village built environment. In total, the proposed development site extended to 5.67 acres or thereabouts and would have enabled up to 40 dwellings to be constructed. The application was submitted on 3 November 2015 but following some concerns from some statutory consultees appertaining to the scale of the development, the application was withdrawn on 5 April 2016.
- 1.6 A revised outline residential planning application is due to be submitted imminently for a much smaller development contained to the farmstead which we understand is more in keeping with the emerging Local Plan policy for residential development in Bratton Fleming. Should planning consent be secured, it is likely that it will take until 25 March 2018 to market the site for sale, secure a purchaser and complete the sale thus allowing the existing tenant to remain in occupation of the farmstead for a further 12 months is unlikely to cause any detriment to the County Council's capital receipts programme.
- 1.7 Furthermore, and although Pt OS 7200 is now unlikely to be included in the pending planning application for residential development of the farmstead, that field is likely to be required for associated accommodation works such as the

Sustainable Drainage System. It is therefore recommended this field be let with the farmstead on a short term basis only.

- 1.8 The tenant of Beara Down Farm has asked if he can continue farming the remaining bare land retained by the County Council in Bratton Fleming. The tenant has been a very good custodian of this land for many years and until all prospect of future short and long term development potential has been realised or exhausted, the County Council will continue to need a good agricultural occupier of it.

2.0 Land at Combefishacre Farm, Ipplepen

“that the 11.18 hectares or thereabouts of land at Combefishacre Farm, Ipplepen be advertised to let in internal competition between the tenants of Bulleigh Elms Farm, Ipplepen; Lomans Farm, Broadhempston; Fairfield Farm, Denbury; Coppa Dolla Farm, Denbury; Buckridge Farm, Denbury and Cobberton Farm, Dartington on a five year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed”.

- 2.1 At the County Farms Estate Committee meeting of 28 April 2016 members considered report BSS/16/06 and resolved under minute reference 5(a):

“that the 11.18 hectares or thereabouts of land at Combefishacre Farm, Ipplepen be advertised to let in internal competition between the tenants of Bulleigh Elms Farm, Ipplepen; Lomans Farm, Broadhempston; Fairfield Farm, Denbury; Coppa Dolla Farm, Denbury and Buckridge Farm, Denbury on a five year Farm Business Tenancy commencing 25 March 2017, subject to terms being agreed”.

- 2.2 Following the meeting held on 28 April 2016, the tenant of Cobberton Farm, Dartington expressed interest in having the same opportunity to compete to rent the land at Combefishacre. Although the land is further away from Cobberton Farm, compared to the farms initially identified in report BSS/16/06, if the tenant of Cobberton Farm considers the land would constitute a viable farming proposition, there exists no reason why he should not have the same chance to bid for the land as those existing tenants previously identified. It is therefore recommended that committee resolution 5 of 28 April 2016 be amended to include the tenant of Cobberton Farm, Dartington.

3.0 Options/Alternatives

- 3.1 Alternative options have been considered and discounted as they are believed to either be contrary to current Estate policy and/or not in the best financial interests of the Estate.

4.0 Consultations/Representations/Technical Data

- 4.1 The views and opinions of the Devon Federation of Young Farmers Clubs and the Estate Tenants Association will be presented by the two co-opted members to the committee.
- 4.2 No other parties have been consulted and no other representations for or against the proposal have been received
- 4.3 The technical data is believed to be true and accurate.

5.0 Considerations

5.1 The Author is not aware of any financial, sustainability, carbon impact, equality, legal, risk management or public health issues arising from this report

6.0 Summary/Conclusions/Reasons for Recommendations

6.1 The Author has prepared this report in accordance with the findings of the County Farms Estate Strategic Review (April 2010)

Rob Parkhouse, Head of Business Strategy and Support

Electoral Divisions:

Chulmleigh and Swimbridge; Teignbridge South

Local Government Act 1972: List of Background Papers

None

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