

BSS/23/10
Farms Estate Committee
20 November 2023

The County Farms Estate Management and Restructuring

Report of the Director of Transformation and Business Services

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

1) Recommendation

That the Committee approves the recommendations as set out in the opening paragraphs of sections 3.1 to 3.6 of this report.

2) Background / Introduction

Decisions to declare any asset surplus to the requirements of the Estate in advance of disposal must be approved by the County Farms Estate Committee. All or any estate rationalisation or restructuring proposals must also be approved by the Committee. Proposals to let or continue to let all or any part of the Estate to any tenants and for how long need to be approved by the Committee. The appointment of new tenants either from the open market (starter farms) or internally (progression farms) are delegated to an Interview Panel Sub-Committee convened to meet as and when required.

3) Proposals to sell, let or restructure the Estate

3.1 Part Glebe Farm, Rattery

3.1.1 It is recommended that:

1.53 acres or thereabouts of land forming part Glebe Farm, Rattery and more particularly described as pt NG 2244 and pt NG 2854 be let to the Parish Council for community use only on a security of tenure excluded common law tenancy for a term commencing 25 March 2024 and terminating 25 March 2039, subject to terms being agreed.

3.1.2 The Rattery Estate comprises:

Glebe Farm	19.21 hectares	(47.45 acres)
Total	19.21 hectares	(47.45 acres)

3.1.3 The former farmhouse at Glebe Farm, Rattery was sold several years ago. The farm buildings and land extending to 19.21 hectares (47.45 acres) or thereabouts was retained for its mid to long term development potential on part, and as useful 'away' land for one of the Estates nearby retained dairy holdings (Cobberton Farm, Dartington).

3.1.4 The tenant of Cobberton Farm, Dartington has farmed the land at Glebe Farm, Rattery on a series of 12 month Farm Business Tenancy Agreements since 2013.

3.1.5 Members may recall considered report BSS/22/10 on 16 May 2022 and resolving under minute ref: FE37/(c) Part Glebe Farm, Rattery:

(i) *Part NG 2249 (0.38 acres or thereabouts) be declared permanently surplus to the operational requirements of the Estate and transferred to St Mary's Church, Rattery, subject to terms being agreed.*

(ii) *Permission be given to discuss and agree terms with the Parish Council for a permissive path agreement granting rights for the Parish Council to create and thereafter maintain and repair a permissive path through Part NG 2249 and NG 2854.*

3.1.6 Discussions with representatives of St Mary's Church regarding the subject to contract transfer of Part NG 2249 were not fruitful and the transfer will not now progress. The Parish Council has however expressed interest in renting this land together with a much larger area of land referred to below.

3.1.7 The Parish Council has expressed interest in renting from the County Council approximately 1.53 acres of land comprising pt NG 2244 and pt NG 2854. This land is either existing woodland or scrubby, bracken covered farmland that would be considered 'waste' in an agricultural tenancy.

3.1.8 The Parish Council wish to use this land to:

- Create permissive access
- Plant trees on part
- Create open recreational space
- Actively manage the existing woodland

3.2 Southacott Farm, Mariansleigh

3.2.1 It is recommended that:

- (i) The tenants early surrender of Southacott Farm, Mariansleigh be accepted.
- (ii) Southacott Farm, Mariansleigh be advertised to let internally amongst existing tenants as a dairy progression opportunity and on a Farm Business Tenancy for a term of up to 20 years commencing 25 March 2024 and terminating 25 March 2044, all subject to terms being agreed.
- (iii) Part Southacott Farm, extending to 15.49 acres or thereabouts and comprising existing woodland and steep 'waste' ground suitable for woodland

restoration and additional woodland planting respectively, be retained in hand and utilised by the County Council for environmental enhancement initiatives.

3.2.2 The Mariansleigh Estate comprises:

(i)	Southacott Farm	81.67 hectares (201.18 acres)
(ii)	Woodland at Southacott Farm	5.99 hectares (15.49 acres)
(iii)	Lower Uppacott Farm	34.56 hectares (85.54 acres)
	Total	122.22 hectares (302.21 acres)

3.2.3 Southacott Farm, Mariansleigh was relet as a dairy progression farm from as recently as 25 March 2022.

3.2.4 For personal reasons the current tenant has asked if he can surrender his Farm Business Tenancy early, and so that he can pursue an alternative farming opportunity in Gloucestershire.

3.2.5 It is proposed that an area of existing and proposed woodland planting is not relet with Southacott Farm and instead, held in hand for internal occupation and use. The existing woodland is being considered by the County Council as a suitable site for woodland restoration required to achieve part of the Biodiversity Net Gain obligations associated with the improvements to the North Devon Link Road. The adjacent areas of steep and partly scrub covered ground has been identified as a potential site for additional tree planting as part of the Councils Emergency Tree Fund Project and for which a Woodland Trust 'MoreWoods' grant has been secured to cover the majority of the cost of fencing, and provision and planting of trees and shrubs.

3.3 Thorne Farm, Ottery St Mary

3.3.1 It is recommended that:

The existing lease granted to the Ottery St Mary Town Council be amended by way of a Deed of Variation to extend the leased area by approximately 100m² in order to facilitate an alternative access route to the skate park through the Kings School campus, subject to terms being agreed.

3.3.2 The Ottery Estate comprises:

(i)	Thorne Farm (bare land)	10.33 hectares (25.41 acres)
(ii)	Airport Outer Marker Beacon	0.20 hectares (0.56 acres)
(iii)	Skate Park	0.20 hectares (0.50 acres)
	Total	10.73 hectares (26.47 acres)

3.3.3 At the County Farms Estate Committee meeting of 30 July 2009 members resolved under minute ref: FE/9(b) Land at Thorne Farm, Ottery St Mary:

‘That in principle and subject to contract, the County Council let to the Ottery St Mary Town Council or East Devon District Council part OS 6230 (extending to 0.56 acres or thereabouts) on a Landlord and Tenant Act 1954 lease excluding security of tenure for a term of 20 years commencing 25 March 2010 and terminating 25 March 2030 for the sole purpose of providing a community BMX/Skate Park’.

3.3.4 Access to the skate park is via a right of way over part of the Kings School Campus. It is understood that the use of the right of way over the last 13 years has raised safeguarding and safety issues and the school has sought to negotiate an alternative route through the campus. The alternative route requires the County Council to let the Town Council a further strip of land measuring approximately 50m long by 2m wide to extend the existing access path through the Councils field.

3.4 Middle Winsham Farm, Braunton

3.4.1 It is recommended that:

- (i) The tenants proposed early surrender of Middle Winsham Farm, Braunton be accepted.
- (ii) Middle Winsham Farm, Braunton be advertised to let on the open market as a new entrant opportunity and on a Farm Business Tenancy for a term of seven years commencing 25 March 2024 (or as soon as practically possible thereafter) and terminating 25 March 2031, all subject to terms being agreed.

3.4.2 The Braunton Estate comprises:

(i)	Middle Winsham Farm	40.21 hectares (99.37 acres)
(ii)	Part Middle Winsham Farm	50.03 hectares (123.63 acres)
	Total	90.24 acres (223.00 acres)

3.4.3 The tenant of Middle Winsham Farm, Braunton has asked if he can surrender his lease of the holding and vacate at the earliest possible opportunity.

3.4.4 If the early surrender is to be accepted the farm will need to be relet on the open market and occupied as quickly as is practically possible.

3.5 Mixing Barn Farm, Bovey Tracey

3.5.1 It is recommended that:

Mixing Barn Farm, Bovey Tracey be advertised to let on the open market as a new entrant opportunity and on a Farm Business Tenancy for a term of seven years commencing 25 March 2025 and terminating 25 March 2032, all subject to terms being agreed.

3.5.2 The Bovey Tracey Estate comprises:

(i)	Mixing Barn Farm	39.08 hectares (96.56 acres)
(ii)	Moorhouse Farm	39.21 hectares (96.90 acres)
	Total	78.29 hectares (193.46 acres)

3.5.3 At the County Farms Estate Committee meeting of 15 September 2016 members resolved under minute ref: FE/27(a)(v):

'that the tenant of Mixing Barn Farm, Bovey Tracey be offered a second but final seven year Farm Business Tenancy of the holding for a term commencing 25 March 2018 and terminating 25 March 2025, subject to terms being agreed'.

3.5.4 It is with great pleasure that we are able to report the tenant has made arrangements to successfully progress beyond the Estate before or on 25 March 2025. The holding therefore needs to be advertised to let on the open market as a starter farm at some point during 2024.

3.6 Manor Farm, Holcombe

3.6.1 It is recommended that:

- (i) Manor Farm, Holcombe be advertised to let on the open market as a new entrant opportunity and on a Farm Business Tenancy for a term of seven years commencing 25 March 2025 and terminating 25 March 2032, all subject to terms being agreed.
- (ii) The 1954 Landlord and Tenant Act security of tenure excluded lease of part NG 0392 comprising part of the farmyard and former parlour and dairy buildings be renewed for a further fixed term of seven years commencing 25 March 2025 and terminating 25 March 2032, subject to terms being agreed.
- (iii) That before the request from the ACTION on Climate in Teignbridge CIC to occupy land off Hall Lane, Holcombe to create a Community Wildlife Area is considered, members and officers of the County Council attend a site visit to inspect the land.

3.6.2 The Holcombe Estate comprises:

(i)	Manor Farm	49.65 hectares (122.32 acres)
(ii)	Part Manor Farm	1.80 hectares (4.46 acres)
(iii)	Part Manor Farm	0.04 hectares (0.10 acres)
(iv)	Part Manor Farm	1.05 hectares (2.60 acres)
(v)	Part Manor Farm	0.43 hectares (1.08 acres)
	Total	52.97 hectares (130.56 acres)

3.6.3 Manor Farm comprising the house, cottage, buildings and 122.32 acres or thereabouts of land (i above) is let to an agricultural tenant on a starter farm tenancy together with ancillary or supplemental short term management agreements. The

same tenant is let the bare land referred to in (ii above). All agreements expire 25 March 2025.

3.6.4 Part Manor Farm comprising buildings and yards of approximately 0.10 acres in size (iii above) is let to a small commercial business premises occupier under a 1954 Landlord and Tenant Act security of tenure excluded lease. That lease also expires 25 March 2025.

3.6.5 Part Manor Farm (iv above) extending to approximately 2.60 acres of bare land is currently held in hand and sold subject to contract and planning for residential development.

3.6.6 Part Manor Farm (v above) is let on a series of annual common law tenancy agreements to a local resident for domestic fruit and vegetable growing.

3.6.6 At the County Farms Estate Committee meeting of 11 September 2023 members considered report BSS/23/09 and resolved under minute ref: FE99(b)(e):

'the tenant of Manor Farm, Dawlish be informed he is required to produce a new business plan supported by cashflows and budgets and be interviewed before the County Farms Estate Committee at its next meeting to be held 20 November 2023 before a decision can be made as to whether or not he be offered a second and final seven-year Farm Business Tenancy of the holding.'

3.6.7 The tenant was subsequently invited to put together the requisite business plan and to present it to this meeting. The tenant declined the invitation and has since confirmed he intends to vacate the holding at 25 March 2025. Manor Farm thus needs to be advertised to let on the open market as a starter farm at some point during 2024.

3.6.8 The commercial tenant referred to in 3.6.4 above has occupied part of the former farmyards and former parlour and dairy building to operate a microbrewery over the last 5.5 years. We understand the brewery tenant has caused no nuisance or concerns for the farm tenant despite being located in such close proximity to the farmhouse and holiday letting cottage. The brewery tenant has requested his tenancy be renewed.

3.6.9 The County Council has been approached by the ACTion on Climate in Teignbridge CIC to occupy and transform an area of the farm into a Community Wildlife Area.

3.6.10 The CIC has produced a one-page flier (Appendix 1) and wish to create:

- An unsurfaced path looping around the site, giving the public access whilst limiting disturbance to wildlife.
- a small education area with seating - both the surface and stones for the seating have been offered to them.
- Benches.
- a traditional bund.
- A community wildflower garden with agroforestry trees

- Information boards about local wildlife and other signage to promote education and appropriate access. Including all the non-native species that have found a home there.
- Encouraging and developing a mosaic of habitats including hedges, and wet woodland (already growing there).
- Installation of reptile hibernaculum, bird and bat boxes to encourage colonisation.
- Managing the Streamside habitat to promote well balanced and diverse populations of flora and fauna; possibly with the inclusion of a lined pond.
- Ensure that this trail meets the needs of less mobile people.
- Promote wellbeing - with quiet areas, and sensory areas.
- Potential training area for local wildlife wardens/nature groups to practice bioblitz recordings - revealing and tracking the diverse insect and plant life already living on the site.

3.6.11 The land in question was put forward for residential development as part of the District Councils call for sites as part of a larger parcel of land in 2021. The District Council considered the sites suitability under the Part 3 consultation process of the Draft Local Plan 2020 to 2040 which ran for 10 weeks between 15 November 2021 and 24 January 2022. The site was not included in the emerging Local Plan by the District Council on this occasion but that does not necessarily mean the land is not capable of being developed at some point in the future. The particular area of land in question is considered strategically important as it is one option for creating suitable access off the public highway.

3.6.12 Before any alternative land use is considered in this area it is suggested members and officers ought to undertake a site visit.

4) Options / Alternatives

4.1 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.

5) Consultations / Representations / Technical Data

5.1 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.

5.2 No other parties have been consulted and no other representations have been received

5.3 The technical data is believed to be true and accurate.

6) Strategic Plan

6.1 This report has no specific direct alignment with the Council's Strategic Plan 2021 – 2025 - <https://www.devon.gov.uk/strategic-plan>

7) Financial Considerations

7.1 The Author is not aware of any financial issues arising from this report.

8) Legal Considerations

8.1 The Author is not aware of any legal issues arising from this report.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

9.1 The Author is not aware of any environmental impact (including climate change) issues arising from this report.

10) Equality Considerations

10.1 The Author is not aware of any equality issues arising from this report.

11) Risk Management Considerations

11.1 No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

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

Matthew Jones,
Director of Transformation and Business Services

Electoral Divisions: South Brent & Yealmpton; South Molton; Otter Valley;
Braunton Rural; Bovey Rural; Dawlish

Local Government Act 1972: List of background papers

Background Paper
Date
File Reference

Nil

Contact for enquiries:

Name: Dan Meek, Director of Estates & Valuation, South West Norse, Venture House, One Capital Court, Bittern Road, Sowton Industrial Estate, Exeter, EX2 7FW

Contact: 01392 351066 or dan.meek@norsegroup.co.uk