

Farms Estate Committee
13 May 2024

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, 3.2 and 3.3 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 Middle Winsham Farm, Braunton

3.1.1 It is recommended that:

That part NG 9801 and 0003 forming part Middle Winsham Farm Braunton and amounting to 0.77 acres or thereabouts be declared permanently surplus to the operational requirements of the Estate and sold to the neighbouring special purchaser, subject to terms being agreed.

3.1.2 The Braunton Estate comprises:

(i)	Middle Winsham Farm	40.22 hectares (99.37 acres)
(ii)	Part Middle Winsham Farm	50.03 hectares (123.63 acres)
	Total	90.25 hectares (223.00 acres)

3.1.3 At the County Farms Estate Committee meeting of 14 June 2021 members resolved under minute ref: FE/7 (b) Part Middle Winsham Farm, Braunton:

‘that the barns and 0.16 acres or thereabouts of land forming NG 9497 be declared permanently surplus to the operational requirements of the Estate and sold on the open market’.

3.1.4 The small plot and redundant building were subsequently sold and the purchaser secured planning consent to convert the barn for residential use. The purchaser has approached the County Council with an offer to purchase an additional area of land adjoining the plot previously sold. The current tenant is willing to surrender the additional land from his tenancy.

3.2 Part Great Southdown Farm, Burlescombe

3.2.1 It is recommended that part Great Southdown Farm, Burlescombe comprising 84.97 acres or thereabouts of bare land be let to the tenant of Great Southdown Farm, Burlescombe on a further Farm Business Tenancy agreement commencing 25 March 2025 and terminating 25 March 2027, subject to terms being agreed.

3.2.2 The Burlescombe Estate comprises:

(i)	Great Southdown Farm	72.62 hectares (179.44 acres)
(ii)	Westcott Farm	84.58 hectares (209.00 acres)
	Total	157.20 hectares (388.44 acres)

3.2.3 Great Southdown Farm is a reasonably well equipped dairy progression farm complete with farmhouse, attached cottage, buildings and 179.44 acres of land.

3.2.4 The farm is let to the tenant under two separate agreements. The main holding comprising the house, cottage, buildings and 94.47 acres of land is let on a 1986 Agricultural Holdings Act ‘retirement’ tenancy. The remaining 84.97 acres of bare land is let on a separate Farm Business Tenancy under the Agricultural Tenancies Act 1995.

3.2.5 The bare land referred to above was amalgamated with the main holding in 2001 when two adjoining former farmsteads (Lower Elms Farm and Little Southdown Farm) were declared permanently surplus to the Estate. The Estate plan at the time intended to create a progression dairy farm at Great Southdown Farm with the amalgamation of the retained land and capital investment in improved infrastructure.

3.2.6 The term date of the Farm Business Tenancy of Part Great Southdown Farm was intended to co-terminate with the main holding. However, the Agriculture Act 2020 amended the age on which the County Council can serve a Case A ‘retirement’ notice from 65 to when a tenant has reached the earliest age that they can be in receipt of the state pension.

3.2.7 When Great Southdown Farm falls vacant and available to relet members are likely to be invited to approve reletting the farm as a whole and as a dairy progression holding. It therefore makes for good estate management to continue letting the land with the main holding in the meantime. Removing the land would also have a detrimental impact on the existing tenant's business. Furthermore, there are no near neighbouring estate farms that could benefit from this land in the same way as the tenant of Great Southdown. The nearest farm would be Westcott Farm, Burlescombe which is located 4 miles distance by road and is already a larger progression dairy unit. The next nearest farms are at Kentisbeare, some 6 miles distance.

3.3 Higher Henland Farm, Kentisbeare

3.3.1 It is recommended that:

- (i) the tenants proposed surrender of tenancy, effective 25 March 2025, be accepted.
- (i) Higher Henland Farm comprising a house, buildings and 79.13 acres or thereabouts of land 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 2026 (or as soon as practically possible thereafter) and terminating 25 March 2033, all subject to terms being agreed.

3.3.2 The Kentisbeare Estate comprises:

(i)	Higher Henland Farm	32.02 hectares (79.13 acres)
(ii)	Part Higher Henland Farm (bare land)	9.89 hectares (24.45 acres)
(iii)	Lower Henland Farm	73.31 hectares (181.07 acres)
	Total	115.22 hectares (284.65 acres)

3.3.3 Higher Henland Farm is let to the tenant under two separate agreements. The lease of the main holding is a 1986 Agricultural Holdings Act 'retirement' tenancy. With the legislative amendments made by the Agriculture Act 2020, the earliest date on which the landlord could take back possession of the holding under the Agricultural Holdings Act 1986 Case A provisions is 25 March 2024.

3.3.4 A Case A notice to quit has not been served to bring the Agricultural Holdings Act lease to an end and the tenancy continues to run from year to year until such times as it can be determined.

3.3.5 Terms have been agreed in principle and on a subject to contract basis for a voluntary surrender of Higher Henland Farm at 25 March 2026, enabling the tenant to retire.

3.3.6 Higher Henland Farm is a reasonably well equipped farm comprising a farmhouse, buildings and 79.13 acres or thereabouts of land which would provide a starter farm opportunity for a new entrant.

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: Braunton Rural; Willand & Uffculme; Cullompton & Bradninch

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

Nil

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