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AGRICULTURAL TIE REMOVAL

Last ditch attempt at removal pays off

We're often called in to help landowners have Agricultural Ties removed from properties. An Agricultural Tie is a planning condition, which states that the occupant of the property must be an agricultural employee or previous agricultural employee in the local area.

Over time circumstances can change, meaning that the property is no longer needed for an agricultural worker and we're often asked to help assess whether these ties can be removed, as was the case with Mr and Mrs Smith who live in Wick, Pershore.

The couple own and live in a bungalow which was built by Mr. Smith's parents in 1989, but because it was in the open countryside, it had the Agricultural Occupancy Condition, or Agricultural Tie, attached to it. As neither of them are employed in Agriculture, the Planning Authority would have been within their rights to serve them notice to vacate the property and they would have had to do so.

They had tried but failed on several occasions to have the Tie removed, and were worried about the future.

Mr Smith said; "We applied for Planning Permission to alter the property, which highlighted the issue in relation to the occupancy. We made several attempts to remove the Tie through the legal and planning routes, and when it became apparent that these avenues were always going to be unsuccessful it seemed that a solution was unachievable".

"A friend recommended contacting Carver Knowles, as they had been successful with removing Agricultural Ties. We thought the chances of a successful outcome were slim, but we had nothing to lose."

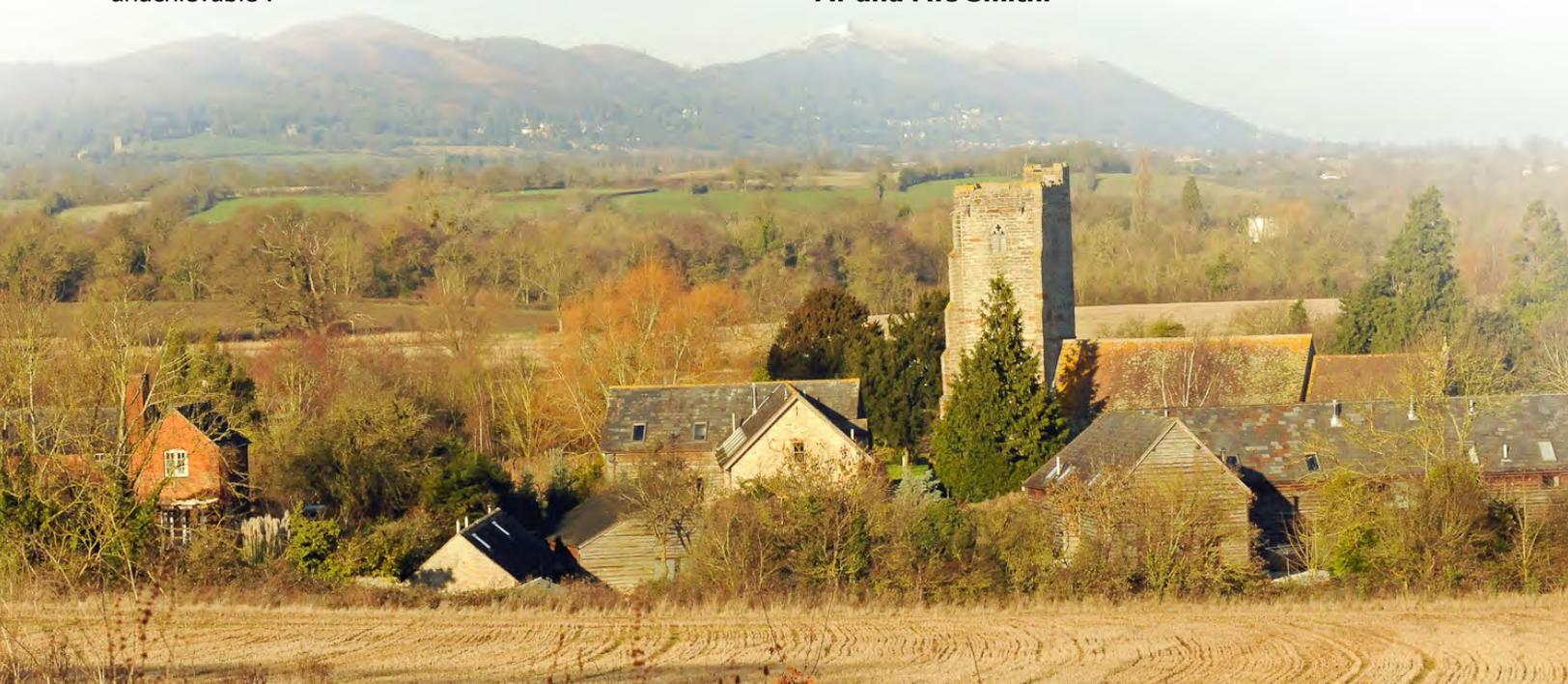
"Carver Knowles were able to help when they spotted the original Planning Permission had not been properly implemented and this error had gone unnoticed on previous attempts. They were confident they could get the Tie removed."

Abigail Baldrey of Carver Knowles said; "An application was submitted to the local Planning Authority, and 8 weeks after it was validated and after years of trying, the Agricultural Tie was removed and Mr and Mrs Smith could sleep soundly in their home."

The removal of the Tie has significantly increased the value of the property and also means that they can now proceed with an application to extend the property. Previously, they couldn't do that, as they would have had to prove that the farming enterprise was sufficiently profitable to justify the extension.

If you have a property which is subject to an Agricultural Occupancy Condition, and you want to look at having it removed, or have tried previously and failed, contact Abigail Baldrey on 01684 853407.

We might be able to help you, just as we did for Mr and Mrs Smith.



Is 'Permitted Development' allowed?

Are you looking to rent out that disused barn as a commercial unit. Do you need a new cow shed? Perhaps you need an extra house on the farm for your children. Well under the General Permitted Development Order, getting permission to do those things can be quite simple, so long as you follow the right steps.

Changes have been introduced as the Government looks to simplify planning across the board after twenty years of amendments and add-ons which made the system very complicated. The main changes affecting landowners and farmers fall under the simplification of the **General Permitted Development Order**:

- The system gives farmers a priority, and means faster response times too.
- The benefits of the previous system have been kept, but go further to allow building conversions to dwellings and for commercial use.
- Changes to the law don't give carte blanche though, and the landowner and farmer must make sure that they meet the requirements.
- It isn't a free for all, and in essence, you must prove that the development is "permitted".
- The biggest stumbling block in terms of planning is ensuring you are able to prove that there is farming activity on the holding for which you are applying.

The above has tripped up many a landowner previously, and has meant that their Permitted Development consent has not been granted.

Many people assume that because the law is much more relaxed for Permitted Development, that it will be easy to qualify, and they get caught out. Farmers should pay particular attention to the application stage because getting it right first time will make the whole process much quicker, easier and may prevent full planning permission having to be sought. It is very important to prove that the holding is being used for agricultural purposes and agricultural appraisals and farm plans will certainly be good evidence of this.



The Government has recently relaxed some planning laws for landowners and farmers, we take a look at this in detail.

We know every little detail that must be provided for the new Permitted Development and can help you to prepare the evidence you need to ensure that the road to having your consent granted is a smooth one.

Providing all the evidence, and making sure that the evidence meets the criteria is what will make sure your consent is granted within the time limit. An application can be refused simply on the basis of there being insufficient evidence. We can make sure that all the right boxes are ticked, and that each of those boxes have the right evidence behind them.

We are experts in planning on agricultural holdings, so if you'd like advice on what is allowed within Permitted Development, if you've been turned down before, want to start the process from scratch or simply need to make sure you have the right evidence together, then give Julie Branfield a call today. Don't be caught out by box ticking. A little time now could save a lot of time down the line.

Recent planning successes:

- Agricultural tie removals in Bromsgrove District Council, Tewkesbury Borough Council, Wychavon District Council, Cotswold District Council and Herefordshire County Council.
- Agricultural building in Malvern Hills District Council, Wiltshire Council and Stroud District Council.
- Barn conversion to light industrial use in Tewkesbury Borough Council.
- Barn conversion to dwelling in Wychavon District Council, Cotswold District Council and Stroud District Council.



Death and Taxes: life's two certainties

It's the one thing nobody wants to think about, but for the sake of our families it is important that we plan for when we are no longer here. As the saying goes, there are only two things which are certain in life: death and taxes, but succession planning is important for both of those reasons.

Planning ahead can save a family much heartache and expense in the future and the earlier you start, the better.

Carver Knowles Managing Director Andrew Troughton explains; *"Whilst it's not something anyone wants to consider, it has to be done. Not planning ahead can cause families anguish and has meant that people have had to sell up or sell off parts of their holdings in the past to meet big tax bills, or they've reached a cliff edge without really thinking what will happen to the farm."*

The first step really is to start talking about it. Get everyone involved in the room and begin the discussion to encourage everyone to start thinking about it. Ideally this should be done whilst the older generation are still actively involved, and ideally when the next generation are in their early 20s or 30s.

It should be an open and frank discussion about what everyone's intentions are and on the back of it you should be looking to develop a long term plan, ideally of 20 years, to give everyone chance to work towards it".

There will be a lot to consider with succession planning and it is often easier if a business plan is put together to give everyone something to work towards, taking account of things like growth plans and diversification

It will give the chance to make sure the holding can adapt to support those who will succeed in the meantime, if that is the intention.

On the back of the planning, families should look at whether any wills need to be changed to take account of the planned succession, as it will likely be the older generation who hold the assets, and there may well be a need to consider Inheritance Tax implications too.

As with any plan, it's important to be able to adapt and review it as a family. Business circumstances can change, and it's very rare that everything goes exactly to



Grant Update from Mike Cluley

A brief run through of some of the schemes currently available, and those we're expecting to open in the future:

NOW OPEN

- The Growth Programme is accepting applications for Tourism, Food Processing and Business Development until the Autumn of 2016.
- The LEADER programme is now taking expressions of interest. Availability is area based.



COMING SOON

- The Countryside Stewardship scheme will be open again from July - September 2016.
- We expect The Woodland Grants, Water Quality Grants and the Farming and Forestry Productivity Scheme to open sometime next year. Watch this space for further details.
- STEPS – Severn Trent Capital Grants Scheme – further information to follow.

If you're looking at how you can grow your land based business, or looking to invest in capital projects on your farm then contact us. We can advise you as to exactly what you're eligible for, and prepare your application.

Sunny side up with an AMC loan

David and Tina Orgee have been able to realise their dream using an AMC Loan achieved through Carver Knowles, to help fund their business growth.

The AMC, or Agricultural Mortgage Corporation is a unique organisation in that it specialises in providing funds exclusively for all things rural, relating to agriculture, horticulture, equine pursuits and more or less any other land based commercial venture.

The Orgee's family business is based on Redcastle Farm which is owned by David's parents. The whole holding is farmed in partnership between David and his parents, but David and Tina farm the poultry as their own business on the farm as a way of diversifying.

David and Tina set up their poultry farm business in 1999 and have a contract with Noble Foods to supply Happy Eggs from their two hen houses, which hold 10,000 birds per building.



The new loan is focused on maximising profitability from their existing space rather than expanding the size of the buildings. It will enable them to modernise equipment in the laying buildings, and reduce electricity costs to boost profitability. They'll reduce their turnaround time in between flocks by a week, and be able to house an additional 10,000 birds by installing a multi-tier system.

In addition, a new solar array will reduce the heat and power costs of the poultry buildings, as well as taking advantage of the feed-in tariffs that will provide an extra income to the business.

AMC Loans are a good way of injecting capital into your business, to boost productivity and improve efficiency to grow your land based business and improve long-term profitability and growth.

We are experts in business planning for rural enterprises, so if you are looking to boost profitability, make efficiency savings or sure up your long term sustainability then make sure you get in touch with us today.

