

Register it or lose it – Manorial Rights

Manorial rights must be registered with the Land Registry before 13th October 2013 in order to ensure that they are protected. Manorial rights include such things as rights to minerals, sporting rights and rights to hold markets and fairs. These are currently “overriding interests” which can bind a purchaser of land even if they do not know about them. Should you not register your manorial rights, as of midnight on 12th October 2013 they will lose their “overriding interest” status and will not bind a purchaser of the land beyond that date.



Before applying to register these rights it is important to take professional advice regardless of size or what rights you believe you have. The existence and extent of manorial interests must be established prior to registration which may involve researching old maps and records. Although you may not consider there to be value in the manorial right now you need to take a long term view in order to protect your interests and those of future generations.

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Rural Update

Welcome to our rural update. With a better harvest for many than was expected and drilling easier this year than last, I thought it would be a good time to raise with you a number of items for you to be aware of that could affect your business. I hope that you find the articles interesting and if you require any further information then please contact me or one of my colleagues.



Andrew Capel
Senior Partner

A Busy Year for Agency

Over the past year we have been busy with the sale of five farms from Wiltshire to Essex with guide prices ranging from £2,400,000 to £11,500,000. The five farms totalled over 3,500 acres with 15 houses, 8 sets of farm buildings, a variety of sub-lettings, irrigation and areas with development potential. Each farm appealed to a different sector of the market, attracting private investors from home and abroad, established farmers and traditional institutions.

In three cases strong bidding saw results substantially over the guide prices and we are now regularly seeing bare land sell for over £8,000 per acre in the right location. As ever it is important to set the guides at a realistic level and to be aware of any local factors.

These sales show that the market remains strong and that good prices can be achieved provided properties are marketed appropriately. Our experienced team can advise on the marketing of your rural property and, most importantly, is able to deal with the complexities that inevitably come with such properties to ensure that a strong offer is successfully converted into a completed sale.

CAP Reform

The EU published its proposals for CAP Reform post 2014 on 12th October. Many of the proposals had previously been leaked and, with this being a first draft before months of negotiation and changes, the proposals we have now will not be what we end up with. Below is a brief summary and it is important that all Single Payment claimants and landowners consider how the changes will affect them and seek professional advice.

It is proposed that the Single Payment Scheme will end in 2013 and from 2014 a new multi layered payment will be introduced with a completely new allocation of entitlements.

The payment would be made up of the following elements:

- + Basic Payment – similar to the current SPS model in England (at a lower payment).
- + Greening – an additional payment of 30% on top of the Basic Payment for undertaking the following mandatory measures:
 - Crop diversification – on farms over 3 hectares 3 different crops must be grown on arable land.
 - Permanent grassland – maintaining permanent grassland to within 5% of 2014 levels.
 - Ecological Focus Areas (EFA) – 7% of all land apart from permanent grassland must be left as EFA with examples including fallow land, landscape features and buffer strips. It would appear that these can not overlap with areas in the Entry Level Scheme.
- + Young Farmers Scheme – an additional top up payment for farmers under the age of 40 who are setting up or have set up in farming since 2009.

A new active farmer definition will be introduced with claimants being required to meet two tests. For claimants who have significant non-agricultural income this will need to be looked at closely in order to not lose the right to claim.

As previously reported, capping is to be introduced with a rising percentage (from 20 - 100%) on all claims over €150,000. For businesses with employees, salaries will be taken into account in calculating the level of capping.

New entitlements will be only allocated to those who claimed under the Single Payment Scheme in 2011 with the number allocated based on the 2014 application.

The proposed changes need to be considered when planning any land transaction (sale, purchase or letting), or when looking at any change in business structure between 2011 and 2014, and professional advice should be obtained in these situations. We will be keeping a close eye on the changes as they progress through the statutory and political process of reform, and will provide updates to our clients as and when necessary.



Localism Bill – Assets of Community Value

The recent publication of the Assets of Community Value Policy Statement provides further details on the Government's proposals to allow local interest groups to nominate land and buildings as assets of community value.

This is not, at present, a Right To Buy scheme but will give Parish Councils and other local groups the opportunity to put forward a bid for a nominated asset should it come onto the market. Once a landowner decides to sell or offer a long lease on an asset, there will be a specified timescale (moratorium) during which the local group has the right to put forward a bid. During the moratorium, which is currently proposed at 6 months, the owner cannot proceed with the sale.

Whilst there is no obligation for the landowner to accept the offer from the local group, the delay of a sale or lease for a 6 month period could be costly. There are proposals for landowners to receive compensation but this will be administered by the local authority and the 'burden of proof' will rest with the landowner.

Where an asset such as a pub, village shop or playing field is already used by the community, the landowner can do little to stop it being listed as an asset of community value. However, this scheme is likely to limit landowners' willingness to offer facilities to their local communities in the future.



Village Greens

Most landowners are aware of claims for new public footpaths or bridleways where local residents claim they have used a route for at least 20 years. These claims can be limited by submission of a statement and plan to the Local Authority under Section 31 of the Highways Act 1980 (Section 31 Deposit).

However, fewer are aware of the right to claim a piece of land as a village green under the Commons Act 2006. This is becoming a more frequent problem, especially where land is on the edge of a town or village, and is being considered for development.

An application for registration of a village green can be put forward by any local resident who must prove that a significant number of local residents have used the land for lawful sports and pastimes for at least 20 years. They also have to prove the use has been without force, without secrecy and without permission.

There is no equivalent of the Section 31 Deposit for village greens but there are a few steps landowners can take to reduce the likelihood of a claim being successful, which we can advise on.

