

Asset

PROPERTY AND PLANNING NEWS AND UPDATES

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**Lambert
& Foster**

PROPERTY PROFESSIONALS

INSIDE THIS ISSUE



Estate Sale Success

Capping off a successful year, Lambert & Foster celebrate the completion of one of the largest land sales in Kent in 2019.



Where there is uncertainty there is opportunity

Lambert & Foster continue to provide expert advice in the valuation field.



Major Scheme Approved Contrary to Policy

The team at Bloomfields navigated the planning system to successfully find the best solution.

STAY SAFE. STAY POSITIVE.

We are in unprecedented times and as I write this article, we have just had to mothball our offices and work from home in line with Government guidance. All our usual phone and email contact details remain the same.

The COVID-19 pandemic is having an impact on the health of our loved ones, the businesses we rely upon, the health of the global economy and the way we live our daily lives. As we all continue to navigate through these unique and evolving challenges, we want you to know that we are still here for you.

We have weathered recessions, foot and mouth and other testing times but

nothing quite like the Coronavirus. We are on hand to support you in these difficult times so do keep in contact. We all need to pull together as we deal with this pandemic and hopefully, we can soon look back at what will become a new chapter in the history books. In the meantime, stay safe, stay well and stay positive.

TIM DUNCAN, DIRECTOR



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LADDINGFORD PRICES STARTING FROM £450,000

An opportunity to purchase off-plan brand new family homes situated in a rural Hamlet on the outskirts of Paddock Wood.

Contact Ross Banes on 01892 832 325 or paddockwood@lambertandfoster.co.uk



Carrying On!

Communication is key to our Agency business and even more so in light of the developments of the Coronavirus and having to work from home.

Our greatest tool is the telephone and to reflect our personal service ethos at L&F, we will be keeping in regular contact with our clients. Planning in a crisis such as the one we are currently experiencing is high on the agenda and with a strong infrastructure of committed staff in place, we will weather the storm and make sure that our clients remain in touch with developments related to their sale or purchase, despite a need for remote working. Technology will help us but picking up the phone and "sowing the seeds for the future" remain high on our agenda. We are concentrating on what we can do and not what we can't!

I had a chat with my neighbour and...

We have all reached an agreement with our neighbours over some property aspect and that agreement has been verbal. All has been fine for a long time but then your neighbour sells. Oops! The wheel falls off your cosy verbal agreement, to use a common country expression.

From a professional point of view, I constantly come across friendly verbal agreements reached between property owners relating to fencing, boundaries, septic tank overflows, rights of access, dog walking rights, vermin shooting and a host more.

Many verbal agreements do not lead to problems but those that do, come with expensive legal costs, months or years of wrangling and heart ache. This issue of a friendly chat agreement came to a head with a case *Pezaro v Bourne* in 2019. The Court decided that a verbal agreement by a previous landowner cannot be binding on a new owner of the land. It also concluded that a verbal agreement that a specific right or obligation in a Deed or Lease need not apply and cannot be legally enforced.

So, all those agreements such as, "yes you can graze my paddock"; "you can park your car there"; "you can straighten up the fence on my land"; "we agree that no right of way exists" – **ALL such verbal agreements are unenforceable**. They all need documenting, probably with a plan. Sort it now – later is too late!

For advice on this subject contact Ted Handley on ted.handley@lambertandfoster.co.uk



Two New Homes

Bloomfields was pleased to revisit our client's property following our successful completion of planning matters last year. Having initially approached us to appraise development potential at the site, we embarked on a project to obtain planning permission for two new



detached dwellings at the site. This would enable our client to continue to enjoy his retirement at his lovely home amongst beautifully-landscaped surroundings in the Weald of Kent.

Following negotiations with the Council, it was agreed that the pitch required to provide our client's desired tiled roof could be facilitated, if supported by the existing framework. This resulted in one of the two buildings having a unique form, with the previously internal portal framework now projecting above and beyond the roof, which has been reduced at eaves level and increased at ridge level.

We are always pleased to see our clients realise the potential of their assets and to hear that the two dwellings in this case raised a significant level of income means that this innovative planning solution represents a success to our client... and that represents a success to Bloomfields!

If you require planning advice, contact the Bloomfields planning team on 01892 831 600.

Where there is uncertainty

there is opportunity



If you are looking to review family or ownership arrangements or plan ahead for tax purposes through gifting property etc. now may be a good opportunity to take advantage of market uncertainty when there may be a good argument for a more cautious approach to value.

Lambert & Foster have an experienced valuation team of RICS Registered Valuers who are regularly carrying out valuations for the purpose of tax, estate planning, viability, matrimonial, expert witness to name but a few. We are also on a number of bank panels for providing secured lending valuations. Lambert & Foster are able to provide expert advice in the valuation field supported by our strong rural background in agency, planning and other rural professional matters. Therefore, we are up to date with market conditions and also able to identify value through planning opportunities.

If you would like an initial chat please contact Katie Hurley or Alan Mummery who would be happy to set out options for you to consider.



SOLD

Estate Sale Success

Lambert & Foster's Land Sale Team are pleased to confirm the completion of the sale of Lower Deans Farm on the North Downs in Harrietsham, Kent.

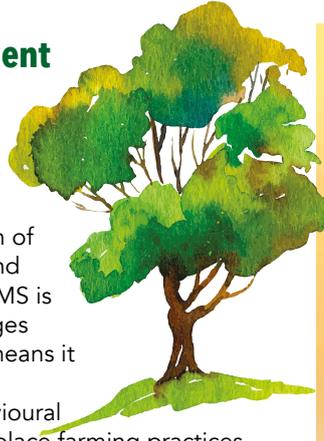
The sale on behalf of the Executors of the Late Tony Crouch was one of the largest land sales in Kent in 2019. The 528 acre farm sold in three parts to Kent based farming families.

For advice on farm sales, dispersal sales and auctions contact Alan Mummery on 01892 832 325 or alan.mummery@lambertandfoster.co.uk

"This was a valuable instruction and I am pleased to report that an excellent sale at expected values, was achieved. The vendors were very organised, so when buyers were found, the conveyancing formalities were completed in a smooth and orderly fashion. Given the uncertainties around Brexit, which affected the 2019 market, we are delighted with the outcome."

- DIRECTOR, ALAN MUMMERY

Environmental Land Management Scheme (ELMS) – Design Proposals



DEFRA has published a Policy Discussion Document looking at the proposed design of ELMS, the replacement scheme for BPS and Countryside Stewardship. The focus of ELMS is on environmental outcomes but the changes introduced by the recent Agriculture Bill means it must be able to co-exist with sustainable agricultural production and support behavioural change in respect of changes to commonplace farming practices deemed to be adversely affecting the environment.

DEFRA is proposing a three-tier structure:

TIER 1: INCENTIVISING ENVIRONMENTALLY SUSTAINABLE FARMING AND FORESTRY

A broadly accessible entry level tier to incentivise sustainable farming and forestry, payments for e.g. nutrient management, including FYM stores, pest management, such as biological control, precision/ spot spraying, livestock management, such as improving feed efficiency to reduce ammonia emissions, limiting grazing to avoid compaction and run-off.

TIER 2: LOCALLY TARGETED ENVIRONMENTAL OUTCOMES AND COLLABORATION

A higher-level tier with a focus on delivering a broad range of high value environmental benefits, targeted to the local environment. This Tier would also encourage collaborative working between farmers and land managers to deliver landscape scale benefits e.g. tree, shrub and/or hedge planting, habitat creation/ restoration/ management, rights of way, navigation and recreation infrastructure.

TIER 3: LANDSCAPE SCALE LAND-USE CHANGE

This Tier is likely to be the most complex and is aiming to deliver national landscape scale land-use change to deliver national environmental policy objectives, such as net zero emissions and nature recovery. There will need to be sufficient scale of land-use change to make a substantial contribution to meeting these national targets.

Tests and trials of ELMS are underway on a small scale. A national pilot to test ELMS is due to take place from 2021 to 2024. There is much more information to come but we now have an indication of how the new Scheme will operate.

If you have any questions on this matter, or the continuation of the Basic Payment Scheme or Countryside Stewardship, please contact Jon Booth on 01892 832 325.

Fields of Gold

With volatile financial markets and screens showing shares and investment funds turning red, how will land markets react?

Evidence of transactions will emerge slowly but our Rural Agency Director, Alan Mummery, has an interesting insight; "During my 30+ year career I have sadly experienced at least two major finance crises"

"Whilst residential markets may suffer as unemployment is forecast to rise and credit lines contract, I have previously experienced upturns in enquires for land from cash investors seeking tangible and historically reliable investments - farmland. With rental yields orientating around 1% this compares favourably with base rates of 0.1% and there are also some attractive tax incentives such as IHT reliefs"

Fortune favours the brave and marketing land this summer might be a sensible move ahead of the Brexit agenda returning later this year which previously cast a shadow over farm income prospect in 2019. Please contact Alan Mummery if you would like a discreet chat about your options.



Major Scheme Approved Contrary to Policy

Bloomfields managed to secure an environmental permit for their client in connection with extensive works to provide a large sea bund to the benefit of the local community and their client's business. Following this, Bloomfields co-ordinated the submission of necessary documentation to obtain planning permission for these works and at the same time secure approval for the change in use of adjoining land for leisure and recreation purposes. Bloomfields managed to get this major planning application approved despite being contrary to Local Plan policy.

If you require planning advice, please contact the Bloomfields planning team on 01892 831 600.

Check & Challenge your Business Rates

Lambert & Foster have successfully helped to **reduce** a client's business rates bill for their seasonal workers accommodation **by over 75%**.

Our client received a rates demand from their Local Authority informing them that they had been rated for non-domestic rates. The Valuation Office Agency (VOA) had applied a significant rateable value to their seasonal workers mobiles which are required during the apple picking season to accommodate their agricultural workers. Lambert & Foster reviewed the VOA's calculation of how they had arrived at the rateable value and did not agree with the

basis of unit that had been applied in their valuation. Consequently a 'Check and Challenge' was submitted to the VOA with supporting evidence and a site meeting held. The VOA agreed that Lambert & Foster's methodology was correct which resulted in a reduction in the rateable value.

If you require advice relating to Business Rates please contact Katie Hurley on 01892 832 325 or katie.hurley@lambertandfoster.co.uk

New Lettings Team

Following two notable retirements, we have taken the opportunity to introduce a number of new faces to our Lettings Team, whilst centralising the management function. Melanie Payne, a qualified member of ARLA, is now the Lettings Manager with responsibility for all three offices. Melanie is ably supported by an experienced and hardworking team of administrators.

Jon Booth, Director of Lambert & Foster, comments *"the Private Rented Sector has been under attack for many years, with a significant increase in the levels of regulation. We are delighted to have such a strong team in place, providing our landlords with sound professional advice, based on years of experience and underpinned by professional qualifications."*



MEL PAYNE
Lettings Manager

If you have a property to let or considering your options in respect of the future management of your let residential property portfolio, please get in contact with Melanie Payne.

Promotion to Senior Chartered Associate



Bloomfields is delighted to announce the promotion of Vicky Bedford to a Senior Chartered Associate.

Director, Tom Ogden reports that *"Vicky is an absolute pleasure to*

work with. She manages a broad range of projects and brings extensive planning knowledge due to her professional status as a Chartered Town Planner. In the past she has worked for several Local Authorities, the most recent being Tonbridge and Malling Borough Council. We are very proud to have Vicky as part of Bloomfields team. She is a diligent professional who is most deserving of her promotion."



Ashford Development Site

A buyer has been found for a residential development site in the village of Shadoxhurst on the rural outskirts of Ashford, after only a week of marketing. The site which has been approved for three detached dwellings to replace an existing bungalow, attracted considerable interest.

"Our motivated vendor with a sensible guide price of £600,000 to £650,000 ensured excellent early interest and competitive bidding" reports Alan Mummy.

Lambert & Foster specialise in the sale of development sites and our team would be delighted to hear from you, if you have property to sell.

20 ha of Polytunnels Granted Permanent Consent

Bloomfields has successfully obtained permanent consent for 20 ha of polytunnels to support the growth of British strawberries, raspberries and blackberries. The polytunnels at the site are crucial for increased crop yields, quality of produce, reductions in food waste and to ensure that soft fruit is home grown with sustainable food miles.

The consent for such a large coverage in

one area will allow the business to make phased developments and growth, whilst still having the security of the infrastructure and a permanent permission.

Bloomfields provided a robust supporting statement setting out the agricultural justification for the polytunnels, whilst also referring to detailed specialist supporting reports for drainage and landscape impact. This gave the Council the information they

needed to provide a balanced judgement. Given the sensitivity of the case, Bloomfields represented the applicant at Planning Committee, where the application was approved. This success has ensured that the farm can make the necessary investments to continue its success in the soft fruit industry, as well as providing job security in this challenging climate.

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