

WESTERN COUNTIES AND CORNISH EXAMINATION GROUP
WEDNESDAY 9th NOVEMBER 2016
AT
NEW BARTON FARM, WEMBURY PLYMOUTH, DEVON PL9 0EE
by kind permission of Tim & Charlotte Jakins and The National Trust.

This introduction sets out the general background to the farm which you should assume for the purposes of the exam.

A series of assumptions have been made in respect of individual questions and are referred to specifically in those questions. Where no specific assumptions are referred to in the question you should rely on the following information.

New Barton Farm is farmed by Tim and Charlotte Jakins. It extends to approximately 202ha (500 acres) comprising:

- the 4 bedroom farmhouse occupied by the Jakins family,
- an adjoining cottage, let to a residential tenant who is a teacher in the local school
- two blocks of modern buildings, one immediately adjoining the farmhouse and one on the new farm access road some 620 metres from the house
- 121.4 hectares (300 acres) arable, 60.7 hectares (150 acres) pasture and 20.2 hectares (50 acres) of cliff top,
- The traditional buildings now used as a wedding reception and party venue
- The former butcher's shop converted to provide 3 letting bedrooms

The farm is owned by The National Trust and let to Mr Jakins on a 20 year Farm Business Tenancy which commenced in 1998 with the Term Date being 29th September, no Notice to terminate the tenancy has been served as yet. The rent passing is £60,000 per annum (£120 per acre). The Tenancy Agreement provides for Model Clauses 2015 repairing obligations and includes management provisions designed to meet the Landlords' conservation objectives.

The farm is in an Area of Outstanding Natural Beauty (AONB).

The wedding reception & party venue business commenced in 2015, following the grant of planning consent for change of use. There are currently some 12-15 events per annum. The barns are let in their entirety at a weekend rate for guests to use as they wish for their event. Parking is provided to the west of the barns in field 8318.

WESTERN COUNTIES AND CORNISH EXAMINATION GROUP
PRACTICAL EXAMINATION
WEDNESDAY 9TH NOVEMBER 2016
9 A.M. TO 1.00 P.M

8.45 am – 9.00 am Introduction by Examination Secretary/Chief Examiner

9.00 am – 1.00 pm Inspection and Exam

ANSWER ALL QUESTIONS		Marks
1	<p>1459 Scheduled as Arable</p> <p>Assuming that the crop is even over the entire field parcel identify and assess the value of the growing crop as at today's date.</p> <p><i>Assuming that the farm was let on an AHA agreement ending today.</i></p>	4
2	<p>0130, 0336 Scheduled as Pasture</p> <p>The tenant has always completed their own Basic Payment Scheme applications however they incurred a number of penalties for the 2016 scheme years and have now decided to instruct an agent to act on their behalf in respect of their 2017 claim.</p> <p>a) Set out in bullet points the information that you will require in order for you as their agent to successfully submit a 2017 Basic Payment Application form.</p> <p>b) Following your inspection of the holding comment on the RLR map that the tenant has provided you with making specific reference to field no's 0130 & 0336</p>	<p>4</p> <p>6</p>
3	<p>0336 & 0130</p> <p>Assess the dilapidations in respect of the entire length of the western field boundary adjacent to the farm lane between points A and B on the block plan - confine your answer to the inner field side and top of the boundary excluding the away side in accordance with the repairing obligations of the tenancy agreement.</p>	5
4	<p>Farm Buildings</p> <p>Identify and value the three items of machinery</p>	
v		2
w		2
x		2

5	Farm Buildings Describe and value the livestock shown to you	
a		2
b		2
c		2
6	Farm Buildings - Building Z Your client's tenancy as identified in the preamble ends today. Assuming that building Z has the landlord's written consent as a tenant's improvement provide a valuation of the entirety including the concrete apron but excluding the cattle handling system. Please give approximate measurements when making your assessment.	10
7	Farm Buildings Until the summer of 2016 the new building Z has been used for the storage of hay, straw and machinery. Following the expansion of the suckler beef herd the building will now be used to over winter cattle. Comment on the relevant regulations governing the proposed new use and then discuss the options available for handling the resultant waste. <i>Assume that the comments in the Introduction apply</i>	5
8	Farm Buildings – Building Z a) Identify, assess the quantity and provide a value per tonne for the produce shown to you which was produced in 2016. b) Identify the crop (which was harvested in 2016) shown to you and provide a current value per tonne as listed on the spot market	3 1

<p>9</p>	<p>1930 Scheduled as Arable & 0336 Scheduled as Pasture</p> <p>You have been asked to advise the owners of the farm who have been approached by a renewables company interested in erecting a wind turbine in this field. The preferred site (as shown marked X on the plan) is on a ridge with access off of the main farm drive and along the route as shown hatched brown on the plan.</p> <p>The Renewables Company has proposed a draft lease conditional on suitable planning permission being achieved:</p> <p>Comment on the practical considerations associated with the proposal</p> <p>a) Set out in Bullet Points the principal Heads of Terms that should be included in the lease.</p> <p>b) <i>Assume the property is owner-occupied for the purposes of this question</i></p>	<p>5</p> <p>5</p>
<p>10</p>	<p>Farm Buildings –Building Y</p> <p>Assess from the outside the dilapidations to the building marked Y on the plan as per the terms of the tenancy outlined in the preamble.</p> <p><i>Assume that the building is the Landlords property with the feed barriers gale breakers, electricity and water supplies being scheduled as tenant's fixtures and that the tenancy comes to an end today</i></p>	<p>5</p>
<p>11</p>	<p>8318 Scheduled as Pasture</p> <p>One of the potential wedding clients for 2017 has asked whether they could host a three day festival as part of their wedding celebrations using field 8318 for camping and a festival stage.</p> <p>Assuming the Landlord has given initial consent subject to agreement on terms, advise your client on the likely Heads of Terms that the Landlord would require in any agreement.</p> <p>Set out in bullet form the principal issues involved and the terms for a potential licence</p> <p><i>Assume that the comments in the Introduction apply</i></p>	<p>4</p> <p>6</p>

12	<p>Farm Buildings</p> <p>The proposal in Question 11 has prompted your client to consider the wider Health and Safety issues relating to the holding and the activities being carried out upon it. In preparation for a detailed report provide notes on the key issues identified during your inspection and the actions required in order for the business to become compliant with the current regulations.</p> <p><i>Assume that the comments in the Introduction apply</i></p>	10
----	--	----

This section of the exam finishes at 1.00 pm when Candidates will hand in their completed valuation books. Lunch will be taken immediately after the end of the morning exams. Candidates are reminded exam conditions still prevail.

AFTERNOON QUESTIONS
ESTIMATED START TIME 1.45 PM AND TWO AND A HALF HOURS ARE
ALLOWED FOR COMPLETION OF THE PAPER

ANSWER FOUR OUT OF FIVE QUESTIONS		Mark
13	<p>New Barton Farm – Buildings C & D</p> <p>The single storey building C opposite the farmhouse has been used to provide general holiday accommodation since 2014. The planning consent relating to the building includes a condition that it can only be used as ancillary accommodation for the wedding venue. The local planning authority have now issued an Enforcement Notice</p> <p>Your clients are also keen to expand the holiday letting business to include the single storey building D within the Courtyard.</p> <p>Advise your clients</p> <p>a) On the steps they should take to regularise the situation in respect of the existing accommodation in building C</p> <p>b) How they should approach securing planning permission for expansion of the business incorporating building D</p> <p><i>Assume that the farm is owner-occupied for the purposes of this question</i></p>	<p></p> <p>6</p> <p>9</p>
14	<p>New Barton Farm</p> <p>The current tenancy is coming to an end at Michaelmas 2018 and your client has asked you to advise on the investment that they have made in the Wedding Venue. Assuming that the Tenant has had written permission for all of the works, write a letter to the tenant, as their agent:</p> <p>a) Setting out the information you would need from your client to enable you to start to construct the claim</p> <p>b) Explaining the statutory position in respect of their entitlement to compensation</p> <p>c) Identifying the key issues which would arise in assessing the compensation in this case</p> <p><i>Assume that the comments in the Introduction apply</i></p>	<p>5</p> <p>5</p> <p>5</p>

15	<p>New Barton Farm</p> <p>The Landlord has served Notice to Review the rent of the holding to take effect at Michaelmas 2017.</p> <p>a) What documentation would you want to see in the first instance</p> <p>b) Prepare short notes identifying specific issues which have arisen from your inspection and on which you would require further information from your client</p> <p>c) Your client is concerned that you may not be able to agree with the Landlord's agent as to the new rent. How might you resolve matters if the parties are unable to agree by the review date?</p> <p><i>Assume that the comments in the Introduction apply</i></p>	<p>3</p> <p>7</p> <p>5</p>
16	<p>New Barton Farm</p> <p>The south west coastal path runs along the full coastal boundary of the farm.</p> <p>Unfortunately the path is being affected by coastal erosion and mindful of the ongoing nature of the erosion problem the local authority are seeking to relocate the path inland immediately to the south of the ponds in 0714 and through 8138 as shown green on the attached plan</p> <p>The Council has approached your client asking them if he would be willing to allow the new path and on what terms</p> <p>Advise the client:</p> <p>a) On the potential impact on the farm and diversified businesses of the relocation of the path</p> <p>b) Set out the potential Heads of Terms if your client was willing to entertain the proposal</p> <p><i>Assume for the purposes of this question that the farm is owner-occupied</i></p>	<p>7</p> <p>8</p>

17	<p>New Barton Farm</p> <p>Old Coastguard Cottages together with the land shown edged blue on the plan has been acquired by a Mr D Cameron for a second home. He has secured planning permission to combine the cottages in to a single large dwelling.</p> <p>Mr Cameron has approached Mr & Mrs Jakins to provide a new connection to the grid at the nearest point being the pole against the eastern boundary of 8736 <u>as shown on the plan</u></p> <p>Acting for Mr & Mrs Jakins</p> <p>a) Suggest a potentially suitable underground route for connection and give your reasons for this choice</p> <p>b) Set out Heads of Terms for an agreement</p> <p>c) Advise on possible approaches to assessing the payment and the likely quantum involved</p> <p><i>Assume that Warren Lane belongs to the freehold of the farm.</i></p> <p><i>Assume for the purposes of this question that the farm is owner-occupied</i></p>	
		4
		7
		4

ORAL QUESTION THURSDAY 10TH NOVEMBER 2016 PM

The oral question in the examination to be held on the Thursday afternoon will involve approximately a 10/15 minute discussion on the following area:

The future of the wedding venue and the potential for succession planning within the family

*For the purposes of this question assume that the farm is **owner-occupied***

35 marks

The remainder of the oral examination will comprise two brief discussion questions and ten short questions drawn from questions set nationally on relevant general knowledge.

15 marks