ALA E-BULLETIN

RURAL PROFESSIONALS

JULY 2026

CONTENTS

WEBSITE UPDATE

We have implemented a practical update to the Case Law page on the **ALA website**. Cases are now organised under a revised set of subject areas, consolidating both recent and longstanding decisions within a more cohesive framework. These encompass land and property ownership, agricultural tenancies, farming partnerships and business structures, inheritance and succession, taxation, planning and rural development, environmental regulation, subsidy payments and other principal domains of agricultural practice.

Each topic is further divided into subtopics to assist with navigation, making it easier to locate relevant authorities and keep an eye on recent developments.

The topic headings will continue to evolve as new areas of case law emerge, ensuring the page remains an informative resource for members.

We are eager to hear your feedback as it plays a crucial role in enhancing this new website. Your insights and suggestions will help us understand what works and what needs improvement, so the website becomes a valuable daily resource for you.

AT A GLANCE

Stephen Morgan was appointed **Minister of State** in the Department for Environment, Food and Rural Affairs (DEFRA) on 12 June 2026.

DEFRA has published **Biodiversity Net Gain Statements** for nationally significant infrastructure projects. These statements set out how biodiversity impacts should be assessed and addressed, and are expected to influence both the delivery of projects and the development of expertise across this emerging area.

The Welsh Government has launched a **consultation** on its Draft Environmental (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 and Integrating Environmental Protection Statement, which will run until 11 September.

The Interim Environmental Protection Assessor for Wales (IEPAW) has issued a **call for evidence** on agricultural pollution.

Environmental Standards Scotland has launched an **investigation** into the effectiveness of the contaminated land regime in Scotland.

The Department of Agriculture, Environment and Rural Affairs (DAERA) has launched the first **Northern Ireland Peatland Strategy Delivery Plan**. The plan includes a commitment to consult on restricting the sale of peat to the public by August 2026, alongside a call for evidence on commercial peat use by December 2027.

HMRC has released a **new calculator** to assist with the apportionment of Agricultural Property Relief (APR) and Business Property Relief (BPR) across a free estate, trust interests where the deceased held a life interest, and failed gifts. The tool is intended to support practitioners in navigating what can often be a complex area of inheritance tax and estate administration.

The AHDB has released an **SFI cost-benefit tool**. This tool helps you calculate the financial benefits of implementing SFI26 actions. It will show you how much income you can receive from selecting SFI actions, and the net benefit after subtracting the associated costs. **SFI 2026: Window 1 is now open**

FARM TENANCY FORUM CO-CHAIR

The Farm Tenancy Forum is seeking applications for the position of Co-Chair, providing an opportunity to help guide discussions and support the Forum's work on issues affecting the tenanted farming sector. The role involves working collaboratively with Forum members and stakeholders to help shape agendas, facilitate constructive dialogue, and contribute to the development of recommendations and initiatives within the sector.

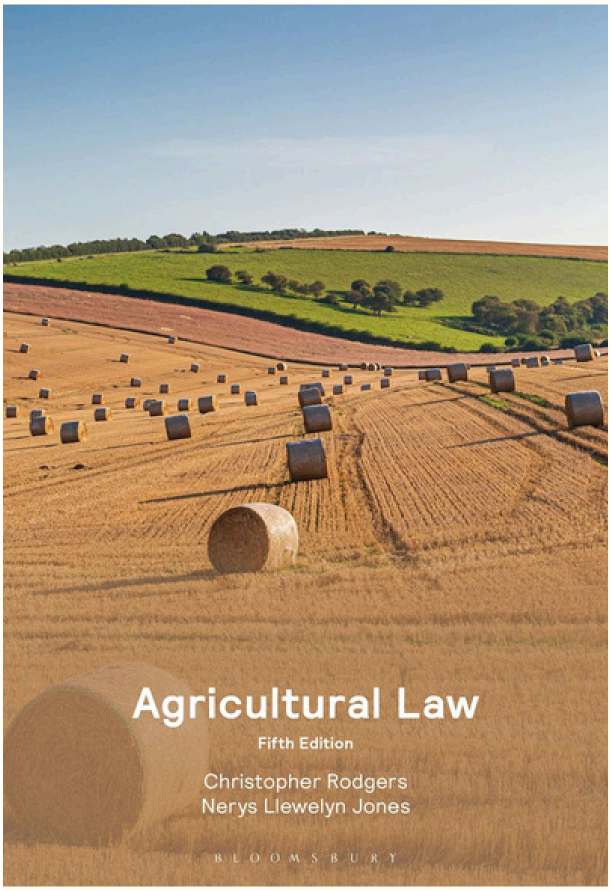
Applications are now open and will remain open for two weeks, closing at midnight on Sunday 26 July. To help make the process as accessible as possible, applicants are only required to submit a CV as part of their application.

The recruitment process aims to attract candidates from across the sector and encourage a broad range of perspectives and experience. Individuals interested in agricultural tenancies, rural policy, and stakeholder engagement may wish to consider applying.

Further information about the role, responsibilities and application process can be found at: **Appointment details - Co-Chair of the Farm Tenancy Forum - Apply for a public appointment - GOV.UK**

Those interested in applying are encouraged to review the full advert and submit their application before the closing date of 26 July. **Apply here.**

NEW PUBLICATION



Christopher Rogers, alongside the ALA Chair, Dr Nerys Llewelyn Jones, has recently published the fifth edition of Agricultural Law, providing an up-to-date guide to an era of unprecedented change in agricultural law and policy.

Since the previous edition was published in 2016, the sector has experienced significant developments, including Brexit, the phasing out of the Common Agricultural Policy, changing approaches to land use and environmental management, and the introduction of new regulatory frameworks and Codes of Practice. The latest edition has been extensively revised, with chapters remodelled to reflect these changes and to provide practical insight into the evolving legal landscape. It also includes a discussion of emerging legislation, including the Renters' Rights Act 2026 (RRA 2026).

This new edition is an invaluable resource for lawyers, land agents, rural surveyors, students and others working across the rural sector.

For more information or to purchase a copy, click **here**.

ALA MEMBERS CAN TAKE ADVANTAGE OF AN EXCLUSIVE DISCOUNT USING THE DISCOUNT CODE PROVIDED AT THE END OF THIS E-BULLETIN.

SPOTLIGHT: FARM SUCCESSION AND PROPRIETARY ESTOPPEL: RECENT LESSONS FOR RURAL ADVISERS

Charlotte Kahrman, Associate, Disputed Wills, Trusts and Estates, HCR Law

Family farm succession disputes remain fertile ground for proprietary estoppel claims. The facts are often familiar: informal assurances from one generation that “one day this will all be yours”, years of work or commitment by the next generation for little to no reward, and then a will or lifetime decision is made which does not reflect what was expected.

For those advising farming families and rural businesses, the cases discussed in the article are highly relevant to day-to-day practice. They underline the importance of clear succession planning, proper records of intentions, and early advice where expectations and ownership structures do not align.

This article considers recent farming proprietary estoppel decisions and draws out points of wider relevance for lawyers, accountants, land agents, financial advisers and farming clients. In some of the cases, proprietary estoppel was pleaded alongside challenges to the validity of a will. For present purposes, the focus is on the proprietary estoppel issues.

Scott v Scott: benefits may outweigh detriment

This case attracted considerable media attention. It concerned a large and complex farming family, with the deceased, Richard Scott, having fathered at least 19 children during his lifetime. One of those children, Adam Scott, argued that he was entitled to land which he said had been promised to him by his father.

The court found that Richard had promised to set Adam up in farming in 1985. However, that was treated as a promise about farming opportunities rather than an assurance that Adam would inherit particular land on Richard’s death. In any event, the promise had been satisfied by 1994: Adam had been granted tenancies, given rights to purchase land, and enabled to farm other land.

Richard’s 1995 will amounted to an assurance in Adam’s favour. Later wills, although invalid, evidenced an intention to withdraw those assurances, and Adam was aware of his father’s changed wishes.

Adam had suffered detriment, including long working hours and lost alternative career opportunities. However, he had also received substantial benefits, including the opportunity to buy land at a significant discount, valuable subsidy payments, and a 50% share of profits from a successful car boot business. Weighing those benefits against the detriment, the court found no net detriment.

The court also found that, even if the other elements of proprietary estoppel had been made out, it would not have been unconscionable for Adam not to receive more. Richard had many children and a wife to provide for, and Adam had already received more from Richard during his lifetime than any other child or his wife would receive from the estate.

The proprietary estoppel claim was dismissed. The decision is a useful reminder that detriment is not assessed in isolation. In farm succession disputes, benefits received during lifetime may be central to the analysis and the court will take a holistic view.

SPOTLIGHT: FARM SUCCESSION AND PROPRIETARY ESTOPPEL: RECENT LESSONS FOR RURAL ADVISERS

Maile v Maile: youth, opportunity and lack of detrimental reliance

Two grandsons, Steven and John, brought a claim against the estate of their grandmother, Mary Stevens. The court noted that the claim was "curious" given their relative youth: unlike many proprietary estoppel claimants in farming cases, they had not devoted their working lives to the farm and had already pursued alternative opportunities.

Mary executed a codicil in 2011, leaving the farm to Steven and John. That was revoked by her final will in 2016, which left the farm to her two daughters, Ruth and Sheila.

Steven and John's proprietary estoppel claim failed. They could not prove unequivocal assurances that they would inherit the farm, nor reliance on any such assurances. They also failed to establish detriment. Substantial payments received from their grandmother and from the partnership entered into with her in 2015 further weakened the claim.

Ellis v Ellis: expectation is not enough

Yeamon Keith Care, known almost universally as Keith, was a rare breed cattle farmer based in Cornwall, well known in the community. His will left almost the whole of his estate, save for some straws of bull semen, to his friend and fellow farmer, Luke Ellis (for whom I acted). Keith's brother, Vivian Care, threatened a claim but did not take prompt action to progress it. Luke, therefore, issued proceedings asking the court to pronounce in favour of the will. Vivian responded with a defence and counterclaim alleging lack of testamentary capacity, lack of knowledge and approval, lack of due execution and, in the alternative, proprietary estoppel.

The court found that, although there may have been a general expectation that the farm would remain in the family, Keith's statements reflected his intentions at the time rather than a sufficiently clear assurance capable of founding a proprietary estoppel claim. Vivian was also unable to identify a convincing detrimental reliance.

Both the substantive judgment and the costs decision have been published. Vivian was ordered to pay Luke's costs and the executors' costs. A pre-trial offer made by Luke was found to be reasonable and a genuine attempt at settlement, with the result that Vivian was ordered to pay costs on a more onerous basis for the period after the offer had expired. The cost outcome is a useful reminder of the financial risk of pursuing weak claims to trial.

SPOTLIGHT: FARM SUCCESSION AND PROPRIETARY ESTOPPEL: RECENT LESSONS FOR RURAL ADVISERS

<u>**Armstrong v Armstrong**: a successful claim and a pragmatic remedy</u>

Armstrong v Armstrong is a classic example of a successful proprietary estoppel claim. It also illustrates the wide, but principled, discretion available to the court when fashioning a remedy.

Two brothers, Simon and Richard, were in dispute over the estate of their late father, Alan. Alan owned two farms: North Cowton and Allerton Grange. Richard managed North Cowton, and Simon oversaw Allerton Grange. Alan's will left Allerton Grange to Simon and North Cowton to Simon's son, leaving Richard with nothing. Richard argued that he had been promised North Cowton throughout his life.

The court found that Alan had promised Richard that he would inherit North Cowton and that it was reasonable for Richard to expect that outcome. Richard had relied on the promise to his detriment: he had not gone to university and had worked on the farm for a modest income. It was unconscionable for Alan to depart from that promise by making a later will that excluded Richard entirely.

The court applied the approach in Guest v Guest, where the focus is on preventing or undoing unconscionable conduct rather than automatically fulfilling the claimant's expectation or compensating detriment. The starting point was the fulfilment of the promise, which Richard argued meant receiving North Cowton free of debt. However, the farms carried combined debts. If those debts were loaded onto Allerton Grange alone, that business would not be viable. The court therefore ordered that the debts be divided between the farms in proportion to their respective values.

<u>**Hodgson v Hodgson**: promises made, but no reliance</u>

Jane brought claims against the estates of her late parents. She argued that she had worked on the family farm in North Yorkshire for decades in reliance on promises that she would receive part of the land, and that she had shaped her life and finances around those promises.

The court accepted that promises had been made, although not in the terms advanced by Jane. It accepted that the promise was to receive land on the death of the second parent, not the first. However, the claim failed because the court concluded that Jane would have lived the same life regardless of the promises. She had not relied on them to her detriment. As in Scott v Scott, the court also took account of benefits Jane had received, including rent-free occupation of a farmhouse, free use of land, and income from subsidies.

The court concluded that there was "simply no equity at all" and the claim failed. For advisers, Hodgson is a useful example of the distinction between establishing that promises were made and proving that those promises materially changed the claimant's conduct.

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Practical points for rural advisers

- Clarity matters. General family expectations or statements of intention may not amount to the clear assurance required for proprietary estoppel.
- Detriment is fact-sensitive. Long hours, low pay and lost opportunities may be relevant, but the court will also weigh benefits received during lifetime, including occupation, partnership profits, sales of land to the claimant at discounted values and subsidy income.
- Reliance must be proved. It is not enough to show that a claimant worked on the farm or expected to inherit. The claimant must show that the promise caused them to act, or refrain from acting, to their detriment.
- Remedies are practical, not automatic. Even where a claim succeeds, the court will look for a proportionate remedy which addresses the unconscionability without unnecessarily damaging the continuing viability of the farming business.

Succession planning remains the best risk management tool. Clear wills, partnership agreements, shareholder agreements, letters of wishes and regular reviews can reduce the scope for later disputes. Where expectations are changing, those changes should be communicated and documented carefully. For those advising and drafting wills, probing questions should be asked if farms are farmed with the next generation and, if so, enquiries made about conversations which have already taken place about the future of the farm. This should flush out whether the farm has been 'promised away' during the lifetime.

For farming families, the lesson is not that informal succession discussions should be avoided altogether. They are often inevitable and important. The risk arises when those discussions are left undocumented, misunderstood, or overtaken by changes in family or business circumstances.

For professional advisers, early joined-up advice across the legal, tax, accounting and land agency disciplines can make a material difference. In the event an estoppel claim does arise post-death, the involvement of professionals will aid the commencement or defence of any claim, by virtue of the contemporaneous documentary evidence of lifetime decisions.

For further information, please contact ***Charlotte Kahrman****, Associate in HCR Law's Disputed Wills, Trusts and Estates team.*

SPOTLIGHT: SPORTING RIGHTS IN PROPERTY TRANSACTIONS

Sarah Jordan, Partner, Commercial Property, Real Estate, Landed Estates and Farming, Rural Services, Moore Barlow LLP

This article was first published in the RICS Journal.

The hidden hazards of inadequate due diligence

When buying a country house or rural estate, most purchasers focus on the obvious: the condition of the buildings, access, planning permission, rights of way, and perhaps the quality of the farmland. But there is one issue that can catch buyers completely off guard – sporting rights.

These rights, which include the ability to shoot, fish or hunt on land, can exist entirely separately from land ownership. If not properly investigated during the purchase process, they can create significant legal and practical headaches long after completion.

And in some cases, they can mean strangers with shotguns legally operating uncomfortably close to your home.

What are sporting rights?

Sporting rights are a distinct category of property interest. Unlike most rights that automatically transfer with land, sporting rights can be separated from the freehold and owned, leased or reserved independently.

Historically, shooting, fishing and hunting have been valuable pursuits in England and Wales. Over time, the law developed to recognise them as commodities in their own right.

The most common sporting rights include:
- Shooting rights (pheasant, grouse, partridge and other game birds)
- Fishing rights (particularly on rivers, lakes and ponds)
- Deer stalking rights

Legally, these rights are usually classified as profits à prendre, meaning a right to enter another person's land and take something from it. In this context, that "something" is wild animals, which only become property once killed or captured.

The key takeaway? You can own the land but not control who shoots, fishes or stalks on it.

Why sporting rights matter more than you think?

The commercial value of sporting rights can be substantial.

On prime estates, annual shooting rentals can reach six figures. Productive salmon or trout fishing rights command significant premiums. Sellers often retain sporting rights when disposing of farmland or woodland to preserve a valuable income stream.

SPOTLIGHT: SPORTING RIGHTS IN PROPERTY TRANSACTIONS

Why sporting rights matter more than you think?

For buyers, however, third-party sporting rights can:

- Disrupt residential enjoyment
- Complicate development plans
- Restrict rewilding or land-use changes
- Create safety and access tensions

These rights are not theoretical. They are enforceable property interests.

A cautionary tale: **Fuller v Kitzing (2016)**

A High Court decision illustrates the risks perfectly.

In Fuller v Kitzing, Mr Fuller bought a freehold property that had once formed part of a larger estate. After completion, he discovered that Mrs Kitzing held valid shooting rights over his land under an existing lease.

Those rights allowed her to position guns in close proximity to his house during the shooting season.

Mr Fuller sought a blanket ban preventing shooting within 300 metres of his home and garden. The Court refused. Mrs Kitzing's rights had been properly granted and were enforceable.

The Court did impose some restrictions, including prohibiting shooting from or deliberately towards the house and requiring notice of shoot times, but the essential right remained intact.

The lesson is simple:

If sporting rights have been validly granted, the courts will usually uphold them, even where they cause significant inconvenience to the landowner. Due diligence must happen before the exchange of contracts, not after the first drive of the season arrives.

Getting due diligence right

Sporting rights should form a routine part of rural property investigations. That means going beyond standard conveyancing checks.

Review the title and historical deeds carefully

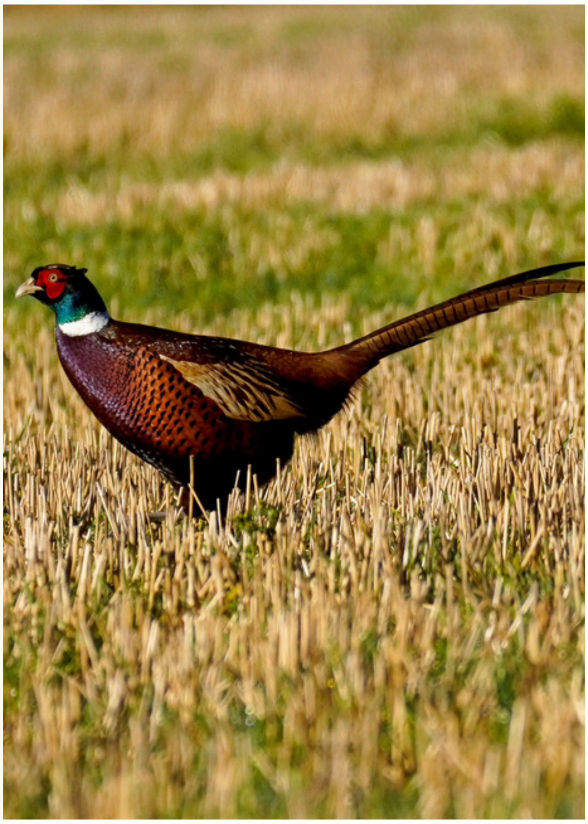
Sporting rights may be expressly reserved in historic conveyances or granted under old agreements predating registered title. Deeds should be scrutinised for references to:

- Reservations of game
- Shooting leases
- Fishing rights
- Retained sporting rights over woodland or farmland

Raise specific enquiries

Standard property information forms may not fully address sporting rights. Buyers should ask direct questions about:

- Whether third parties exercise shooting, fishing or hunting rights
- Any current leases or informal arrangements
- Frequency and timing of sporting activities



SPOTLIGHT: SPORTING RIGHTS IN PROPERTY TRANSACTIONS

Inspect the land

Physical evidence can be revealing. Look for:

- Pheasant pens
- Shooting butts or stands
- High seats for deer stalking
- Fishing platforms

Local enquiries with neighbouring landowners or gamekeepers can also provide valuable insight into how the land is actually used.

Obtain clear plans

Where rights exist, buyers should obtain precise plans showing the affected areas. With shooting rights in particular, understanding drives, flight paths and safety zones is crucial.

Negotiating practical solutions

If sporting rights are identified, all is not lost. Buyers have options.

- Acquire the sporting rights outright as part of the transaction
- Negotiate geographical exclusions, such as removing rights around house curtilage and gardens
- Agree on temporal restrictions, limiting shooting to certain times or days
- Establish clear operational protocols, including notice periods and access arrangements

The earlier these issues are addressed, the more leverage a buyer typically has.

The wider legal context

Sporting rights rarely exist in isolation. They intersect with:

- Agricultural tenancies

The Agricultural Tenancies Act 1995 and Agricultural Holdings Act 1986 contain provisions relating to game damage and compensation. Farming operations and sporting activities must be carefully balanced.

- Public access

Public rights of way and access land under the Countryside and Rights of Way Act 2000 create safety considerations. Shooting must not unreasonably interfere with public access.

- Environmental and conservation obligations

Modern sporting management increasingly overlaps with biodiversity objectives and environmental schemes. Wildlife protection legislation and stewardship obligations must be observed.

- Health and safety

Those exercising sporting rights carry primary responsibility for safety, particularly near dwellings and roads — but landowners are not entirely immune from potential liability.

For further information, please contact ***Sarah Jordan,*** *Partner, Commercial Property, Real Estate, Landed Estates and Farming, Rural Services, Moore Barlow LLP*

DEFRA'S RESPONSE TO THE FARMING PROFITABILITY REVIEW

The Government's response to the Farming Profitability Review sets out a framework to improve long-term farm profitability, with a focus on productivity, resilience and structural change. It emphasises that farmers are best placed to make business decisions, with government support aimed at enabling more efficient, sustainable and commercially viable operations.

Skills are identified as central to profitability, particularly in business management, financial planning, digital capability and succession. The response recognises gaps in current provision and commits to a clearer, industry-led skills strategy, while encouraging greater on-farm investment in skills, including data and automation.

Greater collaboration between farmers is identified as a key driver of productivity. A new Farmer Collaboration Fund will provide up to £30 million over three years to support peer learning, joint working and knowledge exchange.

The fund will promote a whole-farm approach that integrates business, productivity, and environmental outcomes, while using delivery partners to reduce administrative burdens and allow farmers to focus on practical improvements.

Improving access to research, advice and agri-tech remains a priority. The Government favours a flexible, decentralised approach, rejecting a single delivery structure in favour of provision tailored to different farm types. A dedicated team has been established to coordinate long-term skills and advisory support.

The response supports stronger education pathways into farming, including better integration into STEM subjects and a review of relevant qualifications. It confirms ongoing work with the Department for Education to strengthen the pipeline of skilled entrants.

Key Points

- Profitability linked to productivity, skills and business capability
- New £30m Farmer Collaboration Fund to support joint working
- Emphasis on whole-farm planning and reduced bureaucracy
- Flexible, decentralised approach to advice and support
- Focus on technology adoption and skills investment
- Action to strengthen education and workforce pipeline

MEMBER ACTIVITIES

RECENT REGIONAL EVENTS

ALA East - From Succession to Boundaries with Falcon Chambers 10 June 2026

ALA South Central – Farm Tour and coaching session on 'Outcome Thinking' at Meon Springs on 6 July 2026

ALA Somerset and Dorset - Visit to Camell Hill Farm and BNG Seminar 13 July 2026

ALA AGM AND DINNER

We were pleased to host the ALA AGM and Annual Dinner at the Army and Navy Club in London on 22 June, with Members enjoying an excellent evening. As always, the event offered a valuable opportunity to reconnect with colleagues across the sector, reflect on the year's activities, and look ahead to the Association's work in the year to come. The dinner was thoroughly enjoyed and, as ever, sparked lively conversation throughout the room.

A particular highlight of the evening was the recognition of our new Fellows from the class of 2025.

Aneira Evans
Elle Dales
Eoin Longworth
Esther Lee
Fiona Higgot
Glen Webb
Hannah Connors
Harriet Black
James Spittlehouse
Joshua Spink
Lucy Willmett-Price
Mary Thompson
Oliver Lewis
Phil Webb
Phillip Morris
Rachel Williams
Rebecca Allen
Rebecca Ironmonger
Sarah Parker
Sinead Conlon
Victoria Reeds

We also extend special congratulations to **Elle Dales**, who was awarded the Chair's Award for achieving the highest mark.

ON THE GROUND WITH ALA HQ

GROUNDSWELL

Mike Holland

As I left Groundswell on Thursday evening to head back to Northamptonshire, I wondered why I had not made the time to attend before now. What a refreshing show it was!

From the regenerative FBT session with the Duchy of Cornwall, Hertfordshire County Council and the TFA in the Speakers Corner, to hopping over to the Big Top stage for a session on the role of regenerative farming at the heart of climate action, and then to the Seminar Tent to discuss how to maximise farm profits by maximising natural capital, there was an abundance of high-quality, informative sessions across the site. These were merely a snapshot of two days of engaging conversations.

The discussions were different from the norm, delivered in a relaxed but no less professional atmosphere. Thought-provoking on changing farming systems and approaches, never more relevant than during this incredibly dry and hot period of weather, which has seen harvests start earlier than I can remember in my lifetime and crops simply dying off in the field.

There is a danger of slipping into short-term fashions and trends in business, and farming is no exception. But you do not have to be a full convert to regenerative farming to realise that change is needed. I am in no doubt that you will find something valuable at Groundswell that you can implement in your farming operations or advise on for the benefit of the business.

There is something in these approaches that all farming businesses should adopt to some extent.

Before the obligatory ice-cream at the end of the day, I headed back to Speakers Corner to hear the story of Benedikt Bösel, a German farmer who has adopted a regenerative, multifunctional land-use approach on his family's 3,000-hectare farm near Berlin. His approach combines farming and agroforestry, with good data and research informing strategic land-use decisions. It was a fascinating insight into a change in farming practice at scale. Frankly, it was hard not to be impressed.

Adopting a balanced and thoughtful approach to farming and the environment, focusing on resilience and profitability, is definitely the right path. It requires an open mind to embrace change and accept some risks along the journey, but these steps can lead to more sustainable and rewarding outcomes.

Groundswell certainly gives you much to think about in this changing agricultural landscape.

My recommendation is to keep 23 and 24 June 2027 free in your diaries and plan a trip to Hertfordshire. It will open your mind to many opportunities in UK farming. You will also enjoy it!

FORTHCOMING EVENTS

21 JULY

ALA Wales – Royal Welsh Drinks Reception
ALA Wales is delighted to invite you to their drinks reception at the Royal Welsh Show on Tuesday 21 July from 5.00 - 6.30 pm at the Agri Advisor Stand. The stand is located at M761 (opposite the Sheep Ring).

16 SEPT

ALA South East - Visit to Little Mill Farm
A visit to Little Mill Farm with Peter Hall, who will provide an interesting insight into the farm and its long history of environmental stewardship.

2 SEPT

ALA London - Visit to Richmond Park
Join us at 5 pm – 8 pm, at Pembroke Lodge, Richmond Park. Following a drinks reception, we will have an evening stroll around Richmond Park with a Royal Parks Warden.

22 SEPT

ALA Devon & Cornwall - Whistman's Woods Walk and Duchy of Cornwall Talk
More information will be shared soon. Follow our Eventbrite page for the latest updates.

NOV

ALA North East - Agricultural Law Seminar
More information will be shared soon. Follow our Eventbrite page for the latest updates.

For more information about these events, check our **Eventbrite page**.
Follow us to stay informed about new events as they are added.
We want you to be in the loop!

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