



FARMING AND PROPERTY BULLETIN – NOVEMBER 2020

Agriculture Bill Becomes Law!

On the 11th November the Government's Agriculture Bill was passed into UK law. This starts the ball rolling on a seven-year transition period (2021-2027) which will include phasing out of the Basic Payment Scheme (BPS), "delinking" of direct payments and the introduction of the new Environmental Land Management Scheme (ELMS) whereby farmers and land managers will be rewarded "public money for public goods" such as soil health, wildlife and water quality.

Environment Secretary George Eustice said:

- "Our landmark Agriculture Act will transform the way we support farmers."
- "The funds released as a result of the phasing out of the legacy Basic Payment Scheme (BPS) will be re-invested into a roll out of our future farming policy, which will be centred around support aimed at incentivising sustainable farming practices, creating habitats for nature recovery and supporting the establishment of new woodland and other ecosystem services to help tackle challenges like climate change."
- "We will support farmers in reducing their costs and improving their profitability, to help those who want to retire or leave the industry to do so with dignity, and to create new opportunities and support for new entrants coming in to the industry."

Further details are due to be released towards the end of this month.

COVID-19 – Further Protection for Residential Tenants

The Government has confirmed that the restrictions on eviction from residential property will apply during the second lockdown period in England. No evictions will be enforced while national restrictions are in place and evictions will not be enforced by bailiffs before 11th January 2021 at the earliest.

BPS 2020 Entitlement Values and Greening Rates

The RPA has published the 2020 BPS payment rates. As announced in September, the exchange rate is the same as used in 2019: £0.89092 per euro.

The payment rates are:

- Non-SDA Entitlement: £162.771/ha; Non-SDA Greening: £70.445/ha
- SDA (other) Entitlement: £161.559; SDA (other) Greening: £70.008
- SDA (moorland) Entitlement: £44.332; SDA (moorland) Greening: £19.618

The total Entitlement payment rate in this locality based on the above is £233.216/ha or £94.381/acre.

No Financial Discipline will be deducted from the 2020 payments as has been the case in the past. The payment window for BPS 2020 payments in England opens on Tuesday 1st December.



New Use Class 'E'

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020/757) came into force on 1st September 2020. It has streamlined the Use Class Order in England, creating a new "Commercial, business and service" use class E to replace what was classes A1, A2, A3 and B1, plus some uses from D1 and D2, including nurseries, gyms and health centres. The Regulations also create new use classes for Learning and Non-residential institutions (F1) and Local Community (F2).

This means that where for example a property has planning consent under B1(a), i.e. office use, a much larger range of uses are now permitted under Class E without the need for a change of use application. Changes within Use Class E would not be considered development for the purposes of planning.

Landlords letting units may like to consider whether they are happy for tenants to take advantage of the new flexibility provided by Use Class E. If not, they would be wise in defining the specific use in the lease by way of a description (e.g. use as an office) rather than by reference to Use Class alone.

This would only be relevant to new lettings and leases from the 1st September. Where an existing lease already has a permitted use relating to one of the original use classes, such as B1(a) the use of that premises is still restricted to that use class and legislation as was in force at the time the lease was entered into by the parties.

Clearly this change in planning legislation does provide opportunities for those with let commercial units especially those which may have suffered as a result of COVID-19. The changes open up the market for those uses to a much wider range and in turn tenants which should be considered in today's climate.

**Please remember to seek professional advice before pursuing any change of use of your property.*



Thimbleby & Shorland

HAY & STRAW AUCTION SALE

TUESDAY 12TH JANUARY 2021

Further details to follow

All enquiries to Chris Boreham (01189 508611 / 07760 888543)

Or Philip Pocock (01235 862888 / 07802 284554)