

Key Considerations in a Rural Land or Property Dispute

Identifying the relevant tenancy, ownership arrangements and practical effect of the dispute at an early stage can help protect the land and the wider rural business.



The Type of Agricultural Tenancy

Establish whether the occupation is governed by the Agricultural Holdings Act 1986, the Agricultural Tenancies Act 1995 or another arrangement. The applicable regime affects security of tenure, succession, notices and termination rights.

Farm Business Tenancies are generally governed by the Agricultural Tenancies Act 1995, while many agricultural tenancies created before 1 September 1995 remain governed by the Agricultural Holdings Act 1986.



The Written Agreement

Review the tenancy, licence, partnership agreement, trust document or conveyance governing the relationship. The wording should be considered alongside how the land has actually been occupied and managed.



Notices and Deadlines

Agricultural tenancy notices are subject to detailed statutory and contractual requirements. Check the form, grounds, method of service and applicable deadline before serving or responding to a notice.



The Use of the Land

Consider whether the land continues to be used in accordance with the tenancy and whether diversification, development or non-agricultural activities are permitted. Changes in use can affect the tenancy position and the parties' wider rights.

 Succession Rights

Establish whether a tenancy carries statutory succession rights and whether the proposed successor satisfies the relevant requirements. Applications following a tenant's death are time-sensitive and should be addressed immediately.

Government guidance states that qualifying succession applications relating to certain Agricultural Holdings Act tenancies must be made within three months of the tenant's death.

 Rent and Other Payments

Review the rent account, demands and payment history. Where arrears have arisen, consider whether recovery, negotiation, possession or changes to the future tenancy arrangements would provide the best outcome.

 Repair and Maintenance Obligations

Identify responsibility for buildings, fences, tracks, drainage and other parts of the holding. Inspection reports, photographs and maintenance records may be important where the condition of the property is disputed.

 Access and Rights of Way

Establish which routes benefit the land, who may use them and for what purposes. Restricted or uncertain access can significantly affect farming operations, development and the value of rural property.

 Boundaries and Plans

Do not assume that the red edging on a Land Registry title plan identifies the precise legal boundary. Most registered titles use general boundaries, and the exact legal line may need to be established using conveyances, physical features, historic evidence and expert surveying evidence.

Drainage and Water

Identify the source of any flooding, obstruction or drainage failure and who owns or controls the relevant ditch, drain or watercourse. Technical and environmental evidence may be required.

Business and Family Arrangements

Consider how the property dispute interacts with any farming partnership, company, trust or family succession plan. Ownership of the land and ownership of the agricultural business may not be the same.

The Desired Outcome

Be clear whether the priority is retaining the tenancy, recovering possession, protecting access, securing compensation or preserving the ongoing farming operation. This will help determine the most appropriate legal and commercial strategy.



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