

Agriculture

Protecting your farm
for future generations



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Are you worried about who will own the family farm in the future?

Farming is full of challenges so when you need legal advice, you want to be sure you're getting it from someone who understands the complexities involved in agricultural family businesses.

Whether you are a farm owner or a tenant farmer, need help securing your farming future or resolving a land dispute, we have an experienced team that can help you.

We can help with:

- Disputes
- Tenancies
- Inheritance planning
- Partnership agreements
- Mineral rights
- Sporting rights
- Development land

Deciding to take my family to Court wasn't easy but Chafes Hague Lambert helped me fight for what was rightfully mine.

I spent years working on and investing in the family farm as my parents and I had an agreement that I would inherit it in their Wills while my sister would receive a sum of money. It was only by chance that many years later I discovered that my father had changed the agreement. At the age of 60 I faced the possibility of having to sell the farm that I had worked so hard for.

I learnt the hard way about the importance of succession planning and ensuring that you have legal documents to support any agreements made. It was a stressful time for everyone involved but with the help of the team at Chafes Hague Lambert I managed to keep the family farm.

Stephen Bostock



Q: Should you be worried?

Many farmers now live and work on the family farm that their parents own. You may expect to inherit the farm however your parents may decide to leave the farm to another family member in their Wills. This could leave you in a situation where you can no longer live at the farm house and have no control over your livelihood.

Q: What is the best way to avoid future problems?

Problems usually arise when assumptions are made about who will own the farm in the future. Are there any family members who haven't worked on or contributed to the farm but are expecting a share?

Have a conversation with everyone in your family to discuss the future of the farm. If you make any "in principle" agreements such as who will inherit the farm or any sums of money to be paid to other family members not inheriting a share, make sure you have clear legal documents drawn up to support this. If you don't, you may find yourself in the middle of a family dispute if someone backs out of the agreement or it's open to interpretation.

Q: What can you do if you find out that you won't inherit all or part of the family farm?

Your options really depend on the circumstances. The farm owner's Will could be declared invalid if they didn't fully understand the effect it would have or they were pressurised into making it by another family member.

In some situations, an "informal promise" to receive the family farm can be legally enforced if it is considered that the recipient took a course of action based on that promise that adversely affected them financially. Examples include working on the farm for little or no money for a prolonged period or paying a sum of money for the farm to another family member.



Meet our agriculture team



Robert Brindley – Managing Partner

Robert is amongst an elite group of professionals who have demonstrated their advanced knowledge of rural law by qualifying as a Fellow of the Agricultural Law Association.

As a member of the Society of Trust and Estate Practitioners (STEP), Robert specialises in succession and inheritance tax planning. He has successfully obtained both agricultural property relief and business property relief for a number of farms which saved them from having to be sold to fund an otherwise payable tax bill.

Robert is a Fellow of the Agricultural Law Association and a member of the Society of Trust and Estate Practitioners.



Andrew Pettitt – Partner

Andrew has over 30 years of experience in dealing with a wide range of property matters including advising on farming tenancies, partnership agreements, developing land and the sale and purchase of agricultural land.

Andrew's knowledge is founded on many years in practice in Cheshire. He has several clients involved in agriculture so understands the issues farmers face.



Craig O'Hara – Head of Dispute Resolution

Craig has experience of advising on high value claims for both agricultural and commercial clients. He has detailed knowledge of property disputes, challenges against Wills and partnership disputes and recently obtained a successful settlement in a proprietary estoppel claim which resulted in the client securing the family farm which he had worked on for 35 years.

Craig is a member of the Professional Negligence Lawyers Association.

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