

What's new at Lambert & Foster?

■ PETER HODGES, PARTNER



Welcome to our Autumn newsletter. With many divisions of the firm, and offices situated throughout Kent and East Sussex it is important to understand how our various divisions, all connected, are working with one another to provide a full and professional property service. If you would like help and advice on any property related issues, details of all our offices can be found at the end of this newsletter.

Welcome Sam!

We are very pleased to welcome Sam Finnis to the Bloomfields team. Sam is a Chartered member of the



Royal Town Planning Institute with over 15 years' experience as a planner in Local Authorities across Kent and Sussex. Sam's experience will strengthen Bloomfields understanding of the procedural requirements of specific Councils in the region.

Throughout his career Sam has gained experience in various planning matters including residential and commercial planning applications, Certificates of Lawful Use, Prior Approvals and Notifications. As a former Planning Enforcement Officer Sam also has experience in dealing with contentious enforcement cases.

Away from work, Sam enjoys walking his dogs, cycling and is a member of the Campaign for Real Ale (CAMRA).

We are sure you will join us in welcoming Sam Finnis to the team. sam.finnis@bloomfieldsltd.co.uk

Properties *under the hammer*

■ ALAN MUMMERY, PARTNER



An interesting and diverse catalogue of property is on offer at Lambert & Foster's autumn Property Auction at the Grange Moor Hotel in Maidstone on 20th October. With land for sale throughout Kent, the auction will also include a substantial Grade II Listed farmhouse for complete renovation.



Church Farmhouse
BOUGHTON MONCHELSEA
Guided at £500,000 - £550,000

With wonderful views and a short drive from the County Town of Maidstone. Also on offer are a number of woodland lots; at Ightham (5.25 acres), on the immediate outskirts of Dover (19 acres) and a beautiful location at Egerton (18.27 acres).

Seaside lovers will be attracted by the small shingle garden plot located on Sandgate seafront with a low guide price of £1,000.



TOP QUALITY FARMLAND IS CATALOGUED IN THE SITTINGBOURNE AREA with 49 acres of first class orchards at Gwelo Orchards at Newington, guided at £475,000 - £500,000, and a nearby block of Grade I land at Yaugher Farm, Hartlip, guided at £9,000 an acre.

» Catalogues are available online or on request to any of our offices.



What's the deal??

■ CLAIRE LITTLE, MAYFIELD RESIDENTIAL



Over the last few months, our office in Mayfield has seen a surge in buyers which has resulted in an unseasonal level of sales. Demand is now outstripping supply and we are finding that there are often two or more buyers for each property. Why is this happening??

I believe that many sellers and buyers were holding off from making any major decisions until after the referendum. Now that the turmoil has died down people are starting to think about moving and are keen to do so before the winter. Property prices generally seem to be holding their own but lenders are becoming increasingly wary and overinflated values are rarely being supported by either the surveyor or buyers.

As a firm of chartered surveyors we can provide the knowledge and expertise needed to advise both sellers and buyers alike in uncertain times. If you are thinking of selling or buying and require unbiased honest advice then we would be delighted to hear from you.



Farm and Nursery Dispersal Sales

■ ALAN MUMMERY, PARTNER



Having found a buyer for Frogshole Farm for Peter and Kate Whapham, Lambert & Foster are now undertaking a genuine Farm Dispersal Sale of all of their machinery and equipment on site at Frogshole Farm at Biddenden on Saturday 24th September.

Lots include a number of tractors, combines and specialist asparagus growing equipment and the sale has been opened up to other local farmers to include quality items of farm machinery and equipment. Genuine farm dispersal sales are few and far between and we expect a good turnout of buyers on the day. (Two photos of tractors included within the sale and Frogshole Farm catalogues available on line or on request).

In November our Mayfield Auction Team are overseeing the Sale by Tender of the remaining contents of a specialist orchid growing nursery located on the outskirts of Lewes in East Sussex. The sale will include several thousand orchids of every imaginable variety offered for sale in some smaller quantities but generally larger commercial volumes which will appeal to other retail nursery and plant sellers.

For further information visit our website or contact Will Mathias at our Mayfield Office on 01435 873999.



Development/renovation opportunities continue to generate healthy interest

■ ALEC COX, PARTNER



Lambert & Foster were invited to carry out an inheritance tax valuation on Golford Place Bungalow back in the winter of 2015. We agreed the property would be marketed in late Spring of the following year once all chattels, that filled both the interior and gardens and grounds, had been cleared.

Golford Place Bungalow is a detached late 1950's early 1960's three bedroom bungalow requiring complete renovation, offering potential for extension/alteration subject to obtaining all relevant planning consents and set within a total plot size extending to approximately 0.42 of an acre, situated on the periphery of the town and falling within the Cranbrook School Catchment Area.

The property was placed on the market at the end of May 2016 by informal tender, with a guide price of £275,000, to be marketed over four weeks. During this period we conducted over forty



*We conducted over
40 viewings resulting in
20 bids being submitted.*

viewings resulting in twenty bids being submitted. A sale was agreed to an owner occupier, cash buyer considerably exceeding the guide price. Exchange of contracts and completion were agreed within four weeks of acceptance of offer.

Another fine example of how sensible pricing combined with extensive marketing can achieve sales at the best possible price, putting pay to that classic phrase we regularly hear *"of course you can always come down in price you can never go up"!!*

Please contact Alec and his team at the Cranbrook office to see if you can assist his nineteen disappointed buyers!

Market shrugs off Brexit fears now the average rent is at all-time high

■ STEPHANIE STIRMAN, LETTINGS



Throughout England and Wales the average rent has now reached an all-time high of £846 per month (a year-on-year increase of 5.2%). Recent data suggests no significant effects following the EU referendum result. Rental growth here in the south east is significantly higher than anywhere else, with the

typical property now securing £924 per month. This is 14.9% higher than 2015.

With this in mind, the Lambert & Foster lettings team are on hand to offer professional and honest advice on how to get your property onto the lettings market. Choose from a selection of services to suit you, and begin your journey into letting your property with peace of mind.

Lucky you!

■ CLAIRE LITTLE, MAYFIELD



The fabulous Rio Olympics remind us that dedication, natural talent, great coaching, relentless training, self-belief and a total focus on winning are what creates a gold medalist. Luck comes last on the list, for Olympians can't rely on luck. Instead they have to depend on things they have control over. A 16th century proverb says, 'Diligence is the mother of good luck'. And it is diligence that wins gold medals.

If selling houses were an Olympic sport who would you wish to represent you? An inexperienced, poorly trained, badly equipped person whose ethos is cutting costs and, in the main, relying on luck? Or would you prefer a professional armed to the teeth with an impressive array of features, benefits, experience and training, all designed to help you get the most from your sale?

Sadly there are lots of competitors entering the race for your business and offering cheap fees for a cheap service. Did the highly successful GB cycling team cut costs? No it did not. It did not put top riders on their parents' old bikes and then hope that everyone else in the race would get a puncture. Instead it invested in technology. It invested in training. It invested in people. It invested in success. No stone was left unturned in preparing to come first. Winning a gold medal can be a life-changer for the recipient. But it can never be left to luck. Too much is at stake. Winning at selling your property can be a life-changer too as your home is so much a part of your life. It provides shelter, it helps sustain your family and it helps you to build security and wealth. It helps you win in life.

So when you are deciding who will represent you in selling your home check out the competitors, weigh up their past successes, their experience, their desire to win and their complete disregard for luck - because the best make their own luck and that will be lucky for you.

Conversion of farm buildings

■ GARY MICKELBOROUGH,
BLOOMFIELDS



As of September 2016, Bloomfields is pleased

to report that it has successfully dealt with over 60 approved applications for the conversion of agricultural buildings to houses under the permitted development rights over the last couple of years. With a further 8 applications pending consideration at the time of press it is clear that this opportunity is being well utilised by many of Lambert & Foster's farming and rural clients.

Bloomfields is proud to have not only an unrivalled level of experience in this area of planning but is pleased to have delivered an enviable success rate which has meant that over 90% of applications to convert buildings have successfully resulted in an approval.

We have seen various publications which have indicated that the agricultural permitted development rights are coming to an end very soon. Bloomfields can advise that there is no evidence that this is the case. The current permitted development provisions were brought about by the current Government and it is not envisaged that there could be any risk to this legislation unless there were to be a change of governance. We remind our clients of the benefits of working with those that are regulated with the appropriate professional bodies.

Our ability to work hand-in-hand with Lambert & Foster's Chartered Building Surveyors has proved successful both in terms of preparing buildings from a structural perspective and ensuring the scheme designed results in maximum uplift in valuation.

We are recently finding that we are taking on instructions for applications which had previously been refused. Many applications pursued by architects or other agents have faced objections, and we have been able to overcome points of contention. However, we also find that some issues are irreversible so we continue to welcome any planning enquiries of this nature at an early stage.

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*Applies to residential sales at the Paddock Wood office only.
**Applies to residential sales only.

Tree Preservation Orders: *Seeing the wood for the trees*

■ WILL MATHIAS, RURAL PROFESSIONAL



Tree Preservation Order's (TPO's) were introduced in the 1940's as a way of ensuring that specific trees or groups of trees were protected from being damaged or felled. Whilst TPO's are of significant importance in various sites, often landowners feel aggrieved at having them on their land, especially as anybody can nominate any tree to be protected on anyone's land.

Once a TPO has been confirmed by the Local Authority, it is extremely difficult to get it removed. There is no direct application that can be made to the Local Authority or the Secretary of State to have it removed- any challenge must be directly to the High Court and can only challenge the validity of a TPO on a point of law.

However, Local Authorities are required to review their TPO's from time to time to ensure that they are up to date and remain effective for their original purpose. As a TPO can cover many different trees, a common way of reviewing a TPO is to remove the original TPO and then re-serve it with an up to date map and description of the trees. This is a crucial moment should you wish to oppose the TPO as there is a set time limit after the serving of a TPO in which its imposition can be directly challenged with the Local Authority.

In one particular case we have recently been involved with, an original TPO made in 1948 covering approximately 70 acres of commercial woodland was reviewed by the Local Authority so that they could make a new TPO covering an enlarged area. As this involved withdrawing the original TPO and re-serving it, it provided an opportunity for the landowner to contest it. In the first instance, we were able to show to the Council that they had not followed the correct legal procedure in making the new TPO which forced them to start the process again and bought us additional time for objections.

As there are strict timescales for determination set out under law, we put together a case of representation to the Local Authority as to why the TPO should not be made. This included a specialist arboricultural consultants report together with letters of support from the NFU and the CLA. Our representations were taken on board by the Local Authority and they had no valid arguments to contest our case and were forced to remove the TPO. So an area of woodland that had been covered by a TPO since 1948 has now had it removed.

If you have a TPO on your land and receive correspondence from the council about it, then advice is to act quickly as it may be a once in a generation opportunity to have it removed.

The Cricket Report



■ ALEC COX, PARTNER



Lambert & Foster's sporting eleven commenced their season of six fixtures with great enthusiasm and optimism on the back of their successes last summer.

Ben Brandreth, Commercial Department, organised a useful evening of nets courtesy of Horsmonden Cricket Club at their fine ground. Batting niggles and erratic bowling techniques were quickly ironed out in readiness for the first fixture against solicitors, Thomson Snell & Passmore (TSP), at the famous Neville Ground in Tunbridge Wells. Played in true sporting tradition TSP won by a handful of runs.

An unseasonal bout of rain cancelled our game against Tunbridge Wells

Borough Council. Next trip to Marden against land agents BTF, a strong battle commenced with the home-side retaining the Mike Foster cricket bat trophy. A trip to the Mote to play solicitors, Gullands, produced a very close game with Lambert & Foster returning back to the Weald the victors.

Our short season is rounded off by playing at partner Alan Mummery's home village of Godmersham in the splendid surroundings of Godmersham Park. The home teams youth and endless talent claimed a decisive victory celebrated by a wholesome BBQ and several ales! Another season of fun, and laughter with a little bit of cricket thrown in for good measure... roll on summer 2017!

AGRICULTURAL OCCUPANCY CONDITION'S (AOC'S)

What are they and what do they mean?

■ WILL MATHIAS, RURAL PROFESSIONAL



Being involved on a day to day basis in rural property, we frequently see Agricultural Occupancy Condition's (AOC's) on dwellings in the countryside and are often asked to advise on them.

AOC's are planning conditions that are attached to a planning permission for a dwelling that has been deemed to be essential for an agricultural worker. Since the introduction of Town and Country Planning legislation, there has been a general presumption against new dwellings being constructed in areas of open countryside. However, planning policy has always made exceptions for this when it comes to housing essential agricultural workers and if it can be proved that an agricultural worker needs to live on site, it is often possible to obtain planning permission in an area of countryside where planning permission would not normally be granted.

To ensure that the dwelling is kept for an agricultural worker, AOC's are usually imposed which restrict the lawful occupation of the dwelling to someone "solely or mainly working, or last working, in agriculture". The wording of AOC's does vary from case to case and it needs to be studied carefully to assess whether the occupation of the dwelling is in compliance or not as some are more restrictive than others.

The effect of an AOC on a property is that it can significantly reduce its market value as there is limited demand compared to the open market. In some cases, values can be reduced by the presence of an AOC by up to a third.

Many people living in properties with AOC's will therefore look to have the condition removed if possible and we advise on many such cases. This is not always straightforward and will be resisted by the council if possible. A thorough and careful review of the circumstances of each case must be undertaken to succeed in lifting an AOC.



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Cranbrook 01580 712 888
Weald Office, 39 High Street, Cranbrook,
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