

UPPER TRIBUNAL (LANDS CHAMBER)



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UTLC Case Nos: LC-2020-99,110,111,113
(Formerly ACQ/12,16,17,19/2020)

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

*COMPENSATION – Compulsory Purchase – preliminary issue - agricultural land value –
s.5, Land Compensation Act 1961*

IN THE MATTER OF NOTICES OF REFERENCE

BETWEEN:

**JILL HOGGARTH, JOHN RICHARD
HOGGARTH & JONATHAN HOGGARTH
LC-2020-99 (ACQ/12/2020)
Re: Land at Belmont Farm, Slyne, Lancaster** **First claimants**

**DEREK JOHN CASSON (DECEASED) &
JOYCE CASSON
LC-2020-110 (ACQ/16/2020)
Re: Land at Geiranger, Lancaster Road, Slyne,
Lancaster** **Second claimants**

**THE ESTATE OF RICHARD SOWERBY
LC-2020-111 (ACQ/17/2020)
Re: Land at Slyne and Williamsland, Lancaster** **Third claimant**

**DEREK PAUL CASSON
LC-2020-113 (ACQ/19/2020)
Re: Land at Beaumont Gate Farm, Slyne,
Lancaster** **Fourth claimant**

and

LANCASHIRE COUNTY COUCIL **Respondent**

**Mrs Diane Martin MRICS FAAV
Determination on written representations**

No cases are referred to in this decision:

Introduction

1. This is a decision on preliminary issues in four references to determine the value of agricultural land for the purpose of compensation claims arising out of road improvements at junction 34 of the M6. With the agreement of the parties the Tribunal directed that the issues should be the subject of a single decision on written representations.
2. The claimants all owned agricultural land west of junction 34 of the M6 near Lancaster which was acquired by the respondent pursuant to the Lancashire County Council (Torrisholme to the M6 (A683 Completion of the Heysham to M6 Link Road)) Order 2013 (“the Scheme”). A general vesting declaration was confirmed on 5 December 2013 and the land vested on 13 January 2014, which is the valuation date for compensation.
3. Expert written evidence for the claimants is provided by Mr Paul Dennis FRICS FAAV of Richard Turner & Son and for the respondent by Ms Margaret Whitmore MRICS FAAV, Principal Estates Surveyor at Lancashire County Council.
4. The experts agree that the acquired land is best valued in nine blocks, according to common physical characteristics. Values have been agreed for two of the nine blocks so it remains to determine the market value per acre for each of seven blocks numbered 1, 4, 5, 6, 7, 8 and 9. Block 1 concerns the first and third claimants. Block 4 also concerns the third claimant. Block 5 concerns the second claimants and Blocks 6, 7, 8 and 9 concern the fourth claimant.
5. On 16 and 17 June 2021 I made an inspection of land immediately adjacent to the acquired land (which has been developed), and also of land relied on by the experts as comparable evidence. I was accompanied by guides from the office of each expert and I am grateful for the time and effort that was spent in preparing plans and information for my inspection.

Statutory provisions for assessment of compensation

6. Section 5 of the Land Compensation Act 1961 (“the 1961 Act”) sets out the rules for assessing compensation, of which the relevant rules at the valuation date were:

“(1) No allowance shall be made on account of the acquisition being compulsory:

(2) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise:

...

(4) Where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is

contrary to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that use shall not be taken into account: ...”

Summary of the dispute

7. The respective expert opinions of the value per acre for each block are summarised below:

	Claimant	Claimants' expert	Respondent's expert
Block 1	First	£14,000/acre	£10,000/acre
	Third	£13,000/acre	£10,000/acre
Block 4	Third	£13,500/acre	£8,250/acre
Block 5	Second	£13,500/acre	£10,500/acre
Block 6	Fourth	£13,500/acre	£10,500/acre
Block 7	Fourth	£12,500/acre	£9,000/acre
Block 8	Fourth	£10,500/acre	£8,000/acre
Block 9	Fourth	£13,500/acre	£10,000/acre

8. The experts have each analysed evidence of more than 20 land sales, of which some are in common. Many of the sales were conducted by Mr Dennis's firm. The sales took place from 2008 to 2019 and it is agreed that the Savills Farmland Index for grade 3 livestock land in the north of England should be used to adjust prices to the valuation date.
9. Recurring differences in the approach to comparable evidence taken by the two experts concern the size of the transaction relied on, whether it took place in an affluent or poor market area, and the usefulness of compensation claims agreed in respect of other land.
10. The average size of Mr Dennis's comparable land sales is 8.4 acres, with adjusted prices ranging from £9,994 to £24,155 per acre. By contrast the average size of Ms Whitmore's comparables is 15.1 acres with adjusted prices ranging from £5,355 to £17,463 per acre. The experts disagree in their reports over the appropriateness of valuing the acquired land as if it could or would have been lotted if offered for sale in the 'no-scheme' world. Whilst I bear this issue in mind, I will review each comparable sale in its context for the block of land to be valued and will take the same approach when considering the nature of the market area in which it was sold.
11. Mr Dennis has relied on evidence of land values agreed by the respondent in 2014 and 2015 as the basis of compensation settlements where land adjacent to the Scheme was affected by a re-routed gas pipeline. Ms Whitmore considers that this is not market evidence and that the values were effectively agreed in a ransom situation because an error had been made in the specifications of the development consent order. Ms Whitmore nevertheless relies on

evidence of values agreed with other claimants for land within the Scheme, which Mr Dennis considers is not market evidence.

12. Ms Whitmore has also expressed an opinion that sales of land with an equestrian premium are not appropriate comparables where the use envisaged by the purchaser was not confined to grazing and so fell outside the definition of “agriculture” in the Town and Country Planning Act 1990. She considers that if the intended use of the comparable which had given rise to the premium would involve a change of use of the subject land for which planning permission would be required then, in the absence of planning permission, such a use would be “contrary to law” and under rule (4) of section 5 of the 1961 Act should not be taken into account. However, no evidence has been provided to me that a premium was paid in contemplation of a use that was contrary to law in any of the comparable transactions relied on, so I make no further mention of this issue.
13. For each block to be valued, the experts have provided a schedule of their respective preferred comparables, with commentary from both of them. Each comparable has a reference number, prefaced “RTS” if provided by Mr Dennis and “LCC” if provided by Ms Whitmore. Ms Whitmore’s evidence of other compensation settlements is prefaced “Ref”.

Block 1

14. Block 1 is an area of relatively free draining level meadow land, lying in the urban fringe to the west of the west coast main railway line at the western end of the Scheme. The agricultural land classification is grade 3a and the land I inspected was planted with a crop of maize showing uses beyond simply grazing and mowing. Block 1 includes all the land acquired from the first claimants which, prior to the Scheme, had roadside access, mains water and was enclosed principally by hedgerows. The land at Williamsland acquired from the third claimant is also in Block 1 and was similar, but without a water supply and with shared access so Mr Dennis considers it would be less valuable.
15. Mr Dennis describes the road access to Block 1 as good but Ms Whitmore describes it as poor, along small local roads, some single track and some one-way. She also considers the land to be compromised by its urban fringe location.
16. Mr Dennis relies on seven comparable transactions for Block 1 in support of his valuation of the first claimant’s land at £14,000 per acre and the third claimant’s land at £13,000 per acre. Ms Whitmore relies on five comparables in support of her valuation of £10,000 per acre for both the first and third claimants. I will review each piece of evidence in turn, with commentary from the other expert and observations from my inspection.

Evidence for the first and third claimants

17. RTS 2 is 8.97 acres at Yealand Conyers which sold in July 2012 for an adjusted price of £21,562 per acre. It is a single enclosure of permanent grassland with road access, good fencing and a metered water supply. A stone field barn sits at the centre of the block, which Mr Dennis acknowledges should lead to some adjustment. Ms Whitmore says that this is not comparable with Block 1 land and should be heavily discounted because of the building and

the more affluent location near a village. The purchaser, from the village, is considered by Ms Whitmore to be a special purchaser but there is no evidence to support this contention. I agree with Ms Whitmore that the land is very different in location from Block 1 land, and benefits from having a building, so I give it very little weight as evidence.

18. RTS 8 (also LCC 22) is Lot 4 of the sale of Camp House Farm, Hornby in September 2018. It comprises 17.87 acres of meadow land with road access, good fencing and mains water which sold for an adjusted price of £14,567 per acre. Ms Whitmore describes the location in the upper Lune Valley as an affluent area and the sale price as the result of an anomaly caused by competitive bidding from purchasers with money to invest to achieve roll-over relief from Capital Gains Tax. I noted the very different location of this land, away from the urban fringe and not low lying like block 1. However, where two bidders have competed in the purchase that is evidence of market value, whatever their motives, so I do give this evidence some weight in my valuation.
19. RTS 10A and 10B (also LCC 2 and LCC 3) are lots 6 and 5 respectively from the sale of 84.53 acres at Haverbreaks Farm, Foundry Lane near Halton in 10 lots in November 2008. Lots 7 to 10 were, at the time of sale, within the protected route for the proposed Scheme. Lot 6 is 10.08 acres of meadow with road access but no mains water connection, which sold for an adjusted price of £17,463 per acre. Ms Whitmore describes this price as an anomaly, being the only lot adjacent to residential property (although that owner did not buy it) and with easy access to a water main. The adjoining lot 5 is 14.01 acres of meadow situated above lot 6, with good road access but no operational mains water connection, which sold for an adjusted price of £12,041 per acre. Ms Whitmore describes the location of these sales as a more affluent area than Block 1 and the land as better because it is free draining. Once again I agree that the location is very different, and also that the price of lot 6 appears exceptionally high by comparison with lot 5. I give lot 5 some weight in valuation, whilst acknowledging its better location but lack of water supply.
20. RTS 18 is the subsequent re-sale of RTS 10B (lot 5 at Haverbreaks Farm) in November 2015 at an adjusted price of £12,410 per acre. This is very close to the adjusted 2008 sale price giving confidence in the value of this comparable at just over £12,000 per acre at the valuation date despite the long indexation period for the first sale. Ms Whitmore's comments on the land have been set out above, and my own comments remain the same that it should be given weight as evidence.
21. RTS 11 is a private sale of 10.53 acres of meadow/pasture at Bottomdale Road, adjoining Beaumont Grange Farm, in November 2013 for £13,671 per acre. Ms Whitmore considers that this was not an arm's length sale as it was sold privately to the owners of Beaumont Grange Farm, whom she describes as very keen purchasers. I noted on site that the land is now used in conjunction with a recently established equestrian unit at Beaumont Grange Farm and that the only access to the land is through the farm entrance. This suggests that whilst the land was ideally suited for purchase by the present owners, the lack of alternative access would have restricted the market. The land is not low-lying land in the urban fringe, but it sold very close to the valuation date, so I give the evidence some weight.

22. RTS 12 is a sale of 17.67 acres of meadow/pasture at Warton, near Carnforth in February 2014 for an adjusted price of £12,833 per acre. It was offered in two lots, with a shared water supply and separate accesses, but sold as a whole. A blockwork building under a tin arc form roof stands on the far side of one of the parcels, away from the road. The sale included an overage clause reserving 50% of any development value, triggered by a planning consent within 20 years. Ms Whitmore says that the location is in an affluent area, the land is not low-lying like Block 1, and that Mr Dennis has not accounted for value in the building. I agree that the location of the land is different and that the building will have had some influence on value, but the overage clause is a strong disincentive to development of the building for its duration. I give this evidence some weight since it was sold very close to the valuation date.
23. RTS 22 is a sale of 8.6 acres of pasture adjoining the A6 at Yealand Conyers in June 2013 for an adjusted price of £15,572 per acre. The land was fenced, with a mains water supply and access off a quiet lane. A footpath crosses the land. Ms Whitmore reiterates her comments that the Yealand Conyers locality is affluent and different from Block 1. She also considers that as the land sold to a neighbouring farmer the price includes marriage value, which should be discounted. I agree with Ms Whitmore that the land and location are different from Block 1 and give little weight to this evidence.

Evidence for the respondent

24. Ref 1 is an agreement of compensation at £8,497 per acre for 3.11 acres of land adjacent to Block 1 as part of the Scheme. It is agreed by both experts to be affected by trespass and water-logging and therefore to be worth less than Block 1. The compensation figure is the total paid to the land owner and to an agricultural tenant, which Ms Whitmore says in aggregate represents vacant possession value. I do not accept that as a proposition and, moreover, agree with Mr Dennis that the figure is not evidence of vacant possession value in the open market.
25. Ref 6 is an agreement of compensation at £10,000 per acre for 7.3 acres of flat meadowland in Block 1 acquired for the Scheme. Mr Dennis points out that this land was less valuable, as it had no water and was subject to third party access to adjoining land, and that agreed compensation is not evidence of market value. I agree with Mr Dennis.
26. LCC 10ii and 10iii are lot 6 (7.26 acres) and lot 7 (12.18 acres) of Hare Tarn Farm, Carnforth, which sold in October 2013 for adjusted prices of £11,959 per acre and £11,322 per acre respectively. Both lots are meadow land adjoining the M6 with mains water and road access. Ms Whitmore describes the area as more prosperous than that of Block 1 and comments that the better drainage and lack of urban fringe trespass require the prices to be discounted. Mr Dennis accepts these as comparable evidence but would adjust the prices upwards due to the thinner soils. On my inspection I noted an adjoining caravan park, with at least one dog straying in the field of lot 6, suggesting some similar urban fringe issues to those affecting Block 1. I give these sales, close to the valuation date, considerable weight as comparable evidence.

27. LCC15 (also RTS 6) is a sale of 3.53 acres of level meadowland at Tewitfield, Carnforth which sold in May 2017 for an adjusted price of £11,824 per acre. The land adjoins the Lancaster canal at Tewitfield Marina and is accessed from a track next to a picnic area, which both experts acknowledge would lead to trespass from canal users. Ms Whitmore says the land has better drainage than Block 1 and no urban fringe issues, so the price should be adjusted down. Mr Dennis says that because of restricted access and trespass from canal users the price should be adjusted upwards. The land was sold at auction but purchased by one of the four joint vendors who is acknowledged to be a special purchaser, although he paid more than the auction reserve. I therefore give this evidence some weight and from my inspection agree that the land is compromised by its location.
28. LCC 16 is a sale of 52.83 acres of flat pasture and meadow at Marsh Lane, Cockerham in July 2018 for an adjusted price of £8,936 per acre. The land is low lying with open drains forming boundaries to the seven parcels. Due to its wet nature in winter the land was entered into the Higher Level Stewardship Scheme for the purpose of over wintering geese. Mr Dennis says that it is not a suitable comparable for Block 1 and I agree with him.

Valuation

29. Based on my inspection of Block 1 and the comparables, I consider that the strongest evidence is provided by LCC 10ii and 10iii, the sale of lots 6 and 7 at Hare Tarn Farm for £11,959 per acre and £11,322 per acre respectively. The land has similarities with Block 1 and was sold at a date very close to the valuation date, in an area unaffected by the Scheme. The sales at Bottomdale Road (RTS 11) and Warton (RTS 12) also took place very close to the valuation date, but I consider that each of those sales had factors which require the prices of £13,672 per acre and £12,833 per acre to be adjusted downwards in valuing Block 1. The sale and re-sale of lot 5, Haverbreaks Farm established a benchmark at the valuation date of at least £12,000 per acre for land in a slightly better location.
30. I therefore determine that the market value in January 2014 of the first claimant's land in Block 1 was £11,750 per acre. I value the third claimant's land in Block 1, which had no water supply and only shared access, at £11,000 per acre.

Block 4

31. Block 4 is undulating pasture land rising westwards from the A6 at the northern edge of the Scheme. Land acquired from the third claimant at Slyne is within this block, which is classified grade 3a near the A6 and grade 3b at the upper level with some grade 4 on the slope. The boundaries were mainly hedgerows, with a stone wall alongside the A6. Mains water was connected. Ms Whitmore describes the access as unsuitable for modern farm machinery.
32. Mr Dennis relies on five preferred pieces of evidence for Block 4 in support of his valuation of £12,500 per acre and Ms Whitmore relies on four pieces of evidence in support of her valuation of £8,250 per acre.

Evidence for the third claimant

33. RTS 13 (also LCC 10i) is the sale of lot 4 (7.93 acres) at Hare Tarn Farm, Carnforth in October 2013 for an adjusted price of £13,525 per acre. The land is sloping meadow with road access and mains water. Since the sale, part of the land adjacent to the road at the southern end has received planning consent for improved access, hard standing and agricultural buildings. Ms Whitmore says that the evidence should be ignored because of the special purchaser, who is a haulage contractor making alternative use of the land. Mr Dennis says that the planning applications date from 2016 onwards and have been made by a subsequent purchaser in 2016, not the original purchaser in 2013. Mr Dennis therefore maintains that the sale was of agricultural land with no prospective alternative use in the price. Ms Whitmore also says that the land is better land than Block 4, is less steep and has better access. My inspection confirmed this, but I do give the evidence some weight.
34. RTS 16 is the sale of 31.5 acres of meadow and pasture at Melling Road in the Lune Valley, in November 2010 for an adjusted price of £11,581 per acre. Some of this land is steep pasture and the two access points are off a busy main road. Mr Dennis says that the price should be adjusted upwards in valuing Block 4, which is more productive. Ms Whitmore says that the land has similarities with Block 4 but is in an affluent area so should be adjusted downwards. I consider this a useful comparable to which I give weight.
35. RTS 17 is the sale of 6.05 acres of flat meadow/pasture on the edge of Gressingham village in May 2017 for an adjusted price of £14,083 per acre. It has road access and a natural water supply from a beck at the bottom of the field. It is crossed by a gas pipeline. Ms Whitmore says that the location in the affluent upper Lune Valley and characteristics of this land make it very different from Block 4. She comments that it is used as part of an equestrian unit and notes that the gas pipeline easement would not affect its value for equestrian use. I agree with Ms Whitmore that the village edge location and the nature of the land make this sale unsuitable as comparable evidence for Block 4.
36. RTS 22 (reviewed for Block 1) is 8.6 acres of pasture adjoining the A6 at Yealand Conyers, which sold in June 2013 for an adjusted price of £15,572 per acre. The land was fenced, with a mains water supply and access off a quiet lane. A footpath crosses the land. Ms Whitmore says that the affluent Yealand Conyers locality and different characteristics of the land make it unsuitable as a comparable for Block 4, despite being similarly adjacent to the A6. She also considers that as the land sold to a neighbouring farmer the price includes marriage value, which should be discounted. I agree with Ms Whitmore that this price does suggest an element of strong demand, possibly marriage value, and I also agree that its location and characteristics are sufficiently different from Block 4 for it to be of little weight as a comparable.
37. RTS 26 is evidence put forward by Mr Dennis that a land value of £13,500 per acre was agreed by the respondent in 2015 as the basis of compensation where land adjacent to and within Block 4 was affected by a re-routed gas pipeline. Ms Whitmore considers firstly that this is not market evidence and secondly that the levels of value were effectively agreed in a ransom situation because an error had been made in the specifications of the development consent order which made a timely settlement imperative. I agree with Ms Whitmore that this is not evidence of market value.

Evidence for the respondent

38. Ref 3 is an agreement of compensation at £7,672 per acre for 3.14 acres of acquired land. I agree with Mr Dennis that this is not evidence of market value.
39. Ref 12 is an agreement of compensation at £8,625 per acre for 15.15 acres of acquired land. Again this is not evidence of market value.
40. LCC 11 is 11.03 acres of pasture near Garstang which sold in August 2015 for an adjusted price of £7,424 per acre. The land had road access and mains water. Mr Dennis comments that the land is poorer, wetter and in a poorer selling area than Block 4. My inspection confirmed that the land and location are very different from Block 4 and I give the sale little weight.
41. LCC 17 is 12.18 acres of sloping meadow between Nether Kellett and Halton, which sold in August 2018 for an adjusted price of £7,772 per acre. It has road access and water from a natural spring. Both experts describe the land as having a drainage issue which Block 4 does not. Mr Dennis says that it is poorer land, less accessible and without a mains water supply so should not be considered comparable. These are valid points and I give this sale only a little weight as evidence.

Valuation

42. By contrast with Block 1, the evidence provided for Block 4 has more limitations. The comparable most similar to Block 4 is RTS 16, the land at Melling which sold in November 2010 for an adjusted price of £11,581. I accept Ms Whitmore's opinion that its location is more affluent than that of Block 4, so make some allowance for that in determining a market value for Block 4 in January 2014 of £10,500 per acre.

Block 5

43. Block 5 comprises land acquired from the second claimants. It was fairly free draining undulating pasture on the west side of the A6 with access directly onto it. Further access was gained from adjoining land owned by the claimants' son, along with a piped spring-fed water supply. The land sloped up to the west and was enclosed mainly by hedgerows, with a stone wall adjoining the A6. At the valuation date it was let to the claimants' son, but it is agreed by the parties that it should be valued assuming vacant possession.
44. Mr Dennis relies on five preferred pieces of evidence in support of his value of £13,500 per acre. Ms Whitmore relies on four preferred pieces of evidence in support of her value of £10,500 per acre.

Evidence for the second claimants

45. RTS 10A and 10B (also LCC 2 and 3 and reviewed for Block 1 above) sold in November 2008 at adjusted prices of £17,463 per acre and £12,041 per acre respectively. The re-sale

of lot 5 in November 2015 establishes a benchmark value at the valuation date for that land of a little over £12,000 per acre. Ms Whitmore says that the land is more level than Block 5, with better access and a southern aspect, but the soils are similar and the evidence could be used subject to a discount. There is also a similarity in the lack of a mains water supply and I consider that lot 5 should be given weight as evidence.

46. RTS 11 (also reviewed for Block 1) was a private sale of 10.53 acres of meadow/pasture in November 2013 for £13,671 per acre. Ms Whitmore considers that this was not an arm's length sale. My site inspection confirmed that whilst the land was ideally suited for purchase by the present owners, the lack of alternative access would have restricted the market. Regarding Block 5, Ms Whitmore says that the land has some physical similarities but is superior in terms of slope, access and location. I agree with that assessment but do give this evidence a little weight since it sold close to the valuation date.
47. RTS 17, 6.05 acres at Gressingham which sold for an adjusted price of £14,083 was reviewed for Block 4. I agree with Ms Whitmore that the village edge location and the nature of the land make this sale unsuitable as comparable evidence for Block 5.
48. RTS 22, 8.6 acres at Yealand Conyers which sold for an adjusted price of £15,572 per acre, has been reviewed for Blocks 1 and 4. As for Block 4, I consider that its location and characteristics are sufficiently different for it to be of little weight as evidence in valuing Block 5.
49. RTS 25 and 26 are evidence of the land value of £13,500 per acre agreed by the respondent in the assessment of compensation for gas pipeline diversions on land adjacent to the scheme. I accept Ms Whitmore's assertion that this figure was effectively agreed in a ransom situation and also agree with her that this is not evidence of market value.

Evidence for the respondent

50. Ref 2 is an agreement of compensation of £11,000 per acre for land acquired for the Scheme which was part of a pony paddock, adjacent to a house. I agree with Mr Dennis that this is not evidence of market value.
51. Ref 12 is an agreement of compensation averaging £8,625 per acre for meadow land with similarities to Block 5 situated east of junction 34 of the M6. I agree with Mr Dennis that this is not evidence of market value.
52. LCC 5 is 16.77 acres of Haverbreaks Farm near Halton which, when it was offered for sale at auction (lot 8) in October 2008, was in the protected route of the proposed Scheme. The respondent acquired this lot by negotiation after the auction for an adjusted price of £9,681 per acre, which Ms Whitmore considers to be its market value. Mr Dennis says that the land was blighted so is not good evidence of market value in the absence of the Scheme and I agree with that view.

53. LCC 7 is 3.8 acres of pasture adjacent to junction 34 of the M6 which sold in September 2010 for an adjusted price of £10,652 per acre. It has a natural water supply and access from an unadopted road. Mr Dennis says the land is poorer than Block 5 and comments on the poor access. From my inspection I consider that the parcel is somewhat isolated by its location and agree that the access was not good. I note that the auction particulars make reference to the potential for a corner to be acquired as part of the scheme, which may have affected the sale price and I do not consider this to be good evidence.

Valuation

54. The evidence provided by both experts for Block 5 is weak and the best available is the sale and resale of lot 5 at Haverbreaks Farm, giving a benchmark of at least £12,000 per acre for land which is not dissimilar, but has a better aspect and access. Doing the best I can with the evidence, and with the benefit of my inspection, I consider that the value of Block 5 in January 2014 was £11,500 per acre.

Block 6

55. Block 6 concerns 0.04 acres of land acquired from the fourth claimant. It is gently sloping meadow land lying to the west of the A6 and south of Block 5, with access from the A6 and Block 5. There is a piped spring water supply and the boundaries are hedgerows, with a stone wall to the A6 and fences to adjoining residential properties. As the area of land taken from this block is so small I will deal with the evidence in summary only.

Evidence for the fourth claimant

56. Mr Dennis relies on RTS 2, 10A, 10B, 8, 11 and 18, which have all been reviewed earlier, together with RTS 6 which was reviewed for Block 1 as LCC15.

Evidence for the respondent

57. Ms Whitmore bases her valuation on LCC 3, LCC 5, LCC 10ii and 10iii, which have also been reviewed earlier, together with LCC 9 and RTS 15.
58. LCC 9 is 6.94 acres of meadow and pasture at Over Kellet, Carnforth which sold in May 2012 for an adjusted price of £10,073 per acre. Mr Dennis says this land is a cold wet meadow, with poor access and in a poor selling location so not useful as a comparable.
59. RTS 15 is 7.43 acres of meadow land at Nether Kellett, Carnforth which sold in October 2015 for an adjusted price of £10,532 per acre. Mr Dennis says that the natural water supply is unreliable and it is poorer land in a poorer location.

Valuation

60. From my inspection of Block 6 and the comparables I value Block 6 at £11,500 per acre.

Block 7

61. Block 7 also concerns land acquired from the fourth claimant. It is a substantial block of mainly pasture land lying east of the A6, with a combination of mains water and piped spring water. The land is undulating with a steeper slope within the land acquired adjacent to the A6. Access is from the A6, the farmstead at Beaumont Gate Farm and from a green lane at the eastern edge of the block.
62. Mr Dennis puts forward six pieces of evidence to support his value of £12,500 per acre and Ms Whitmore puts forward five pieces of evidence to support her value of £9,000 per acre.

Evidence for the fourth claimant

63. RTS 10A and 10B sold in November 2008 at adjusted prices of £17,463 per acre and £12,041 per acre respectively. The re-sale of RTS 10B in November 2015 establishes a benchmark value at the valuation date for that land of a little over £12,000 per acre. Ms Whitmore says that this land is superior to Block 7 in terms of location, access, slope, drainage and land quality. She also considers that the sale of lot 6 was an anomaly. As previously stated, I find the sale of Lot 5 to be useful benchmark evidence.
64. RTS 11 (also reviewed for Block 1 and Block 5) is a private sale of 10.53 acres of meadow/pasture in November 2013 for £13,671 per acre. Regarding Block 7, Ms Whitmore says that the land has some physical similarities but is superior in terms of slope, access and location. I agree with that assessment but do give this evidence a little weight since it sold close to the valuation date.
65. RTS 16 (also reviewed for Block 4) is the sale of 31.5 acres of meadow and pasture at Melling Road in November 2010 for an adjusted price of £11,581 per acre. Mr Dennis says that the price should be adjusted upwards in valuing Block 7, which is more productive. Ms Whitmore says that the land has similarities with Block 7 but is in an affluent area so should be adjusted downwards. I consider it to be a useful comparable to which I give considerable weight.
66. RTS 17, 6.05 acres at Gressingham which sold for an adjusted price of £14,083 was reviewed for Block 4. I agree with Ms Whitmore that the village edge location and the nature of the land make this sale unsuitable as comparable evidence for Block 7.
67. RTS 25 and 26 are evidence of the land value of £13,500 per acre agreed by the respondent in the assessment of compensation for gas pipeline diversions on land adjacent to the Scheme. I accept Ms Whitmore's assertion that this figure was effectively agreed in a ransom situation and also agree with her that this is not evidence of market value.

Evidence for the respondent

68. Ref 3 is an agreement of compensation of £7,672 per acre for 3.14 acres of acquired land. I agree with Mr Dennis that this is not evidence of market value.

69. Ref 12 is agreement of compensation averaging £8,625 per acre for meadow land with similarities to Block 5 situated east of junction 34 of the M6. I agree with Mr Dennis that this is not evidence of market value.
70. LCC 4 is the sale of 20.2 acres of meadow and pasture (lot 7) at Haverbreaks Farm in November 2008 for an adjusted price of £8,497 per acre. Lots 7 to 10 were, at the time of sale, within the protected route for the proposed scheme and Mr Dennis says that the land was blighted so is not good evidence of market value in the absence of the scheme. I agree with that view.
71. LCC 5 (reviewed for Block 5) was lot 8 of Haverbreaks Farm, which was also blighted by the proposed scheme and is therefore not evidence of market value for compensation.
72. LCC 12 is 17.74 acres of sloping meadow land, with road access and mains water, at Dolphinholme which sold in September 2015 for an adjusted price of £9,745 per acre. Ms Whitmore says that the land is less steep and better drained than Block 7, so the price should be adjusted downwards. Mr Dennis says that it is colder and wetter meadow land affected by utility pipes, and not comparable land. I agree that the location, east of junction 33 of the M6, is very different from Block 7, but give the sale some weight as evidence.

Valuation

73. Based on my inspection of Block 7 and the comparables I consider that evidence of the sale at Melling (RTS 16) for £11,581 per acre is most helpful, with some downwards adjustment for its superior location. I use this evidence to determine a value of £11,000 per acre for Block 7. This puts the value below that of the slightly better land in lot 5 at Haverbreaks Farm but above the value of land at Dolphinholme.

Block 8

74. Block 8 is a small valley which sits within and alongside Block 7 and concerns land acquired from the fourth claimant. The southern portion is pasture and the northern portion meadow land, all benefiting from a mains water supply and access with Block 7. The brook is culverted but can flood in wet conditions and the land classification is grade 4.
75. Mr Dennis relies on five pieces of evidence in support of his value of £10,500 per acre and Mrs Whitmore relies on four pieces of evidence in support of her value of £8,000 per acre.

Evidence for the fourth claimant

76. RTS 15 is 7.43 acres of meadow land at Nether Kellet, Carnforth which sold in October 2015 for an adjusted price of £10,532 per acre. The land has access from the road and also an adjoining cart track. It has a natural water supply. Mr Dennis describes this as wetter land, similar to parts of Block 8. Ms Whitmore describes it as productive meadowland not similar to the valley of Block 8 and I agree with her.

77. LCC 10iii is 12.18 acres (lot 7) of meadow land at Hare Tarn Farm, Carnforth, which sold in October 2013 for an adjusted price of £11,322 per acre. It has mains water and road access. Ms Whitmore describes the land as level productive pasture without drainage issues and therefore not a good comparable for Block 8. I agree that it is not a good comparable.
78. LCC 10iv is 2.77 acres (lot 8) of meadow land at Hare Tarn Farm which sold in October 2013 for an adjusted price of £11,063 per acre. It has road access and mains water. Ms Whitmore describes it as level meadow, unlike Block 8, and comments that its value was affected by some limitations on access. From my inspection I do not consider it to be comparable to Block 8.
79. LCC 10v is 2.82 acres (lot 5) of meadow land at Hare Tarn Farm which sold in October 2013 for an adjusted price of £14,126 per acre. It has road access and a prospective connection to mains water. Ms Whitmore describes it as good productive level meadow with no drainage issues and therefore not comparable to Block 8. My inspection confirmed this.
80. LCC 12 (reviewed for Block 7) is 17.74 acres of sloping meadow land, with road access and mains water, at Dolphinholme which sold in September 2015 for an adjusted price of £9,771 per acre. Mr Dennis says that it is wet meadow/pasture in which use is restricted by pipelines in a similar way to the culvert in Block 8. Ms Whitmore says that there is no evidence of poor drainage resulting from the pipeline and it is not comparable to Block 8. I consider it to be a useful comparable.

Evidence for the respondent

81. LCC 10 is 32.94 acres (lot 3) of pasture at Hare Tarn Farm which sold in October 2013 for an adjusted price of £7,753 per acre. The land is undulating, to the extent that it cannot be mown, and prone to flooding. It has access from one end, off the farm drive, and a natural water supply. Mr Dennis says that this land is not comparable with Block 8 and I agree that it has more limitations.
82. LCC 11 (reviewed for Block 4) is 11.03 acres of pasture which sold in August 2015 for an adjusted price of £7,424 per acre. The land had road access and mains water. Ms Whitmore describes it as predominantly sloping with a slight drainage problem like Block 8. Mr Dennis describes it as poorer, wetter pasture in a poorer selling area and therefore unsuitable as a comparable. My inspection confirmed that the land and location are different from Block 8 and I give the sale only little weight.
83. LCC 14 is 25.37 acres of sloping pasture near Caton with some drainage issues which sold in August 2017 for an adjusted price of £7,852 per acre. It has a natural water supply and a small dilapidated stone barn with a tin roof. Mr Dennis says that this land is steeper and rougher than Block 8 and also suffers from its north west aspect. From my inspection I consider that it has some similarity with the southern part of Block 8, albeit not the same aspect, so I give it a little weight.
84. LCC 17 (reviewed for Block 4) is 12.18 acres of sloping meadow between Nether Kellett and Halton, which sold in August 2018 for an adjusted price of £7,772 per acre. It has road

access and water from a natural spring. It is agreed that the land has drainage issues. Ms Whitmore says this makes it comparable with Block 8 but Mr Dennis says that the drainage issue is substantial, the land is poorer and less accessible with no evidence of the natural water supply. I note these points but give this evidence a little weight.

Valuation

85. The evidence of lots sold at Hare Tarn Farm in October 2013 has the advantage of being close to the valuation date. Mr Dennis's evidence relies on the sale of lots 5, 7 and 8, which produce a weighted average of £11,726 per acre. From my inspection I agree with Ms Whitmore, that the land in those lots is more valuable than Block 8. Ms Whitmore relies on the sale of lot 3, which I consider to be less valuable than Block 8. Ms Whitmore's evidence ranges between £7,424 and £7,852 per acre, whereas Mr Dennis's lowest figure is £9,745 per acre for land at Dolphinholme, which I consider to be a useful comparable for the northern part of Block 8. I value the land in Block 8 at £9,500 per acre.

Block 9

86. Block 9 sits on the eastern side of the green lane from Blocks 7 and 8. It is principally meadow land, classified grade 3 and 3a, sloping to the south and east. It has good road and lane access and mains water. This block also concerns land acquired from the fourth claimant.
87. Mr Dennis relies on seven pieces of evidence in support of his value of £13,500 per acre and Mrs Whitmore relies on four pieces of evidence in support of her value of £10,000 per acre.

Evidence for the fourth claimant

88. RTS 8, reviewed for Block 1, is Lot 4 of the sale of Camp House Farm, Hornby in September 2018. 17.87 acres of meadow land with road access, good fencing and mains water sold for an adjusted price of £14,567 per acre. Ms Whitmore describes the location as an affluent area and the sale price as the result of an anomaly caused by potential roll-over relief from Capital Gains Tax. However, the land has similarities with Block 9, so I give this evidence some weight in the valuation.
89. RTS 10A and 10B, lots 6 and 5 sold at Haverbreaks Farm in 2008, have been relied on by Mr Dennis as evidence for all blocks other than Blocks 4 and 8. Ms Whitmore considers that the land is superior to Block 9 in terms of location, access, slope and aspect. RTS 18 is the re-sale of lot 5 in 2015 for an adjusted price of £12,401 per acre, which Ms Whitmore accepts as a generally good comparable, subject to downwards adjustment. As previously stated, I find the sale of Lot 5 to be useful benchmark evidence.
90. RTS 11, 10.53 acres which sold to a neighbour in October 2013 for £13,672, has also been put forward as evidence for all blocks other than Blocks 4 and 8. Ms Whitmore says that the

land has some physical similarities with Block 9 but is superior in terms of slope, access and location. I tend to agree with that assessment, and the possibility of marriage value in the price, but give this evidence some weight since it sold close to the valuation date.

91. RTS 19 is the sale in July 2018 of 1.67 acres of fenced pasture with gated road frontage at Foundry Lane, near Haverbreaks Farm, for an adjusted price of £15,868 per acre. The land had been acquired by the respondent for the Scheme and was sold in 2018 as surplus to requirement. Ms Whitmore describes the history of this plot and says that the 2018 sale is not good evidence. I agree with her that the size, location and history of the plot make this sale unsuitable as evidence.
92. RTS 23 and 24 are evidence of the land value of £13,500 per acre agreed in 2014 by the respondent in the assessment of compensation for gas pipeline diversions on land adjacent to the scheme. I accept Ms Whitmore's assertion that this figure was effectively agreed in a ransom situation and also agree with her that this is not evidence of market value.

Evidence for the respondent

93. LCC 5 (reviewed for Block 5 and Block 7) was lot 8 of Haverbreaks Farm, which was blighted by the proposed scheme and is therefore not evidence of market value for compensation.
94. LCC 9 is 6.94 acres of meadow and pasture at Over Kellet, Carnforth which sold in May 2012 for an adjusted price of £10,073 per acre. Access is down a track and the natural water supply is from a pond. Mr Dennis says this land is a cold wet meadow, with poor access and in a poor selling location so not useful as a comparable. I agree that it is inferior to Block 9 and give it very little weight.
95. LCC 12 (reviewed for Block 7 and Block 8) is 17.74 acres of sloping meadow land, with road access and mains water, which sold in September 2015 for an adjusted price of £9,772 per acre. Ms Whitmore says that the land is less steep than Block 9, but otherwise a good comparable. Mr Dennis says that it is colder and wetter meadow land affected by utility pipes, and not comparable land. I agree that the location, east of junction 33 of the M6, is very different from Block 9, but give the sale some weight as evidence of land less valuable than Block 9.
96. RTS 15 is 7.43 acres of meadow land at Nether Kellett, Carnforth which sold in October 2015 for an adjusted price of £10,532 per acre. Ms Whitmore says that it is not as steep, but less well drained than Block 9 and therefore a good comparable. Mr Dennis says that the natural water supply is unreliable, that the poorer land lies wet and is in a poorer location. From my inspection I find that the comparable should be given some weight, in its context as less valuable land than Block 9.

Valuation

97. I consider that the sale and re-sale of lot 5, Haverbreaks Farm provide the best evidence for the valuation of Block 9, which benefits from a southerly aspect, good fencing and access and a mains water supply. I therefore use the benchmark established by lot 5 to place a value of £12,250 per acre on land in Block 9.

Decision

98. I determine the market value for compensation, as at 13 January 2014, for each of the seven blocks as follows:

	Claimant	Market value
Block 1	First	£11,750/acre
	Third	£11,000/acre
Block 4	Third	£10,500/acre
Block 5	Second	£11,500/acre
Block 6	Fourth	£11,500/acre
Block 7	Fourth	£11,000/acre
Block 8	Fourth	£9,500/acre
Block 9	Fourth	£12,250/acre

99. I invite the parties now to agree the compensation payable to each of the claimants for the land taken from them on the basis of these rates and to confirm what, if any, issues remain to be determined in each reference. Unless the parties agree that a different approach would assist them, I will defer consideration of the costs of the preliminary issues until all issues in the references have been agreed or determined.

Mrs Diane Martin MRICS FAAV
Member, Upper Tribunal (Lands Chamber)

21 July 2021