

WILLIAM BATSTONE

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William Batstone is an established barrister in the fields of **Property & Estates**, **Agriculture** and **Alternative Dispute Resolution**.

For 20 years William has practised exclusively in the resolution of agricultural tenancy and related disputes, having learned the trade as a solicitor (and later partner) at Burges Salmon from 1994 to 2001. He then returned to the Bar, having been called by Middle Temple in 1982.

William is regularly instructed by solicitors and chartered surveyors on behalf of their clients, and by arbitrators appointed to resolve disputes concerning agricultural holdings. He accepts appointments himself to act as arbitrator in such disputes.

In addition William is a trained mediator, and his part-time judicial role as a Deputy District Judge since 2001 adds to his experience.

Expertise

Agricultural Tenancies

Featured Agricultural Tenancies cases

Turner v Thomas [2022] EWHC 1239 (Ch)

William was successful in preserving on appeal judgment for landlords of agricultural land in Gwynedd that a notice to quit was valid, even though it was addressed to Mr Thomas and not the company to whom he had assigned the tenancy shortly before service of the notice. Applying the Mannai test, in those circumstances a reasonable recipient would appreciate that the notice should have been addressed to the company and was intended to be valid to terminate the tenancy. On a second appeal to the Court of Appeal, Kings Counsel were instructed by both parties and the company's appeal was allowed ([2022] EWCA Civ 1446). Although the notice had been served on the company pursuant to section 93(2) of the Agricultural

Holdings Act 1986, because Mr Thomas was the company secretary, it had not been 'given' to the company because it was addressed to Mr Thomas and this was a mistake outside the reach of Mannai.

In 2021 William acted for the tenant of an agricultural holding in South Wales, served with three notices to quit under cover of letters purported to be duplicates of each other, but containing different enclosures: one letter enclosed Notice A and B; and the other Notice A and C. The tenant was misled into serving counter-notices to challenge only Notices A and B and has commenced proceedings in the High Court seeking a declaration that Notice C (if not all three notices) is invalid on the grounds of fraud.

In 2020 William concluded advising an arbitrator appointed to determine the validity of a Case D notice to quit a farm in Hampshire, on the grounds of non-compliance with a notice to pay rent. The tenant represented himself and relied on the fact that there were no arrears of rent at the time of service of the notice to pay, claiming to have agreed a rent reduction to the figure shown in a rent review memorandum (prepared by the landlord's agents) which was different from the rent increase proposed in the agents' covering letter. The matter was further complicated by the tenant's reliance on landlord's disrepair, by way of set-off against the rent due. This made it necessary for the arbitrator to consider whether the terms of the tenancy permitted the set-off and whether the principle applied in the Scots case of *Alexander v Royal Hotel (Caithness) Ltd* [2001] 1 EGLR 6 should be applied south of the border.

In 2020 William assisted in securing directions from the First-tier Tribunal entitling the son of a deceased tenant of two agricultural holdings in Hampshire to new tenancies in succession to his father. The case was complicated by the fact that the client had farmed one holding, 'Whiteacre', with his father while the other holding, 'Blackacre', was farmed by his sister on her own account, but it was on Blackacre that the client lived and from which he and father had run their business.

In 2019 William acted for the tenant of a farm in Hampshire, served with a Case B notice to quit on the grounds that the farm was required as part of a large-scale housing development. William persuaded the arbitrator that the landlord had not established that the land was required for a non-agricultural use, because too much remained to be achieved in terms of compliance with planning conditions, and because the landlord had not been able to secure any witness evidence from the developer.

Farming Partnerships

William regularly advises clients concerned with Farming Partnerships.

In 2020, William issued an award as arbitrator, appointed by the National Farmers Union, in a family Farming Partnership dispute concerning the correct interpretation of a valuation clause in a partnership deed regarding the amount to be paid by the continuing partners to the estate of a deceased partner.

Farm Cottages

William regularly advises clients upon the application of the Rent (Agriculture) Act 1976 and Chapter III of the Housing Act 1988 to the occupation of farm cottages.

Proprietary Estoppel

Since the **Davies** case William has seen an increase in the number of clients seeking his advice about pursuing or resisting claims to interests in farms, based on the application of the doctrine of proprietary estoppel.

Featured Proprietary Estoppel cases

Davies v Davies [2015] EWHC 1384 (Ch)

William acted for James Davies in securing an order for the transfer to him of a farm in west Wales, less the bungalow in which his mother lived, by the application of the doctrine of proprietary estoppel. The Judge found that James's late father had made promises to him that the farm would be his if he stayed home and worked on the farm with him. The Judge also found that James acted to his detriment by not pursuing a career in the police, instead working on the farm for long hours for low pay and after his parents semi-retired, also investing substantial sums of his own money in a new building and other improvements. The dispute arose because father took against James's wife and made a will allowing James to occupy the farm until he reached 60, then specifying for it to be sold and the proceeds divided equally between James and his four siblings.

Education

- Diploma in Law, City University
- BA Hons in Philosophy, York University
- Marlborough College

Appointments

- Trained Mediator (2018)
- Deputy District Judge (2001)

Memberships

- Agricultural Law Association
- Chancery Bar Association