



Harrowing Times

May - June 2017

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Smallholder Sid...

...and a spot of bother over a contract

They had not met for a while. Allotment Holder Alice had been busy tending her non-existent geraniums. Farmer Fred had been dealing with the public footpaths that criss-cross his land. He accepted that the public had the right to roam but he did become frustrated when what he called “London types” in their Burberrys and expensive wellington boots insisted that the paths were as smooth and even as the pavements in Islington.

He fully intended to drown out Smallholder Sid with his grumbles that evening, but on the other hand his resolve seemed to be muted when he found himself peering deep into the limpid eyes of Allotment Holder Alice.

So distracted was he that he hardly noticed when Smallholder Sid panted his way into the snug of the Cowpat & Fly Public House. But both Fred and Alice **did** notice when Sid, without prompting, bought them each a foaming pint of Old Fart – something he never does without the broadest of hints being given first.

So surprised were they at this unexpected act of generosity that they tore themselves from each others’ eyes (not too painfully) and focussed on what he had to say.

It was a chastened Smallholder Sid who spoke. True, he did have his unlit pipe in his hand – the one he always used to punch out his points ever since smoking had been banned in the Cowpat and Fly.

Tonight he was not laying down the law. He looked diminished (but not very diminished because at 20 stone he still filled a lot of space).

“I’ve been screwed” said Sid. Fred and Alice looked up keenly at these words but then they realised he was not talking about what was passing through their minds as they whispered sweet nothings to each other.

“It’s them London types,” he said. “Turned up on my doorstep in their posh coats and plummy voices in their Range Rover that has never seen a muddy road in its life”

“Probably the same lot that have been tramping my crops” groaned Fred, as he gave Alice’s hand a little squeeze.

“Well,” continued Sid, “they came and wanted to buy a bit of my land because they said they wanted a country retreat. It was only a small bit on yon far corner so I said they could have it for £5000 as it was not much use to me. Well we shook hands on it and off they went in their Range Rover.”

“So what’s the problem?” murmured Alice languidly.

“I then found out that they had bought the field next door and were putting in an application for 17 bungalows on it. They wanted my land to give



them a vehicle access. I now realise I should have asked at least twenty times as much.”

Farmer Fred asked him if he had signed a contract yet.

“No not yet. In fact I have told them I don’t want to sell and their London solicitors are now threatening to sue me for breach of contract.”

“I don’t know what to do. I don’t want all those bungalows and I don’t like being screwed by London types, but their solicitors are pretty scary.”

“Never mind” said Alice reassuringly. “Worse things happen at sea”

But at that moment Sid could not think of anything worse at sea, especially as he had never set foot on a boat and did not like the seaside because he always got sand in his sandwiches.

They finished their Old Farts, woke up Fred who had drifted off with a smile on his face and all tramped out of the Cowpat and Fly into the manure laden cold night air. Sid looked very down in the dumps as he waddled towards his ancient pickup.

But Farmer Fred and Allotment Holder Alice had a definite spring in their step.

Serious legal note. Despite the demands of the London lawyers, Sid did not have to sell at that price or any price to the London types. It is true that not all contracts have to be in writing. All of us enter into legal contracts every day of our lives – whenever we buy something in a shop, pay an electricity bill or fill up with fuel. Almost always they are verbal contracts.

If I agree to sell you my car for £5000 (much more than it is worth by the way), both of us can insist on the deal being honoured so long as there was a firm agreement. It does not have to be in writing, though generally it is sensible to get something written down to avoid disputes later.

It is different if you are selling or buying land. All agreements to buy and sell property must be properly recorded in writing and signed. Shaking hands is not enough, so Sid was able to put two fingers up to the London solicitors and prevent a crop of bungalows being grown next door.

But there are exceptions. If, for instance, Sid had accepted a payment and had allowed the London types to start work on the land he might have done enough to create a legal obligation through what is known as “part performance”. The moral is: do not take any steps when you are buying or selling land without taking professional advice.

By Richard Barr

For more of what he writes log onto www.richardbarrwriter.co.uk
Listen to him from time to time on BBC Radio Norfolk (the Chrissie Jackson show).