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Ancient extras

Properties with historic privileges have cachet – but these rights can prove expensive, writes Graham Norwood

Tasting locally produce beer to check its quality is a "civic duty" some people might find a burden. Many others would, perhaps, regard it as a perk of property buying they would be happy to pay a little extra for. Owners of homes in the High Street of the historic English town of Hungerford have just this right/duty, along with several others, written into the legal conditions associated with their residences.

This kind of ancient contractual right can often add significantly to the value of a home. Such entitlements fall into six broad categories, which vary in precise interpretation between countries. The most commonly understood is the right to graze livestock on nearby "common" land. This applies to some properties in Asia and North America but is much more common in the older nations of Europe.

It is here you find other, more rarefied rights, too. These include being allowed to shoot birds or game over land specified in property deeds. There are also rights of estover (to collect wood), turbary (to dig turf or peat for fuel), piscary (to take fish from a river) and the right to mine minerals or to use the soil for specified plants. It is this latter that has been successfully exploited at the Italian home of Dublin barrister John Gordon, who owns the 13-hectare Le Masse estate near the village of Panzano in the Chianti hills between Florence and Siena.

His estate is listed in early 15th-century land registers and boasts several rare gems of rural Tuscan architecture, such as its tower and cloistered courtyard. Yet what makes it truly distinctive is that ownership includes the right to grow select grapes for wines classified by the Italian government as *Denominazione di Origine Controllata e Garantita* (DOCG), and regarded by many as the country's finest wine.

"The estate was created in the 1970s by one of the founders of the now-famous Panzano Consorzio di winemakers," explains Gordon, who is selling the estate – and the growing rights – for €4.8m. "He made and sold wine under the name Le Masse di San Leolino, which became quite well known."

Gemma Bruce of the GK Italian Property agency, which is selling Le Masse, says: "DOCG classification differentiates the

The UK, with one of the world's oldest ownership registers, is where many of the more unusual rights are to be found

property from numerous others with vineyards for sale across Chianti. Many of our clients are serious wine connoisseurs and the better quality the wine produced on the land the more attractive the property."

A buyer is not obliged to grow DOCG-compliant grapes, or any grapes at all, but Bruce says the premium fetched by DOCG wine – about 30 per cent per bottle more than conventional Chianti – gives the estate a helping hand in the market. The right to grow DOCG grapes makes the property of interest to serious wine investors as well as wealthy buyers merely wanting a vineyard as a hobby.

On the Spanish island of Mallorca there are other soil rights, for those few people who own one of its handful of coal mines. Most of them closed in the 1980s and 1990s as their output failed to justify the cost of modernisation and their facilities fell below minimum safety standards imposed by the European Union. But owners who converted the mine sites for other uses



carry a 'coto privado de caza' sign and are often in the hands of Mallorquin families, as estates get passed down through generations," says Jan Westwood, a search agent working on Mallorca for The Property Finders agency. "Therefore properties for sale with shooting rights are not common."

While property privileges such as this are available for a price, many people believe that homeowners' rights have, in general, diminished greatly over the centuries. Before the 17th century so few people owned homes that those in such a privileged position would almost certainly have enjoyed good views, privacy and practical facilities – space for their horses or livestock, for example – as of right. With the

industrialisation and population growth of the 18th and 19th centuries, high density living near work places meant those de facto rights often became "luxury" features.

Now, with some private land being opened by law to wider public access under 21st-century right-to-roam legislation, modern-day home ownership offers no guarantee of a pleasing view or even the right to park a car outside a property. Yet some homeowners do retain rights – often ancient, unusual and extensive – that are tied to the history of their home or the land on which it is built.

Predictably the UK, with one of the oldest property ownership registers in the world, where many of the more unusual rights are

Privilege Ancient contractual entitlements can include the right to take fish from a river or shoot birds or game over land specified in property deeds

to be found. In the New Forest, southern England, for example, several hundred owners of period homes in designated zones are described as "commoners" and have rights that date back nine centuries. They include the entitlement to graze livestock on pastureland, the free gathering of firewood and the right to cut peat [a sort of carbonised earth] for fuel in special burners.

In Hungerford, 70 miles west of London, owners of homes on High Street have similar entitlements as well as being permitted to fish for trout on designated stretches of the River Kennet – but in addition are expected to fulfil ceremonial civic duties such as ale-tasting.

These are not abstract rights and responsibilities lost in the mists of time: scores of local homeowners stage annual events to celebrate them, some whimsical and some in deadly earnest. Many residents buy livestock that then graze on local land and share the fresh beef when the animals are slaughtered. Others take part in rather more bizarre annual horn-blowing carnivals and parades in centuries-old costumes.

There are 102 homes in the town with these entitlements, dating back to John of Gaunt, a 14th-century gentleman who married into a local landowning family. He became the richest man in the locality and his eldest son grew up to become Henry IV of England. This guaranteed him a place in English history, although 21st-century residents remember him more for his fishing, shooting and grazing legacy, perhaps.

"Properties bearing these rights are almost always beautiful, have period features and attract a lot of interest when they are for sale," says Russell Marshall, whose eponymous Hungerford estate agency is marketing a compact three-bedroom house dating back to the 12th century for £395,000 with the rights to shoot birds on Freeman's March, on the edge of the town. "Being an owner means you can become part of a very lively social scene as well as having a fascinating home."

Less clear-cut rights exist elsewhere in the UK, some linked to medieval titles such as lordships of the manor and feudal baronies. These titles are relics of a time when local areas were dominated by lords in vast country estates, yet they have created a very 21st-century controversy. Some titles have been sold by aristocratic estate owners who are asset rich but cash poor in order to keep up their homes. The result is that some of the new lords – who rarely have any connection with the area – are now entitled to levy minor charges on people who park their cars on or walk across specified land.

"These controversies are rare and are not always justified," says Robert Smith, chairman of the Manorial Society of Great Britain, which presides over title sales from property owners to third parties. "Occasionally someone just tries it on. But with some titles there are genuine rights, such as exploiting minerals in the land. This happens in areas like Cumbria [in northern England]. Permitting quarries to be mined can be very lucrative. Likewise some titles permit owners to charge substantial sums for wind turbines to be built on land named in their titles."

Not all historic property rights survive, however, and most attempts to create new ones have failed. In the 11th century Scottish barons had the "right to pit and gallows", entitling them to declare visitors to their castles to be criminals who could be hanged from a tree or drowned in a moat on the premises. Unsurprisingly, that right has been outlawed – although it took until the 18th century for it to happen.

In the 20th century some property owners

MODERN MANORS

21st century ownership perks