

Guest and another (Appellants) v Guest (Respondent)

Case ID: 2020/0107

Case summary

Issue

The appeal raises questions about the proper approach to granting relief under the doctrine of proprietary estoppel. The Supreme Court is asked to decide:

(1) Whether a successful claimant's expectation, in this case of inheritance of a family farm, was an appropriate starting point when considering a remedy; and (2) Whether the remedy granted, namely payment of a lump sum which would in effect result in the sale of the farm, went beyond what was necessary in the circumstances.

Facts

Tump Farm is a working dairy farm which has been farmed by the Guest family since 1938. The first appellant, David is married to the second appellant, Josephine. The respondent, Andrew is their eldest son. Andrew left school in 1982, aged 16 and worked full time at the farm for 33 years until 2015. Relations between Andrew and his parents deteriorated. In 2014, David and Josephine made wills excluding any entitlement for Andrew. In 2015, David and Josephine offered Andrew terms for carrying on farming Tump Farm under a farming business tenancy. Andrew rejected those terms on grounds of affordability and left the farm that year.

In 2017, Andrew started legal proceedings seeking a declaration of entitlement to a beneficial interest in Tump Farm under the principles of proprietary estoppel. The judge at first instance ruled in his favour finding that an assurance was made to Andrew over many years that he would inherit a substantial share of the farm which he had relied on, working hard on the farm for little financial reward. He ordered that David and Josephine make a lump sum payment to Andrew of 50% of the market value of the farming business and 40% of the market value of Tump Farm. The consequence of that order was that Tump Farm would have to be sold in order to realise the lump sum payable to Andrew. David and Josephine appealed to the Court of Appeal where their appeal was dismissed.

Judgment appealed

[\[2020\] EWCA Civ 387](#)

Parties

Appellant(s)

David George Guest, Josephine Guest

Respondent(s)

Andrew Charles Guest

Appeal

Justices

Lord Briggs, Lady Arden, Lord Leggatt, Lord Stephens, Lady Rose

Hearing start date

2 December 2021

Hearing finish date

2 December 2021

Watch hearing

2 Dec 2021 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

19 October 2022

Neutral citation

[2022] UKSC 27

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