

Cheshire farm owner fined after roofer dies in fall

A Cheshire farm owner has been fined after a man fell to his death from a forklift truck while attempting to repair the roof of a packing shed at his premises in Tarporley.

Denis Thornhill and his company D.S. Thornhill (Rushton) Limited were fined a combined £16,000 after 64-year-old Mark Young was killed at Moss Hall Farm on 1 February 2021.

Earlier this year, both Thornhill and the company been found guilty of breaching health and safety legislation following a six-week trial at Chester Crown Court. The jury cleared 78-year-old Thornhill on a charge of gross negligence manslaughter. They returned to the same court on 11 October 2024 to be sentenced.

During the trial, the court was told that on 29 January 2021, Mr Young, who worked as a roofer, had been asked to make repairs to a roof panel and fix a blocked gutter on the same building. However, as he was walking across the roof, he damaged a second roof panel so a replacement was purchased to carry out an additional repair.



Mark Young had been lifted up to the roof using this forklift truck

He returned with his son three days later to complete the work and asked to be raised up to do it. Denis Thornhill arrived with a forklift truck that had a potato box balanced on its forks. Mr Young was lifted up inside the potato box to a height of around 16 feet, while his son, who was on the roof, attempted to reposition the panel from above. As Mr Young moved to one side of the potato box, it caused it to overbalance and he fell to the floor sustained serious head injuries.

Although paramedics were called, they were unable to resuscitate him and he was pronounced deceased at the scene.

HSE Inspector Ian Betley said after the hearing: "This was a tragic incident that could so easily have been avoided.

"The forklift truck and potato box were the wrong pieces of equipment for the job and never a suitable platform for working at height. The work should instead have been carried out using a tower scaffold, scissor lift, or a cherry picker.

"In bringing the forklift truck and potato box and using it to lift Mark at height, the company was in control of the work but had failed to implement proper planning and safe execution of it.

"All companies have a legal duty to ensure the safety of workers they employ or who carry out work for them. If that had happened in this case, then Mark's life wouldn't have been lost."



The potato box used to lift Mark Young was unsecured to the forklift truck with him inside it

A joint investigation by Cheshire Constabulary and the Health and Safety Executive (HSE) found that on the day of the accident there was no safe system of work implemented for working at height and unsuitable work equipment was used. The potato box did not have the required safety features for a non-integrated work platform and had not been secured in a way to prevent it overbalancing. Additionally, the forklift truck had not been subjected to a thorough examination at the required frequency and was unsuitable for lifting people and Denis Thornhill was not formally trained in operating the forklift truck. Enforcement action was taken and a Prohibition Notice was served on the company prohibiting further work until a safe system was devised.

Denis Thornhill of Eaton Lane, Tarporley, Cheshire was cleared of manslaughter but was also found guilty of breaching Section 37 of the Health and Safety at Work etc. Act 1974, by virtue of 37(1) of the Act and was fined £4,000 and ordered to pay costs of £4,000.

D.S. Thornhill (Rushton) Limited of Moss Hall Farm, Moss Hall Lane, Tarporley, Cheshire was found guilty of breaching Section 3(1) of the Health

and Safety at Work etc. Act 1974 and was fined £12,000 and ordered to pay costs of £10,000.

Notes to editors:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#) and for those in Scotland [here](#).