

Case Name: *Royale Parks Ltd v Secretary of State for Housing, Communities and Local Government & Anor* [2021] EWCA Civ 1101 (19 July 2021)

Full case: [Click Here](#)

Commentary:

This was an unsuccessful challenge to a dismissed planning appeal relating to a refused application for a certificate of lawfulness for the stationing of caravans as a sole or main place of residence on a caravan in Dorset.

The caravan site had the benefit of a planning permission for the siting of caravans, and a condition to that permission required the caravans to be used for holiday purposes and prohibited their use for residential purposes (the "Condition"). In breach of the Condition, four of the caravans on the site had been in permanent residential use for over 10 years. In April 2018, Bournemouth, Christchurch and Poole Council had issued certificates of lawfulness confirming that those four caravans could be used for permanent residential accommodation since they had established immunity from enforcement of the Condition.

In November 2018, the site owner applied for a certificate of lawfulness certifying that the whole site could be used for caravans in a permanent residential use. The appellant's basis for the application was that since four caravans had already breached the Condition and were immune from enforcement, the Condition was also incapable of being enforced across the rest of the site.

In agreement with the Council, the inspector and the High Court, the Court of Appeal was not satisfied that a breach of condition on a well-defined and identifiable part of the site could be treated as a breach of the Condition across the site as a whole.

Case summary prepared by Safiyah Islam