

**16 June 2021**

In a case from Dorset, the Court of Appeal has confirmed that where a planning condition has been breached and immunity from enforcement action is established in respect of a well-defined part of a site, this does not automatically extend to cover the whole site.

The claimants owned a site with planning permission for the siting of chalets and caravans. The consent was subject to two conditions restricting use of the caravans and chalets to holiday purposes and preventing their permanent use as a sole or main residence. Four caravans had been used for residential purposes in breach of these conditions for more than ten years, thus rendering them immune from enforcement action.

On that basis, the council issued lawful development certificates (LDCs) confirming that residential use of these four caravans was lawful. Enforcement notices issued in relation to the whole site were then withdrawn by the council, which confirmed by letter that no further action would be taken. A second letter, sent a year later, again confirmed that no further enforcement action would be taken but reserved judgement on any future unauthorised uses.

The claimants then applied for an LDC confirming that the whole site could lawfully be used for residential purposes. They maintained that because residential occupation of the four caravans was to be treated as breaching the conditions in respect of the whole site, immunity from enforcement action likewise extended to the entire site. Both the council and an appeal inspector (DCS Number 200-009-392) rejected this argument.

**Read more: [Legal Viewpoint: Extent of immunity from breaches of condition confirmed](#)**

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