

Dispute Resolution Roundup

March 2025

Welcome to our March quarterly newsletter, in this edition we cover:

Without Prejudice Communications & The Unambiguous Impropriety Exception, How Upcoming Housing Reforms Will Impact Landlords: A Legal Guide, Labour Government's Plan to End New Leasehold Flats, Adverse Possession Debate Reignited by Brown v Ridley & Legal Overview of Caravan Owners' Action Against Holiday Parks

Without Prejudice Communications & The Unambiguous Impropriety Exception

In *Morris v Williams* [2025] EWHC 218 (KB), the court considered the 'unambiguous impropriety' exception to the without prejudice rule.

Key Legal Principle: Without prejudice correspondence is generally inadmissible in court to encourage settlement discussions.

Exception: Where communications contain clear admissions of dishonesty, they may be admissible.

Case Outcome: The judge ruled that a letter marked 'Without prejudice save as to costs' contained an admission of fundamental dishonesty and fell within the exception.

Significance: The case underscores the importance of careful drafting in without

prejudice communications and the narrow scope of the unambiguous impropriety exception.

This ruling highlights the balance between confidentiality in negotiations and the need for transparency in legal proceedings.

How Upcoming Housing Reforms Will Impact Landlords: A Legal Guide

The government's housing reforms introduce significant legal changes for landlords, aiming to create a fairer rental market. Key changes include:

Abolition of Section 21 Evictions: Landlords must now use Section 8, requiring a valid legal ground for eviction, making the process potentially longer and more complex.

Stricter Property Standards: The Decent Homes Standard will apply to private rentals, requiring properties to be hazard-free and in good repair.

Tighter Rules on Rent Increases: Rent adjustments will be limited to once per year with justification required.

Discrimination and DSS Policies: Blanket bans on tenants receiving benefits are deemed discriminatory; landlords must assess all applicants individually.

Increased Enforcement and Penalties: Higher

finances and stronger enforcement powers for local authorities will require landlords to remain fully compliant.

To navigate these changes, landlords should document tenant issues carefully, plan for potential property upgrades, and seek legal guidance when necessary.

Labour Government's Plan to End New Leasehold Flats

Labour plans to ban new leasehold flats by 2029, replacing them with commonhold.

Leasehold Issues: Homeowners pay service charges and ground rents, with limited control over property management.

Commonhold Benefits: Owners will hold the freehold of their unit and manage communal areas collectively, eliminating lease extensions and freeholder charges.

Challenges: Owners will be responsible for the building, upkeep, and disputes over maintenance could arise.

Impact on Existing Leaseholders: The ban applies only to new flats, and conversion to commonhold remains complex and costly.

While leasehold properties remain viable, buyers should stay informed on market developments and legal options.

Adverse Possession Debate Reignited by Brown v Ridley

The case of Brown v Ridley has challenged the ruling in Zarb v Parry (2011), which required a

continuous 10-year period of 'reasonable belief' in ownership immediately before an adverse possession claim.

Legal Uncertainty: Courts have debated whether the 10-year period must immediately precede the application or if past periods of belief suffice.

Implications: A broader interpretation could make adverse possession easier to claim, raising concerns about landowner protections.

Possible Solutions: A fixed deadline for applications after discovering true ownership could balance fairness and certainty.

The Supreme Court's decision will determine the future scope of adverse possession claims.

Legal Overview of Caravan Owners' Action Against Holiday Parks

A legal claim by 1,200 caravan owners challenges unfair practices by holiday park operators.

Key Issues:

Unfair Pitch Fee Increases: Claimants argue that annual fee hikes are excessive and may violate consumer protection laws.

Failure to Disclose Depreciation Risks: Owners claim they were misled about the financial depreciation of static caravans.

Regulatory Impact: The case highlights the lack of regulation in the caravan sales sector and could prompt stricter consumer protection laws.

Potential Consequences: A ruling in favour of the claimants may lead to greater transparency, stricter fee regulations, and enhanced consumer rights.