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IMPORTANT CONSIDERATIONS FOR MOBILE HOMES ON AGRICULTURAL LAND

There are various semi-permanent caravan homes situated on a far-off piece of farmland away from the city life that has a long-term entitlement to use. These agreements risk a declaration of invalidity if there is no consent from the Minister in terms of the provisions of the Subdivision of Agricultural Land Act 70 of 1970, which stipulates that no portion of Agricultural Land shall be used for non-agricultural purposes without consent from the Minister of Agriculture.

In the case of *Leppan N.O and Others v King* (2471/2020) [2021], the judgement illustrates the consequences of an agreement to use such a portion. In the above-mentioned case, the parties were in dispute about the continued use of a campsite. The Caravan Park operates on agricultural land that is owned by the Yellow Sands Property Trust. Campsites have been demarcated by the Yellow Sands Caravan Park CC with the permission of the Trust which owns the land. The Trust, as owner of the land, has not obtained prior ministerial permission to allow semi-permanent or temporary use of portions of the agricultural land for any period of time.

The conclusion that the court made was that the agreement between the parties, in the absence of prior ministerial consent to use a portion of agricultural land for other purposes, was concluded in contravention of the Subdivision of Agricultural Land Act 70 of 1970. The court found that the agreement is illegal as it contravenes section 3(e)(ii) of the Subdivision of Agricultural Land Act 70 of 1970 and it is of no force and effect.