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SUPREME COURT DECISION IN DARWALL V DARTMOOR: A LANDMARK FOR PUBLIC RIGHTS OVER LANDPROPERTY CASE NOTE:

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The recent Supreme Court decision in *Darwall v Dartmoor National Park Authority* has set a significant precedent in the realm of public rights over land, particularly concerning the contentious issue of wild camping. This landmark ruling, delivered on May 21, 2025, has affirmed the public's right to wild camp on Dartmoor Commons under section 10(1) of the Dartmoor Commons Act 1985, dismissing the appeal by landowners Alexander and Diana Darwall.

UNDERSTANDING THE DISTINCTION: CAMPING vs. WILD CAMPING

To fully grasp the implications of this decision, it is crucial to differentiate between camping and wild camping. Traditional camping typically occurs in designated sites equipped with facilities such as toilets, showers, and marked pitches, often requiring prior booking or payment. In contrast, wild camping involves pitching a tent or sleeping outdoors in remote, undeveloped areas without such amenities, characterized by a "leave no trace" ethic, minimal environmental impact and self-sufficiency, and usually undertaken for short durations (1 to 2 nights).

THE COURT'S INTERPRETATION OF "OPEN-AIR RECREATION"

The case centered on the interpretation of section 10(1) of the Dartmoor Commons Act 1985, which grants the public "a right of access to the commons on foot and on horseback for the purpose of open-air recreation". The crux of the legal debate centered on whether wild camping falls within the scope of "open-air recreation" as intended by the 1985 Act. The Supreme Court, led by Lord Sales and Lord Stephens, concluded that wild camping indeed qualifies as open-air recreation. The Court emphasized that while tents provide temporary shelter, the activity remains fundamentally outdoor-based and recreational. The phrase "on foot and on horseback" was interpreted as limiting the means of access, not the types of activities permitted once on the land, thereby affirming that wild camping accessed on foot is lawful under the Act.

The Court also highlighted the legislative intent behind the Act, noting that it was designed to secure public recreational access. Excluding wild camping would have been inconsistent with this broader purpose. Furthermore, the Act protects those engaging in lawful open-air recreation from trespass claims, reinforcing the legality of camping under these conditions.

IMPLICATIONS FOR LEGAL PROFESSIONALS

The ruling is a landmark case in land use, environmental law and public rights of access. It underscores a liberal interpretation of statutory access rights, reinforcing the notion that public access laws can encompass a broad range of outdoor activities, including wild camping. It highlights the importance of understanding the legislative intent and context when interpreting statutory provisions, as the Court's reasoning was heavily grounded in the broader purpose of the 1985 Act to secure public recreational access.

The ruling clarifies that "recreation" in public access laws can encompass a wide range of outdoor activities, setting a precedent for future land use debates.

Moreover, the decision serves as a reminder of the delicate balance between private property rights and public access. While the ruling affirms public rights, it also places a responsibility on the public to wild camp responsibly, adhering to existing byelaws and regulations to prevent environmental degradation and ensure the sustainability of such rights i.e. it is to be no trace.

CONCLUSION

The Supreme Court's decision in *Darwall v Dartmoor* is a pivotal moment for open public access lawyers, securing traditional freedoms in national parks, preserving a historic public right and reinforcing a liberal approach to interpreting access rights in legislation. It signals that landowners cannot easily narrow public freedoms granted under statute, and it will likely influence how other access laws are applied across the UK. It reinforces the necessity of a nuanced understanding of statutory interpretation and the evolving landscape of public rights over land. The interpretation of "recreation" in public access laws can significantly influence the scope of activities permitted, shaping the future of land use and access rights across the UK.



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