

## **MOBILE HOMES IN CAMPSITES AND REPRESSIVE POWERS: THE LIMITS OF DEMOLITION ORDERS IN PROTECTED AREAS**

A recent ruling of the Campania Regional Administrative Court (T.A.R. Campania – Salerno, Section II, 8 January 2026, no. 71) addresses an issue of particular relevance in the field of tourist and hospitality building, clarifying the conditions that justify the adoption of a demolition order with reference to mobile homes installed within duly authorized campsites, even when located in protected areas.

### **The case**

The Municipality of Pisciotta issued a demolition and restoration order concerning no. 20 prefabricated residential units, complete with their appurtenances and utility systems, located within a tourist accommodation facility.

According to the Administration, the works constituted new constructions carried out without a building permit and without the required landscape authorizations, in an area classified by the Municipal Urban Plan (P.U.C.) as agricultural zone E2 and E4, falling within the perimeter of the Cilento National Park and subject to landscape and hydrogeological constraints.

The measure was challenged by the operator of the facility, who argued, *inter alia*, that it violated the *res judicata* arising from a previous judgment of the T.A.R. Salerno (no. 159/2013), which had already recognized the lawfulness of similar installations, as well as the incorrect classification of mobile homes as building works subject to an enabling title.

### **The decision**

The T.A.R. upheld the appeal, annulling the contested order due to an erroneous legal premise.

The Court first distinguished between the works already covered by the previous judgment – regarding which no subsequent factual or legal elements had emerged that could justify a new assessment – and the additional installations carried out at a later stage.

With regard to the latter, the Court reaffirmed that, under the Campania regional legal framework, the regulation of mobile homes within campsites is governed by Article 2 of Regional Law no. 13/1993, a provision of a special nature compared to the national legislation on building and planning matters. This rule qualifies as an activity not relevant from an urban planning, building, or landscape perspective the installation of mobile housing units placed, even on a permanent

basis, within previously authorized accommodation facilities, provided that they are not permanently anchored to the ground and are equipped with removable utility connections.

It follows that the mere presence of landscape and environmental constraints does not, in itself, entail the requirement for a building permit or landscape authorization for individual mobile homes, since the authorization obligation concerns the accommodation facility as a whole and not the individual mobile units, which fall within the scope of free building activity.

The T.A.R. also found the interpretation relied upon by the Municipality to support the demolition order to be unconvincing, noting that it actually confirms – rather than excludes – the special and derogatory nature of the Campania regional legislation on the matter.

## **Conclusions**

The judgment is of significant practical interest, as it reiterates that mobile homes installed within duly authorized campsites, where they comply with the requirements of mobility and reversibility laid down by regional legislation, do not constitute new constructions and are not subject to a building permit or landscape authorization, even when located in protected areas.

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