10. Proprietary Estoppel

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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter is concerned with proprietary estoppel. Proprietary estoppel is a means by which a party (B) can gain some protection against an owner of land (A), even if B has no contract with A and even if A has not formally given B a property right in relation to A’s land. That protection consists of A coming under a duty to B. Proprietary estoppel is therefore also a means by which B can obtain an equitable interest in A’s land. It is noted that proprietary estoppel is very different from other forms of estoppel; so different that the term ‘estoppel’ is positively misleading. The chapter considers how the courts determine the extent of any right arising through proprietary estoppel, and it also examines the impact of such rights on third parties.