

Key Considerations in a Nuisance Claim

Identifying the source, impact and history of the alleged nuisance at an early stage can help establish the legal position and determine the most effective response.



The Nature of the Interference

Identify precisely what is affecting the property. The issue may involve physical damage, encroachment or interference with the ordinary use and enjoyment of the land.



The Source of the Problem

Establish where the nuisance originates and who controls the relevant land or activity. More than one occupier, contractor, landlord or business may be involved.



Frequency and Duration

Record when the interference occurs, how often it happens and how long it lasts. A brief isolated incident may be treated differently from a recurring or continuing problem.



The Surrounding Area

Consider the character and established use of the locality. The level of activity expected in an industrial or commercial area may differ from that expected in a quieter location, although ordinary use of land does not automatically prevent a nuisance claim.



Physical Damage

Gather evidence of any damage to buildings, land, stock, machinery or other property. Photographs, inspection reports, repair estimates and expert evidence may be required.



Business Disruption

Record how the interference affects access, employees, customers, production, deliveries or the occupation of the premises. Evidence of financial loss should be supported by appropriate records.

 Evidence of Incidents

Keep a detailed diary recording dates, times, duration, weather conditions and the effect of each incident. Photographs, videos, correspondence and witness accounts can also be important.

 Expert Evidence

Consider whether specialist evidence is needed to establish causation or measure the extent of the interference. This may include evidence from acoustic consultants, engineers, environmental specialists or building surveyors.

 Urgent Action

Assess whether the activity is causing immediate or irreversible harm. An injunction may be considered where damages alone would not provide an adequate remedy, but urgent applications require strong evidence and careful preparation.

 Private or Statutory Nuisance

Determine whether the issue should be pursued as a private civil claim, reported to the local authority as a potential statutory nuisance or addressed through both routes. Councils must investigate complaints that could amount to a statutory nuisance and may serve an abatement notice where the legal test is met.

 The Desired Outcome

Consider whether you want the activity to stop entirely, operate within agreed limits, carry out remedial works or compensate you for loss. Being clear about the required outcome can help shape negotiations and any court application.



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