

Halsey v Esso Petroleum [1961] 2 All ER 145

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Facts

- Halsey lives down the road from Esso Petroleum
- He claims that emissions are an offensive smell, and damage his linen and car's paint.
- He is also kept up at night by the noise from the trucks

Issue

- Is this nuisance?

Held

- Yes, an injunction is granted at night
- The locality of the neighbourhood is important
- The smell can be a nuisance

Quotes

- "It is important that the nature of the district should be borne in mind"
- "nuisance by smell or noise is something to which no absolute standard can be applied. It is always a question of degree whether the interference with comfort or convenience is sufficiently serious to constitute a nuisance. The character of the neighbourhood is very relevant and all the relevant circumstances have to be taken into account. What might be a nuisance in one [692] area is by no means necessarily so in another."
- "Nevertheless, the plaintiff is entitled, in my judgment, to an injunction, but I limit it to the hours of the present night shift, namely, 10 o'clock at night to 6 o'clock in the morning."

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