

Hollywood Silver Fox Farm v Emmett [1936] 2 KB 468

<http://lawcasesummarries.com/knowledge-base/hollywood-silver-fox-farm-v-emmett-1936-2-kb-468/>

Facts

- A man carried a business breeding silver foxes
- The neighbor objected and allowed his son to fire a gun near the fence, disturbing the breeding of the foxes

Issues

- Does this constitute private nuisance?

Held

- Yes, because even though it was carried out on their own land, the intention was relevant and this was malicious
- A nuisance by noise is a question of degree; what had been done was only for the purpose of annoyance and was not a legitimate use of the land
- “No person has an absolute right to create noises upon his own land because any right the law gives is qualified by the condition that it must not be exercised to the nuisance of his neighbours.”
- This was a malicious wrong.

Law case summary from www.lawcasesummarries.com