

## **Thompson-Schwab and Another v Costaki and Another**

### **The Tort of Private Nuisance.**

It was late November Nineteen Fifty Five and the events of this case take us to Chesterfield Street, a quaint but upscale street in the West End.

Frank Thompson-Schwab and Harold Wingate lived on Chesterfield Street. Mr Thompson-Schwab lived at number 13 with his family, a young son and three young women who he employed to tend to his domestic affairs. Harold lived at number 8.

Blanche Costaki and Caroline Sullivan were prostitutes and were regularly seen walking towards nearby Curzon Street, which had an unscrupulous reputation for prostitution.

They would then return to their house at number 12 Chesterfield Street with the men whom they had solicited. After their business was concluded, the men would leave the house and the women would leave after them.

Frank and Harold were incensed and sought an injunction from the courts to stop the two women.

They argued that their enjoyment of their homes were affected by the defendants' activities. They also argued that their street had remained a good class residential street not yet blighted by the activities of prostitution not too far away and this should be protected.

Their evidence was supported by that of three inquiry agents who observed several such incidents.

Despite the fact that the defendants carried on legal activities at the time, the Court of Appeal decided that...

...since the activities observed, was both obvious and blatant,...

...and considering the effect on the minds of the young people involved and the feelings of visitors to the street,...

...Blanche and Caroline's activities constituted an interference with the comfortable and convenient enjoyment of Frank and Harold's residences and the whole character of the street might very soon and very seriously change for the worse.

Now what is striking about this case is that the interference with the use and enjoyment of the claimants' land is caused by a mental disturbance - an affront - the knowledge that nearby land is being used for a particular purpose, rather than by any emanation, such as sound or smell, or obstruction.

In practice however, similar claims would be rare because a claimant must also demonstrate that the interference was unreasonable.