



Judiciary of England and Wales

Press Summary

Epping Forest District Council v Somani Hotels Limited

Neutral Citation Number: [2025] EWHC 2937 (KB)

Tuesday 11 November 2025

Note: This summary is provided to assist in understanding the decision of the Court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the Court, which will be published on the National Archives (<https://caselaw.nationalarchives.gov.uk/>).

Decision

1. Mr Justice Mould has today handed down judgment dismissing a claim by Epping Forest District Council [**“the Council”**]. The Council brought the claim as local planning authority, seeking a final injunction to restrain Somani Hotels Limited [**“Somani”**] from using the Bell Hotel, High Road, Epping to provide accommodation for asylum seekers.

Background

2. Since early April 2025, the Bell Hotel has been used to provide accommodation for single male asylum seekers who are waiting for their asylum claims to be decided by the Home Office. The Home Secretary is under a statutory duty to provide accommodation and support to asylum seekers who have no other means of obtaining it whilst their claims are being considered. The Bell is one of around 200 hotels which are currently in temporary use as contingency asylum accommodation under contract with Home Office suppliers, in this case Corporate Travel Management (North) Limited. The contract for use of the Bell for that purpose is due to come to an end in April 2026.
3. The Bell has been used to accommodate asylum seekers twice before – for a period of 9 months between May 2020 and March 2021 and for a period of 18 months between October 2022 and April 2024. In February 2025 the Home Office consulted with the Council, Essex County Council, local NHS Service providers, Essex Police and other relevant agencies prior to resuming its use as asylum accommodation in early April. Although the Council objected to the resumption of the Bell’s use for that purpose, it did not do so at that time on planning grounds.
4. As the local planning authority for the area, the Council is responsible for enforcing planning control. The Council considers that the current use of the Bell requires

planning permission and is in breach of planning control. The owner of the hotel, Somani, disagrees.

5. On 5 August 2025, the Council decided to take enforcement action. The Council did so in the light of public protests in Epping which had begun on 11 July 2025, following the arrest of an asylum seeker accommodated at the Bell on charges of sexual assault and harassment of four teenage girls in Epping town centre. The Council's chosen method of planning enforcement was to apply to the court on 11 August 2025 for the grant of an injunction to restrain what it considered to be a clear and harmful breach of planning control. The Council did not notify Somani or the Home Office that enforcement action was to be taken.
6. On 1 September 2025, the Court of Appeal set aside an interim injunction granted in the High Court on 19 August 2025. At a 3-day trial which began on 15 October 2025, Mr Justice Mould heard the Council's application for a final injunction.

Reasons for the decision

7. Mr Justice Mould applies the principles endorsed by the House of Lords in South Bucks District Council v Porter [2003] 2 AC 558 [206]. The judge concludes that an injunction is not an appropriate means of enforcing planning control in the circumstances of this case [295].
8. The judge finds that the Council has a reasonable basis for its view that the current use of the Bell requires planning permission and is, therefore, in breach of planning control [187]. However, the judge rejects the Council's case that Somani's use of the Bell to accommodate asylum seekers is a flagrant or persistent abuse of planning control [283]. The judge has real concerns about the Council's decision-making process [284]. The judge accepts that the criminal behaviour of a small number of individual asylum seekers accommodated at the Bell has raised the fear of crime amongst local residents. Having carefully considered the evidence, the judge concludes that the current use of the Bell does not result in serious planning or environmental harm [285]-[289]. The judge finds that it is primarily for the police to manage and enforce public order with the powers given to them for that purpose. Essex Police have taken action to maintain public order [290]. The judge finds that weighing significantly against the grant of an injunction is the continuing need to provide accommodation for asylum seekers with pending asylum claims, so that the Home Secretary can fulfil her statutory duties under immigration and asylum legislation. On the evidence heard by the court, temporary use of hotels, including the Bell, is necessary to enable her to do so [291]. The judge reaches the clear, overall conclusion that the grant of an injunction is not justified [295].
9. The judge also declines to make the declarations sought by the Council. He concludes that to do so would not be appropriate, given that it remains open to the Council now to consider taking more conventional methods of enforcement action, such as the issue of an enforcement notice [296], [298]-[300].

References in square brackets are to paragraphs in the judgment.