[2026] EWCA Civ 1402

Caerphilly County Borough Council

-v-

Richard James Williamson, R (on the application of)

PRESS SUMMARY

This summary is provided for the benefit of the press and public. It does not form part of the judgment. References in square brackets are to numbered paragraphs of the judgment.

1. The Court of Appeal (Lord Justices Males, Nugee and Miles) today handed down judgment dismissing this appeal.

Background

2. The case concerns cat droppings. The respondent, Mr Williamson, complained to the appellant council that his neighbours' cats kept coming into his front garden and leaving faeces. He said that this was prejudicial to his own health and that of his young child, and requested that the appellant should investigate whether there was a statutory nuisance [1].

3. After some investigations, including a site visit, the appellant told the respondent in an email that it had concluded that there was no statutory nuisance [2].

The decision of the court below

4. The respondent was dissatisfied. He sought judicial review of the appellant's decision. After a full hearing, His Honour Judge Jarman KC sitting as a judge of the High Court (the "Judge") made an order setting aside the appellant's decision [3].

5. The Judge decided that the appellant had made a number of public law errors in its approach to its investigations. He ordered the appellant to reconsider the complaint in accordance with his judgment. The Judge concluded that cat fouling on someone's land could in principle constitute a "deposit" within section 79(1)(e) of the Environmental Protection Act 1990 ("the EPA") [26]-[28], and that the droppings in the present case were capable of being prejudicial to health [29].

6. The Judge did not decide that there was a statutory nuisance: rather, he decided that the matters complained of were capable in principle of being a statutory nuisance under section 79(1)(e) of the EPA [4].

The appeal

7. In the Court of Appeal the appellant submitted that section 79(1)(e) of the EPA requires that an accumulation or deposit within the meaning of the section is the result of a purposeful or wilful act.

8. The Court of Appeal rejected this submission. It decided that there were two stages. The first was whether there was a "statutory nuisance" within the definitions set out in section 79(1) of the EPA. The second concerned the relevant authority's obligation to serve an abatement notice under section 80 of the EPA. Questions of responsibility arose only at the second stage, and not at the first [43], [47]. The present appeal concerned only the first stage. It decided that cat droppings were capable in principle of being a deposit or accumulation within section 79(1)(e) of the EPA.

9. In [68] the Court addressed the appellant's submission that the Judge's decision has profound consequences for cat owners and local authorities. The Court explained that the Judge's decision was that the complaint must be redetermined in accordance with the correct principles and that nothing in the judgment should be taken as expressing a view one way or the other on the outcome of the redetermination. The Court stated emphatically that its judgment does not decide that the cat fouling about which the respondent has complained constitutes a statutory nuisance.

3 November 2026

Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision. The full judgment ([2026] EWCA Civ 1402) is the only authoritative document. The judgment is a public document and is available online at Judgments Archive - Courts and Tribunals/Judiciary: https://caselaw.nationalarchives.gov.uk/