# Couple wins damages as council school’s football pitch causes public nuisance in Winchester



A couple residing in a picturesque £2 million country home in Winchester, Hampshire, has emerged victorious in a legal battle against their local council, successfully suing after a primary school built a football pitch adjacent to their property. This unexpected turn of events has drawn attention not just for the couple’s financial award, but for the broader implications regarding public nuisance and community planning.

Mohamed and Marie-Anne Bakhty, the homeowners, described their garden as a “no go area” following the establishment of the pitch at Westgate All Through Primary School. In less than a year, the couple reported that 170 footballs had intruded upon their property, significantly disrupting their enjoyment of their outdoor space. Mr Bakhty, a 77-year-old property developer, expressed profound frustration, claiming the school deliberately constructed the pitch to create a disturbance. Meanwhile, his wife, 66, lamented the “continuous, horrendous noise,” which marred her cherished gardening activities.

The case, adjudicated in the High Court, highlighted the tension between community amenities and the rights of homeowners. Judge Philip Glen ruled that the frequency with which footballs arrived in the Bakhtys’ garden constituted a public nuisance under common law. Consequently, the couple was awarded £1,000 in damages but did not receive the injunction they had sought to prevent the continued use of the play area. The judge suggested that with the installation of a netting system, the school could mitigate future occurrences effectively.

This case underscores the often-contentious landscape of local governance, public policy, and personal rights. Earlier, Hampshire County Council had faced criticism in other contexts, such as a separate incident where an elderly couple, living in Sutton Scotney, was informed that they would be responsible for cleaning up debris after the council removed a tree from their garden without notice. This lack of communication and apparent disregard for residents' well-being reflects a growing discontent with council actions among local citizens.

The Bakhty case also parallels other notable incidents concerning local authority decisions impacting residents’ lives. For instance, a couple in Lincolnshire faced fines for growing vegetables in their garden without obtaining planning permission, a situation that sparked debate about property rights and the classification of land usage. Such decisions illustrate the broader challenges individuals can encounter when navigating regulations intended to govern community behaviour and land use.

Interestingly, the issues surrounding stray footballs are not unique to the Bakhty case. Previous reports highlight similar grievances among homeowners who have found themselves in disputes over the influx of sports equipment from nearby facilities. A 73-year-old woman, for example, faced police intervention after refusing to return footballs that had entered her garden, revealing the complexities of property rights in communal living spaces.

As communities continue to evolve and local amenities are developed, the balance between public enjoyment and private rights remains a contentious issue. The ruling in favour of the Bakhtys serves as a reminder that while schools and local councils strive to enhance recreational offerings, they must also consider the rights and tranquillity of nearby residents. This case may prompt further discussions on how best to harmonise community needs with individual freedoms, ensuring that all parties can enjoy their surroundings without undue disruption.

The resolution of the Bakhty case may indeed influence future local governance strategies as councils reconsider how they plan and execute public projects, ensuring that the voices of residents are heard and respected. As the community reflects on this incident, it raises an essential question: how can local councils better engage with residents to prevent disputes that erode trust and lead to unexpected legal battles?

**Reference Map:**1. Paragraph 1: [[1]](https://www.independent.co.uk/news/uk/home-news/couple-footballs-garden-home-winchester-hampshire-westgate-school-b2753789.html)2. Paragraph 2: [[1]](https://www.independent.co.uk/news/uk/home-news/couple-footballs-garden-home-winchester-hampshire-westgate-school-b2753789.html)3. Paragraph 3: [[1]](https://www.independent.co.uk/news/uk/home-news/couple-footballs-garden-home-winchester-hampshire-westgate-school-b2753789.html), [[2]](https://www.hampshirechronicle.co.uk/news/11095901.winchester-couple-left-with-1000-bill-after-hampshire-county-council-cause-damage-to-their-garden/)4. Paragraph 4: [[3]](https://www.independent.co.uk/news/uk/home-news/couple-fined-growing-vegetables-garden-b2013120.html)5. Paragraph 5: [[5]](https://metro.co.uk/2017/04/16/pensioner-visited-by-police-after-failing-to-return-kids-football-6577883/), [[6]](https://www.theguardian.com/uk-news/2024/feb/29/hampshire-glamping-site-told-to-close-after-complaints-about-parties-and-loud-sex)6. Paragraph 6: [[1]](https://www.independent.co.uk/news/uk/home-news/couple-footballs-garden-home-winchester-hampshire-westgate-school-b2753789.html), [[4]](https://www.advertiserandtimes.co.uk/news/council-told-to-pay-1-5m-for-girl-badly-hurt-by-broken-bollard-9152227/)

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## Bibliography

1. <https://www.independent.co.uk/news/uk/home-news/couple-footballs-garden-home-winchester-hampshire-westgate-school-b2753789.html> - Please view link - unable to able to access data
2. <https://www.hampshirechronicle.co.uk/news/11095901.winchester-couple-left-with-1000-bill-after-hampshire-county-council-cause-damage-to-their-garden/> - An elderly couple in Sutton Scotney, Hampshire, faced a £1,000 bill after Hampshire County Council removed a tree from their garden without notice, causing damage to their greenhouse and garden. The council acted after neighbors complained about the tree during high winds. Despite the removal, the couple was informed that cleaning up the debris was their responsibility, leading to further expenses. Local councillor Jackie Porter criticized the council's decision and lack of support for the couple.
3. <https://www.independent.co.uk/news/uk/home-news/couple-fined-growing-vegetables-garden-b2013120.html> - Lee and Kirstie Lawes from Deeping St James, Lincolnshire, were fined £469 by South Kesteven District Council for growing vegetables in their garden without planning permission. The council classified the vegetable plot as a 'change of use' of the land. The couple, who transformed part of their lawn into raised beds during the pandemic, argued that the land has been part of their property since 1969 and questioned the council's decision.
4. <https://www.advertiserandtimes.co.uk/news/council-told-to-pay-1-5m-for-girl-badly-hurt-by-broken-bollard-9152227/> - Hampshire County Council was ordered to pay £1.5 million in fines and court costs after a six-year-old girl sustained traumatic brain injuries from a broken bollard in Lymington. The council was criticized for failing to act swiftly despite being informed about the defective bollard and for having unclear and poorly implemented policies regarding public safety.
5. <https://metro.co.uk/2017/04/16/pensioner-visited-by-police-after-failing-to-return-kids-football-6577883/> - Penny Freeman, a 73-year-old woman, was visited by police after she refused to return footballs kicked into her garden. The balls damaged her plants and lawn, leading her to keep them. She was shocked to be told that not returning the balls could lead to theft charges, highlighting the complexities of property rights and neighborhood disputes over stray balls.
6. <https://www.theguardian.com/uk-news/2024/feb/29/hampshire-glamping-site-told-to-close-after-complaints-about-parties-and-loud-sex> - Secret Garden Glamping in Hampshire was ordered to close after neighbors complained about noise from parties and loud activities. The owner, Liz Feay, had set up two tents in her garden without planning permission. Despite applying for retrospective planning permission, the council refused due to the noise disturbances affecting nearby residents.
7. <https://metro.co.uk/2019/07/25/woman-faces-arrest-refusing-return-footballs-land-garden-10459898/> - Anny Kilbourne, a 56-year-old woman from Exeter, faced potential arrest after refusing to return footballs that landed in her garden. She had been warned by the local youth football club to return the balls or face legal action. Kilbourne expressed frustration over the situation, emphasizing the challenges of dealing with stray balls and the involvement of authorities in such disputes.