Hampton Court Castle and Gardens are situated in the Herefordshire countryside between Hereford and Leominster. The castle dates back to 1427 and despite numerous alterations still retains its basic original form. The 15th Century Castle and 1,000 acres of stunning parklands provide a popular destination for weddings, corporate events and private functions.

The incident
In early September 2010, whilst attending a wedding reception at the 14th Century Castle and Gardens, a member of the wedding party failed to notice the presence of one of the castle's Haha* and accidentally stepped over the edge of the Haha, falling a distance of 4 feet and fracturing his arm in the process. An accident was reported to the Castle's management three days after the incident and a claim against the property followed soon after. The claimant alleged that the Haha was inherently dangerous and even though its presence was highlighted by a marker rope, the claimant insisted it should have either been fenced off or had its presence drawn to the public's attention by way of appropriate warning signs. In addition, it was alleged that the lighting in the area was inadequate and should have been improved.

An initial reserve for the amount of £35,000 was put on the claim.

Defending a claim
It was clear from the outset that not defending this claim could have serious implications not only for the Castle, but also other heritage properties with similar landscape features. Therefore, following an initial investigation of all the available evidence and information provided on the claim, the decision was made to put a tailored defence strategy in place.

The defence case was clear: first and foremost, the Haha was an intrinsic feature* of the castle and to have it removed or altered in any way would have a significant impact on the aesthetics of the property. A similar argument was raised in relation to the installation of fixed barriers and high visibility warning signs. In all, it was contended that given the nature of the premises in question, all reasonable steps had been taken by the Castle to ensure the safety of their guests and visitors.

The proceedings were served in May 2012 and the case proceeded to County Court in January 2013. The robust defence by the solicitors and the insurer meant that the case was struck out with the Judge clearly accepting the arguments put forward by Ecclesiastical's defence team relating to the importance of preserving the aesthetics of the Castle grounds.

Declaring his verdict on the case the judge said: “…….In this regard, I have also considered the issue and the fact that the Defendant's premises is a Grade 1 listed building. It is clearly a historic building and I must take that into account when considering to what extent signage and warning signs should be placed around the premises”.

*A Haha is a feature consisting of a turfed ditch once used to prevent grazing cattle from gaining access to castle lawns.
A word of thanks

Hampton Court Castle were thrilled with the result and praised the way in which the bespoke defence strategy was put into place. In an email to the defence team, they wrote:

“Thank you very much for you and your teams efforts on the court case. We are all so pleased to hear the result! I hope more of these sorts of cases are publicised to hopefully stem the flow of ‘no fee no win’ claims.

I said at our post trial meeting that I had found the whole thing “shocking” and can’t think of another word that describes the whole experience for us. I’m happy that it’s all over.”