

UK Court of Appeal overturns High Court Epping hotel asylum seeker ban

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The Court of Appeal overturned on Friday an interim injunction imposed by the High Court last week, which had banned the Bell Hotel in Epping, England from housing asylum seekers.

Since July far-right forces—including openly neo-Nazi groups and individuals—have led weekly protests outside the Bell Hotel demanding the 138 asylum seekers it houses be kicked out.

Events at the Bell have been used as a launchpad for a national campaign of far-right mobilisations against asylum seekers, demanding forced mass deportations. They have utilised the arrest—made public on July 8—of a 41-year-old refugee from Ethiopia accused of sexually propositioning a schoolgirl. The asylum seeker, who was staying at the Bell Hotel, denied the charges and attended a two-day trial from August 26. A verdict is expected on September 4.

The root and branch overturning by the Court of Appeal's three judges of the High Court ruling was necessitated because it was so overtly sympathetic with the aims of the far-right mob. The High Court judge, Sir Stephen Eyre, was previously a Conservative Party parliamentary candidate four times.

In their ruling the judges—Lord Justice David Bean, Lady Justice Nicola Davies and Lord Justice Stephen Cobb—noted “worrying aspects” of the original decision which favoured the arguments brought by lawyers for the planning department of Conservative Party-run Epping Forest District Council. They declared that Justice Eyre had made “a number of errors” in his ruling and that his use of the “balance of convenience exercise” in favouring Epping council “was seriously flawed in principle”.

The Council argued before the High Court that the owner, Somani Hotels Limited, needed planning permission to house asylum seekers and that its failure to obtain it was unlawful. It also argued successfully that the hotel being used as a location for housing asylum seekers

had triggered concern in the local community and protests.

In their submission to the Court of Appeal, Edward Brown KC, representing the Home Office, said of a submission put forward by Epping Council, which was mainly on the impact of local protests that “Epping has effectively conceded before this court that this was, in truth, only ever about protest.”

Ruling against Epping Council, the Court of Appeal judges determined, “If an outbreak of protest enhances a case for a planning injunction this runs the risk of acting as an impetus ... for further protest, some of which may be disorderly.”

The judges also noted, “For much of the period of four years from 2020-2024 Somani had been running the Hotel as accommodation for asylum seekers without enforcement action from the Council. When, in 2023, Somani sought planning consent to change its use, for over a year Epping did not process the application, notwithstanding the statutory duty upon it to do so within eight weeks. The Council was aware by February 2025 that the Hotel was once again to be used to house asylum seekers, and by its letter of 15 May 2025 Somani made clear that it had been advised by the Home Office that a planning application was unnecessary.”

The Court of Appeal ruled—after hearing submissions from Epping Council and the Home Office—that the High Court was wrong in not allowing the Home Secretary to provide evidence during the original hearing.

The Home Office's lawyers argued “the relevant public interests in play are not equal”—referring to Epping's interest in enforcing planning control issues—and the home secretary's duty which comes from UK obligations under the European Convention on Human Rights (ECHR).

The Human Rights Act 1998 incorporates the majority of ECHR rights into domestic law. Under legislation passed in Parliament in 1999 and updated in 2005, the

home secretary has a duty to provide accommodation for asylum seekers who would otherwise be destitute.

In its ruling the Court of Appeal granted the Home Secretary [Yvette Cooper's] application for permission to appeal against the High Court's decision dismissing her application for party status and also granted her intervener status in the litigation between the Council and Somani.

It ruled, "The Home Secretary has clear statutory duties towards asylum seekers in this country under the Immigration and Asylum Act 1999; these include the duty to provide support to them and their dependents, and to prevent destitution among this cohort. Her evidence [before the High Court] would have detailed the consequences of closing the site, including the need to find new accommodation for the asylum seekers. Given these duties, in addition her constitutional role relating to public safety, the Home Secretary is plainly directly affected by the issues in this case, and specifically by the grant (or not) of an injunction to restrain the provision of accommodation for the asylum seekers at the Hotel."

As the WSWS noted, there was nothing principled in the intervention of the Labour government. What prompted it was fear that their own anti-immigration plans—including to bar hotels from being used as accommodation by the end of this parliament in 2029—would be in disarray were ad hoc rulings in favour of councils such as Epping to prevail. Cooper's effort to have Epping Council's case dismissed was launched on the basis that the government was working to close hotels housing asylum seekers "as swiftly as possible", as part of an "orderly" programme.

Hours prior to the Court of Appeal ruling, Health Minister Stephen Kinnock told *Sky News*, "It's not a question of if we close the hotels, it's a question of when and how we close the hotels, and what we don't want to have is a disorderly discharge from every hotel in the country... we're taking a pragmatic approach to how we want to manage the process, not because we believe that the [Bell] hotel ... per se should stay open." Asked where asylum seekers would be sent if hotels were no longer used, Kinnock revealed, "We've got a whole range of options – disused warehouses, disused office blocks, disused military barracks."

In such an environment of maligning asylum seekers for decades by Labour and Tory governments, the far-right have been able to mobilise and have their demands for mass deportations made official policy of both parties.

The council could still be granted another injunction at a full High Court hearing in mid-October. The Court of

Appeal noted that it was perverse for the High Court "to have given very little weight to the desirability of preserving the status quo until that point... only some six weeks later..."

The ruling will do nothing to appease the far-right, the Tories, and Reform UK, and will allow the Labour government to continue its own attacks. Border Security and Asylum Minister Angela Eagle reiterated that the Home Office's appeal was to ensure hotels like the Bell could be "exited in a controlled and orderly way," saying Labour's managed hotel closure plan "avoids the chaos of recent years that saw 400 hotels open at a cost of £9m a day".

Conservative leader Kemi Badenoch said "This ruling is a setback, but it is not the end. I say to Conservative councils seeking similar injunctions against asylum hotels – KEEP GOING!"

Tory Shadow Justice Secretary Robert Jenrick, who has been touted as Badenoch's successor and attended a far-right demo outside the Bell, ranted, "There is no acceptable accommodation for illegal migrants... The government should be prioritising Brits in need and deporting every illegal migrant, as the last [Conservative] government should have done and I've argued for years." Denouncing the Court of Appeal decision he said, "Councils can and should still act to close hotels."

Reform UK leader Nigel Farage, who has made Britain leaving the ECHR a flagship policy of his far-right party, said the government "has used ECHR against the people of Epping" and "Illegal migrants have more rights than the British people under Starmer."

Summing up right-wing sentiment in a media broadly sympathetic to Farage, LBC host Nick Ferrari declared on his talk show of Labour's appeal, "How dare they? How bloody dare they?"



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