

ENGLAND AND WALES / JUDGMENT

Aldrich, R. v [2025] EWCA Crim 1415 (21 October 2025)

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Case No 2025/02576/A3

IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT ST ALBANS

(HIS HONOUR JUDGE JOHNSON) [41B21037623]

Royal Courts of Justice

Strand

London

WC2A 2LL

21 October 2025

B e f o r e :

THE VICE PRESIDENT OF THE COURT OF APPEAL CRIMINAL DIVISION

(Lord Justice Edis)

MR JUSTICE MARTIN SPENCER

MS JUSTICE NORTON DBE

REX

- v -

PERRY ALDRICH

Computer Aided Transcription of Epiq Europe Ltd,
Lower Ground Floor, 46 Chancery Lane, London WC2A 1JE
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk
(Official Shorthand Writers to the Court)

Mr J Milner appeared on behalf of the Appellant
Mr P Pride appeared on behalf of the Crown

HTML VERSION OF JUDGMENT

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LORD JUSTICE EDIS:

I shall ask Ms Justice Norton to give the judgment of the court.

MS JUSTICE NORTON:

The appellant, Perry Aldrich was charged on an indictment containing a single count of arson being reckless as to whether life was endangered. He pleaded not guilty, and the matter was set down for trial on 6 May 2025. On 2 May (four days before trial), the appellant entered a guilty plea on an amended indictment to an alternative count of arson. That plea was acceptable to the prosecution who offered no evidence on the more serious count in respect of which a not guilty verdict was entered pursuant to section 17 of the Criminal Justice Act 1967.

On 20 June 2025, in the Crown Court at St Albans, the appellant was sentenced to 28 months' imprisonment. He now appeals against that sentence with the leave of the single judge.

The facts are as follows. On 12 August 2022, a fire broke out at a residential block of flats on Balmoral Drive in Borehamwood. The appellant, who was the partner of one of the residents and who frequently stayed at the block, caused the fire when he lit a bonfire in the garden of one of the flats, that bonfire comprising the brush and foliage that he and his partner had been cutting back from a large hedge or bush in the garden of one of the flats. The resident whose garden it was said that she had wanted the hedge cut but had not asked the appellant to do so, and she said that nobody had permission to cut the hedge.

A witness, Katie Burchell, was a neighbour living in one of the flats in the block. She stated that on the day of the fire, unaware that they did not have permission to be in the garden, she lent the appellant and his partner some hedge cutters so that they could cut the hedge back. The

appellant trimmed the hedge and put the cuttings into piles. He asked if she had any barbecue lighters. It was a very hot day, and Ms Burchell responded by saying that he should not be setting light to anything because of how dry the conditions were. The appellant replied that he was going to burn the cuttings nonetheless and was going to go and buy some firelighters.

When he returned, Ms Burchell again remonstrated with him that he should not be making a fire, saying "Don't you watch the news? On the news it said not to have any fires or barbecues at all." The appellant's partner laughed, and the appellant went ahead and lit the bonfire anyway.

Another witness, Joanne Njuki, described noticing the fire in the mid-afternoon. She thought it looked as if it was getting out of control. The appellant told Ms Njuki, "It's okay, we're just burning some rubbish". At this point the fire spread to the hedge. Ms Njuki called the fire brigade, but, she said, the appellant and his partner remained standing there, watching the fire.

In the hot and dry conditions the fire spread rapidly to trees, then to a shed which contained a gas bottle for a barbecue, and then to the block of flats. Many residents were present in the flats at the time, but all were fortunately able to escape without injury.

When the police arrived the appellant told them that he and his partner had been cutting back the trees with an electric trimmer; that he went for a cigarette break, looked over and saw the neighbours' shed on fire. He blamed the neighbours for the fire, saying that they had petrol in the shed.

In interview under caution, the appellant said that his partner had called the council to ask for help in cutting the hedge, and the council had told her to cut the hedge themselves if they wanted to. This was not correct. No such permission had ever been given.

The appellant said that he had lit a small fire and made sure that it was in the middle of the garden, away from anything else that could burn. He again blamed a neighbour for the fire, claiming that the neighbour had been burning wood inside a plastic bin on top of some fake grass and had asked him for petrol to help with the burning of that wood, but that he had refused. This account was not true.

The expert fire report concluded that the origin of the fire was located in the garden, close to the boundary, and that the cause was the appellant setting fire to brush which then spread to the flats. Twelve fire engines had to be deployed to the scene. Extensive damage was caused to all 21 of the flats in the block, repairs to which cost in the region of three million pounds. Twenty households were made homeless, incurring nearly one million pounds in costs for re-housing.

Multiple victim impact statements were before the court. Many residents, some of whom were uninsured, lost all of their possessions in the fire or through subsequent looting. Pets were killed. Many residents, some of whom had pre-existing vulnerabilities, suffered mental trauma. At least one relationship broke down in the aftermath. One resident became suicidal and had to be sectioned. In short, both the financial and the human costs were immense.

At the time of the offence, the appellant was aged 26. He had two very minor previous convictions which were of some age and were not relevant to the sentencing exercise.

At an early stage of the proceedings those representing the appellant commissioned a psychiatric report to assess his fitness to plead. In the resulting report from a Dr Ghatak, dated 3 May 2024, it was noted that the appellant had delayed developmental milestones and had attended a special needs school. He had diagnoses of depression, ASD, ADHD and anxiety. He had a history of self-harming and there were suspicions that he may have psychosis, although this was not diagnosed. It was noted that he also had a diagnosis of learning difficulties, although no details had been provided to Dr Ghatak. He had been prescribed Sertraline (an antidepressant) and Promethazine (a sedative). Dr Ghatak considered that the appellant's understanding and information processing were impaired, and he further considered that, measured against the

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criteria, as a result of the appellant's learning disabilities, he was unfit to plead.

Two further psychiatric reports were obtained by the defence, as well as a psychologist's report. None of these reports was served on the court. In the event, the court was notified that the appellant was fit to plead, provided that he had the support of an intermediary. An intermediary assessment was duly carried out and an intermediary was granted.

The Sentencing Exercise

Having pleaded guilty to arson, sentence was adjourned for the preparation of a pre-sentence report. No additional reports were commissioned. There was no basis of plea.

A sentencing note was prepared by the prosecution, but not by the defence.

As noted, there were a very large number of victim personal statements in which former residents of the block described the effects upon them of losing their homes and possessions. In addition, there were letters to the judge from the appellant, his partner and his parents.

There are sentencing guidelines for arson. There was, and is, agreement that this was harm category 1. All factors within that category were present. In so far as culpability was concerned, the prosecution submitted that it was culpability B – that is, recklessness as to whether very serious damage to property or injury to persons would be caused.

The defence submitted that the case fell between categories B and C, as it was submitted that recklessness extended only to whether some damage to property would be caused and – and this was their central submission both on sentence at first instance and again before us today – it was argued that the appellant's responsibility was substantially reduced by his mental disorder or learning disability.

In passing sentence, the judge rejected the defence submission and found that this was a category B1 offence, which has a starting point of 18 months' custody, and a sentencing range of nine months to three years. He identified as an aggravating factor the lies told by the appellant which, he said, went further than a mere denial of the offence, but rather amounted to an active attempt to make somebody else take the blame. Moreover, he judged that the level of harm caused was such that it justified a sentence outside of the category range.

In respect of culpability and his approach to sentence, the judge said this:

"I have reflected carefully on how to categorise your culpability. In my judgment, you were plainly reckless as to whether very serious harm to property would be caused. On the other hand, whilst I accept your culpability is reduced by your mental health, I do not consider that to be so substantial as to make this a category C offence.

I have therefore concluded that the correct way to proceed is by categorising this as medium culpability harm category 1 which has a starting point of 18 months' imprisonment, with a range from nine months' imprisonment to three years' imprisonment, but making a significant downward adjustment thereafter for mental disorder or learning disability not taken into account at step one, being an identified factor reducing seriousness in the definitive guideline.

If it were not for what I know about your mental health I would have concluded that this is an offence where the extent of the harm is such as to justify a sentence outside the category range. Were it not for that factor the least possible sentence I consider I could have imposed after a trial would have been one of four years' imprisonment ..."

Having thereafter referred to the information available to him in Dr Ghatak's report about the appellant's mental health, the judge reflected that by reducing the notional sentence indicated of four years' imprisonment by 15 months to 33 months' imprisonment. He then applied a further reduction of 15 per cent for the appellant's guilty plea, to reach the final sentence of 28 months' imprisonment.

The Submissions

Mr Milner, who appears before us today but who did not represent the appellant at his sentencing hearing, submits that the sentencing judge fell into error in two respects as a result of which he argues that the sentence is manifestly excessive.

His primary submission is that the judge was wrong to assess the appellant's culpability as medium. He relies in this regard upon Dr Ghatak's report and the appellant's vulnerabilities as described within that report which, he argues in his written submissions and repeats before us today, should have read the judge to conclude that the appellant "plainly" did not have the usual foresight required for a proper finding that he was "reckless as to whether very serious harm to property would be caused". Rather he submits, even on the Crown's case, the appellant was acting in the moment and did not envisage the level of damage that would result. Consequently, he submits that the appellant's culpability should have been assessed as category C.

Secondly, Mr Milner submits that the judge was wrong to assess the lies told by the appellant to the police and thereafter about the cause of the fire as an aggravating factor. In this regard he relies upon

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and the reference therein to the Sentencing Council's general guideline overarching approach ("the general guideline") which provides:

"Where the investigation has been hindered and/or others have suffered as a result of being wrongly blamed by the offender, this will make the offence more serious. This factor will not be engaged where an offender has simply exercised his or her right not to assist the investigation or accept responsibility for the offending."

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it was made clear that where neither the course of the investigation, nor the progress of the trial was significantly impeded, and where any person wrongly blamed has not suffered as a result, then attempts to blame another should not be regarded as an aggravating factor. The same, Mr Milner submits, applies in the appellant's case.

Discussion

We deal first with the primary submission in respect of the appellant's culpability and the relevance of any learning disabilities or mental disorder. In our judgment, the judge cannot be criticised for the approach that he took. Section 232 of the Sentencing Code 2020 provides so far as relevant:

"

Additional requirements in case of offender suffering from mental disorder

- (1) This section applies where –
 - (a) the offender is or appears to be suffering from a mental disorder, and
 - (b) the court passes a custodial sentence other than one fixed by law.
- (2) Before passing the sentence, the court must obtain and consider a medical report unless, in the circumstances of the case, it considers that it is unnecessary to obtain a medical report.
- (3) Before passing the sentence, the court must consider –
 - (a) any information before it which relates to the offender's mental condition (whether given in a medical report, a pre-sentence report or otherwise), and

- (b) the likely effect of such a sentence on that condition and on any treatment which may be available for it."

The judge had available to him the report of Dr Ghatak and the pre-sentence report which referenced that report. In addition, he had an intermediary's report from Francesca Castellano. As previously noted, it is clear that two other psychiatric reports and a psychologist's report had been obtained by the defence for the purposes of determining whether the appellant was fit to plead. However, these reports were not disclosed and Mr Milner before us today does not submit that they should have been seen by the sentencing judge; nor does he ask us to see those reports.

Dr Ghatak's report, however, dealt only with the appellant's unfitness to plead. It did not deal with issues relating to culpability.

The author of the pre-sentence report concluded:

"In my assessment, the reasons for the current offence appear to have been poor problem solving and consequential thinking. [The appellant's] mental health and his drug use are considered a contributory factor in his decision making. On the face of it, the offence does not appear planned or premeditated."

The judge also had, however, photographs showing the very close proximity of the seat of the fire to the tree, a shed and indeed the block of flats, and unchallenged evidence from a witness and neighbour that the appellant had been warned in terms about the danger of lighting a fire, given the weather conditions, and which he deliberately disregarded. It was for the judge to determine on all of the evidence available to him the level of the appellant's culpability. Mr Milner concedes that the information before judge contained in Dr Ghatak's report and the pre-sentence report provided limited medical evidence about the impact of the appellant's mental disorder or learning disabilities on his culpability, but submits that the judge should have been able effectively to read into the information that was before him a lesser culpability than he in fact found.

In our judgment, the judge acted appropriately on the information that was available to him. He plainly took into account all of the material that was available to him in so far as it was relevant both to the appellant's mental state and to culpability. We consider that he was entitled on that evidence to reach the view that, whilst the appellant's culpability was reduced, it was not so substantially reduced as to justify the lowest category on the sentencing guidelines.

That the judge in fact clearly did have the appellant's disabilities and mental health firmly in mind as a mitigating feature is made clear by the very substantial reduction of nearly one third that he made from the notional starting point of four years' custody after trial.

We turn to the appellant's second ground of appeal. The prosecution, represented today as it was below by Mr Pride, agrees with the submissions made on the appellant's behalf that, in accordance with

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, notwithstanding the appellant's persistent attempts to blame another, that this should not be regarded as an aggravating factor where there were no adverse consequences either to the investigation or to a person accused by the appellant. However, although the judge stated that he found this to be an aggravating factor, it is unclear whether, and to what extent, he made any uplift to the sentence as a result. Rather, from his sentencing remarks, it is clear that it was the extreme level of harm that resulted from the appellant's actions that caused the judge to determine that a sentence outside of the sentencing range for a category 1B offence was required.

Conclusion

We turn, finally, to consider whether, stepping back, the final sentence reached of 28 months' imprisonment was manifestly excessive or wrong in principle. As stated, in our judgment the judge was entitled to reach the conclusion that the appellant's culpability was medium. There is no dispute that this was clearly a category 1 harm case. We have considered very carefully whether the extreme harm that resulted was of such a level that it justified a sentence after trial that would be outside the category range of nine months to three years' custody. In this case we have reached the conclusion that the judge was justified in doing so. The financial harm was immense, both to the owners of the building and to those who lived within it, most of whom lost all of their possession. But far more important than the financial cost was the human cost. Although by great fortune no human life was lost, the consequences of the fire were for many of those affected life-changing.

Whilst, therefore, undoubtedly a severe sentence, we cannot agree that it is one that is either manifestly excessive or wrong in principle.

Accordingly, this appeal against sentence is dismissed.

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