

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION**

BIRMINGHAM DISTRICT REGISTRY

BUSINESS AND PROPERTY COURTS



PT-2022-BHM-000037

Before : HHJ Rawlings

Dated: 19 April 2022

B E T W E E N:-

GLOUCESTER CITY COUNCIL

Claimant

-and-

(1) MR. JABUS SMITH

First Defendant

-and-

(2) PERSONS UNKNOWN (OWNERS/OCCUPIERS OF CARAVANS OR OTHER FORMS OF RESIDENTIAL OCCUPATION SITUATED ON THE LAND KNOWN AS AND SITUATED AT STAMPS MEADOW, LONGFORD, GLOUCESTER OR PERSONS UNDERTAKING OPERATIONAL DEVELOPMENT ON THE SAID LAND WITHOUT A LAWFUL PLANNING CONSENT)

Second Defendant

ORDER

PENAL NOTICE

IF YOU THE NAMED FIRST AND SECOND DEFENDANTS INTENDING TO DO ON THE LAND ANY OF THE OTHER ACTS SPECIFIED BELOW DO DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

THIS ORDER TAKES EFFECT IMMEDIATELY ON RECEIPT, WHETHER OR NOT SEALED BY THE COURT

IMPORTANT NOTICE TO THE FIRST AND SECOND DEFENDANT

1. This Order prohibits the First and Second Defendants (Persons Unknown) from doing the acts set out in this Order. You should read it very carefully. You are advised to consult a solicitor as soon as possible.
2. A “Person Unknown” as defined in this Order as owners/occupiers of caravans or other forms of residential occupation situated on the land known as and situated at Stamps Meadow, Longford, Gloucester or persons undertaking operational development on the said land without a lawful planning consent.
3. Electronic copies of the applications and evidence filed in these proceedings are available electronically at www.gloucester.gov.uk. Any person who is unable to obtain electronic copies of documents at that address, or who wishes to obtain hard copies of documents, should contact the Claimant’s solicitors using the contact details at the end of this Order.
4. If any person who is presently a Person Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim may apply to the Court to be so joined on 72 hours’ notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it).
5. You may apply to the Court for this Order to be varied or discharged. You must comply with this order unless it is varied or discharged by the Court

UPON HEARING Counsel, Mr. Steven Woolf for the Claimant and the First Defendant in person, the Second Defendant not attending nor being represented

AND UPON READING the Claim Form and Particulars of Claim and Application for an interim injunction order pending the final Part 8 Claim for an injunction order.

AND UPON READING the Witness Statements of Ms. Casey Derrett dated 7 April 2022, 13th April 2022 and 19 April 2022 listed at Schedule A

AND UPON CONSIDERING Section 222 of the Local Government Act 1972, Section 187B of the Town and Country Planning Act 1990 and section 27 of the Police and Justice Act 2006

AND UPON Notice of this hearing having been notified to the First Defendant by serving him with the Application Notice, Order dated 12 April 2022, Claim Form, Particulars of Claim and witness statement of Casey Derrett by What's App communication.

AND UPON Notice of this hearing having been notified to the Second Defendant by serving the Application Notice, Order for Alternative Service dated 12 April 2022, Claim Form, Particulars of Claim and witness statement of Casey Derrett at Stamps Meadow, Longford, Gloucester and making a copy of the paperwork available at the front desk of the Claimant's offices and at the offices of the Gypsy Traveller Liaison Offices at Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GR1 2TG

AND UPON the First Defendant undertaking to the court to apply for planning permission to graze horses and / or goats and sheep on the Land by 4.00pm on 19 July 2022, but in the event that no such application for planning permission is made by that date and time or is made, but refused, he will remove all piping and equipment for the connection of water from the mains water supply to the Land and any other equipment for the provision of water facilities on the Land by: (a) 4.00pm on 19 July 2022 if no such application is made by that date and time; or (b) within 7 days of his application for planning permission being refused.

IT IS ORDERED

THAT THE FIRST DEFENDANT :

1. Shall not, in relation to Land known as Stamps Meadow, Longford, Gloucester, registered at HM Land Registry under Title Number GR60696 as shown edged in red on the attached plan at annex 1, whether by himself or by instructing, encouraging or permitting any other person, use the Land or carry out works to the Land, in any of the following ways:
 - (a) bringing onto the Land any hardcore nor bring onto the Land any other material for the preparation of hard surfaces;
 - (b) installing or connecting on the Land any further services including running water, electricity or sewage connections for the purposes of facilitating the use of the Land for human habitation or residential occupation or otherwise carrying

out works to the land associated with or in preparation for its use for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or otherwise in breach of planning control;

- (c) bringing onto Land or any part thereof or keeping on the Land any plant or machinery used or capable of being used for the removal of trees and the development of the land as a gypsy travellers' site or for any other purpose relating to the development of the Land;
- (d) bringing onto the Land any caravans, mobile homes, motor homes, portable homes or similar accommodation;
- (e) stationing on the Land any caravans, mobile homes, motor homes, temporary structures or similar accommodation for the purposes of human habitation or residential occupation or for any other purpose in breach of planning control;
- (f) bringing onto the Land any portable structures including portable toilets or any other items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;
- (g) constructing any building or any residential accommodation on the Land;

IT IS ORDERED

THAT THE SECOND DEFENDANT

2. Shall not, in relation to Land known as Stamps Meadow, Longford, Gloucester, registered at HM Land Registry under Title Number GR60696 as shown edged in red on the attached plan at annex 1, by themselves or by instructing, encouraging or permitting any other person, use the Land or carry out works to the Land, in any of the following ways:
 - (a) bringing onto the Land any hardcore nor bring onto the Land any other material for the preparation of hard surfaces;
 - (b) installing or connecting on the Land any further services including running water, electricity or sewage connections for the purposes of facilitating the use of the Land for human habitation or residential occupation or otherwise carrying out works to the land associated with or in preparation for its use for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or otherwise in breach of planning control;
 - (c) bringing onto Land or any part thereof or keeping on the Land any plant or machinery used or capable of being used for the removal of trees and the development of the land as a gypsy travellers' site or for any other purpose relating to the development of the Land;

- (d) bringing onto the Land any caravans, mobile homes, motor homes, portable homes or similar accommodation;
 - (e) stationing on the Land any caravans, mobile homes, motor homes, temporary structures or similar accommodation for the purposes of human habitation or residential occupation or for any other purpose in breach of planning control;
 - (f) bringing onto the Land any portable structures including portable toilets or any other items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;
 - (g) constructing any building or any residential accommodation on the Land;
3. The Claimant has permission to serve a copy of this Order on the First Defendant personally at 35 The Willows Caravan Site, Sandhurst, Gloucester, GL2 9NB or by the alternative method and alternative place for service; namely by What's App message to the same mobile telephone number as the Claimant used for serving the Application Notice, Claim Form, Particulars of Claim, witness statement of Casey Derrett and Interim Order dated 12 April 20
4. The Claimant has permission to serve this Injunction Order on the Second Defendant, by the alternative method and alternative place for service on the Second Defendant namely by :
- (a) affixing a copy of this Order in transparent envelope in a prominent position on a post or on a gate at the entrance to the Land known as and situated at Stamps Meadow, Longford, Gloucester;
 - (b) making a copy of this Order available at the front desk of the Claimant's offices;
 - (c) making a copy of this Order available to the Gypsy Traveller Liaison Offices at Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GR1 2TG
6. The taking of such steps shall be good and sufficient service of this Order on the First and Second Defendant.

7. No order as to Costs

GUIDANCE NOTES

EFFECT OF THIS ORDER

8. A Defendant who is an individual who is ordered not to do something must not do it him or herself or in any other way nor must he/she do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.

VARIATION OR DISCHARGE OF THIS ORDER

9. The Defendants (or anyone notified of this Order) may apply to the Court on 48 hours written notice to the Claimant's legal representatives to vary or discharge this Order (or so much of it as affects that person), except that the hours between 5pm on any Friday and 9am on any Monday cannot be counted as part of the 48 hour notice period. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Claimant's legal representatives in advance.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

10. It is Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his/her assets seized.

UNDERTAKINGS

- (a) The Claimant will serve a copy of this Order on the First Defendant in the manner set out in paragraph 3 of this order.
- (b) The Claimant will serve a copy of this Order on the Second Defendant in the manner set out in paragraph 5 of this order.

COMMUNICATIONS WITH THE COURT AND THE CLAIMANT'S SOLICITORS

All communications with the Court about this Order should be sent to High Court of Justice, Chancery Division, Birmingham Civil Justice Centre (Priory Courts), 33 Bull Street, Birmingham, West Midlands, B4 6JX

All communications with the Claimant's Solicitors to be

Address: One Legal, Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury, GL20 5TT

Tel No. 01684 - 272694

E-mail: Rachael.Baldwin@onelegal.org.uk

APPENDIX A

SCHEDULE OF WITNESS STATEMENTS

- (1) Witness Statement of Casey Derrett dated 7th April 2022
- (2) Witness Statement of Casey Derrett dated 13 April 2022
- (3) Witness Statement of Casey Derrett dated 19 April 2022

ANNEX 1