



Claim Form (CPR Part 8)

In the

**HIGH COURT OF JUSTICE
CHANCERY DIVISION**

**BIRMINGHAM DISTRICT REGISTRY
BUSINESS AND PROPERTY COURTS**



PT-2022-BHM-000037

	<i>for court use only</i>
Claim No.	
Fee Account No.	
Help with Fees Ref No. (if applicable)	HWF-□□□-□□□

Claimant
GLOUCESTER CITY COUNCIL



Defendant(s)

(1) MR. JABUS SMITH

(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)

Does your claim include any issues under the Human Rights Act 1998 Yes No

Details of claim (see also overleaf)

The Claimant's claim is made in reliance upon Section 187B Town and Country Planning Act 1990 as it seeks to restrain the actions of the Defendants who are actually carrying out steps in breach of Planning Control

Defendant's
name and
address

**(1) MR. JABUS SMITH
(2) PERSONS UNKNOWN (as
described in the Heading)**

£

Court Fee	
Legal representative's costs	
Issue Date	

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Details of claim (continued)

1. The Claimant, is the responsible planning authority for the City of Gloucester. By this Claim, the Claimant seeks an interim and final injunction pursuant to section 187B of the Town and Country Planning Act 1990 in the form of the relief set out hereunder.
2. The First Defendant is the registered proprietor of the land known as and situated at Stamps Meadow, Longford, Gloucester, registered at HM Land Registry under Title No. GR60696 (“the Land”).
3. The Second Defendant is intended to cover all those persons unknown who may bring onto the Land materials for the development of the Land for the purposes of residential accommodation and who may be occupying the Land with caravans or other forms of residential occupation and carrying operations for the development of the Land without any lawful planning consent.
4. The land was purchased by the First Defendant on the 17 February 2020 and since this time the land has slowly been cleared and fencing erected around the site, to enclose it to the front.
5. In February 2022 it was reported by residents, and photographs supplied that a water supply had been connected to the Land.
6. The Land does not have any planning consent for any use. It follows that any intended use for occupation as a residential site would be in breach of planning control.
7. The First Defendant was requested to remove the water supply from the Land and confirm that neither he nor anyone he is associated with intended should carry out any further development work on the Land, but the First Defendant has failed to do so.
8. The First Defendant was also advised that he should remove from the Land because the activities were in breach of planning control.
9. The First Defendant in a telephone conversation with the Claimant’s legal Representative asserted that the connection to the water supply was for goats and sheep that he intended to graze on the Land.
10. The Claimant does not accept that the sole intention of the First Defendant is to graze goats and sheep.
11. The Claimant has reason to believe that there is a real and imminent risk that the First and Second Defendants will attend onto the Land and develop it for residential purposes without having obtained permission to do so from the Local Planning Authority.

12. By reason of the matters aforesaid, the Claimant seeks an injunction to restrain the activities of the Defendants and an injunction ordering the Defendants to remove the water supply on the Land and any other building materials from the Land;
13. The Claimant relies upon its entitlement to bring these proceedings and apply for an injunction by virtue of Section 187B(1) of the Town and Country Planning Act 1990 because it maintains that there has been an actual breach of planning control.
14. Further, the Claimant seeks a prohibitory injunction.
15. The following is the wording of the injunction Order that the Claimant seeks by way of interim and final relief.

A mandatory injunction in relation to the 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, requiring the First and Second Defendants to:

- (a) remove all equipment for the provision of water facilities to support the use by caravans, mobile homes, motor homes, portable structures or similar accommodation for the purposes of human habitation or residential occupation or for any other purpose in breach of planning control;

A prohibitory injunction 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, requiring the First and Second Defendants, whether by themselves or by instructing, encouraging or permitting any other person, must not use the Land in breach of planning control, or carry out works to the Land in breach of planning control, and in particular, must:

- (a) not bring onto the Land any more hardcore nor bring onto the Land any other material for the preparation of hard surfaces;
- (b) not install or connect 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 carry 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) not undertake any further development of the Land as defined by section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission from the Claimant or, on appeal, from the Secretary of State;
- (d) not bring onto Land or any part thereof or keep 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 gypsy travellers' site or for any other purpose relating to the development of the Land;
- (e) not bring onto the Land any caravans, mobile homes, motor homes, portable homes or similar accommodation;

- (f) not station 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;
- (g) not bring 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;

16. In the premises the Claimant, in its capacity as the Planning Authority seeks the relief sought against the Defendants in the terms of the injunctions set out above.

Statement of Truth

* (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full Name Shahzia Daya

Name of claimant's legal representative's firm LEGAL SERVICES ,

Signed _____



(Claimant's solicitor)

_____ position or office held Director
(if signing on behalf of firm or company)

**delete as appropriate*

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Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.