

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

**BIRMINGHAM DISTRICT REGISTRY  
BUSINESS AND PROPERTY COURTS**

**Before: His Honour Judge Rawlings**

**Dated: 12 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**

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**MINUTE OF ORDER**

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PT-2022-BHM-000037

## PENAL NOTICE

**IF YOU THE NAMED FIRST DEFENDANT 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 DEFENDANT

1. This Order prohibits you the First Defendant 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. Electronic copies of the applications and evidence filed in these proceedings are available electronically at [www.gloucester.gov.uk](http://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.
3. A further hearing in these proceedings will take place in the Birmingham District Registry, Business & Property Courts, Birmingham Civil Justice Centre, Temple Court, 33 Bull Street, Birmingham at 2.00pm on the 19 April 2022 with a time estimate of 2 hours. The Notice of Hearing will be attached in prominent positions on the fence or gates at the Land at Stamps Meadow, Longford, Gloucester and on the Claimant's website. Any person interested in attending the Hearing should therefore monitor the website.
4. You may apply to the Court for this Order to be varied or discharged. You must Order unless it is varied or discharged by the Court

### **IT IS ORDERED AS FOLLOWS:**

**UPON HEARING** Counsel, Mr. Steven Woolf for the Claimant and neither the First or Second Defendant attending or 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 Statement of Ms. Casey Derrett dated 7 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, Draft Order, Claim Form, Particulars of Claim and witness statement of Casey Derrett by What's App communication.

### **THE INJUNCTION**

**IT IS ORDERED THAT THE FIRST DEFENDANT UNTIL THE RETURN DAY OR FURTHER ORDER:**

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 ("the Land"), whether by himself or by instructing, encouraging or permitting any other person, use the Land or carry out works to the Land:
  - (a) not to bring onto the Land any 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 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;
  - (d) not bring onto the Land any caravans, mobile homes, motor homes, portable homes or similar accommodation;
  - (e) 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;

- (f) 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;
  - (g) not construct 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 of What's App message to the same mobile telephone number as the Claimant used for serving the Application Notice, Draft Order, Claim Form, Particulars of Claim and witness statement of Casey Derrett.
  4. The taking of such steps shall be good and sufficient service of this Order on the First Defendant.
  5. The costs of this application be reserved.

## **GUIDANCE NOTES**

### **EFFECT OF THIS ORDER**

6. 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**

7. The Defendant (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 DEFENDANT**

8. 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**

The Claimant will serve a copy of this Order in a transparent waterproof envelope or laminated copy in the manner provided for at paragraph 3(a) herein .

The Claimant will place a copy of this Order together with the evidence served in support and the Part 8 Claim Form on the Claimant's website.

## **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](mailto:Rachael.Baldwin@onelegal.org.uk)

APPENDIX A

SCHEDULE OF WITNESS STATEMENTS

- (1) Witness Statement of Casey Derrett dated 7<sup>th</sup> April 2022