

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2018-000383

QUEEN'S BENCH DIVISION

BEFORE LEIGH ANN MULCAHY QC
(sitting as a Deputy Judge of the High Court)

IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND

BETWEEN:

EPSOM & EWELL BOROUGH COUNCIL

Claimant

-and-



(1) PERSONS UNKNOWN OCCUPYING THE LAND AS PART OF AN
ENCAMPMENT OF TEN (10) VEHICLES OR MORE

(2) PERSONS UNKNOWN DEPOSITING WASTE AND FLY-TIPPING ON THE LAND
(as defined in this Order)

Defendants

ORDER

UPON hearing MR S. Woolf of Counsel on behalf of the claimant;

AND UPON the court treating the hearing as the trial of the part 8 claim;

AND UPON reading the witness statements listed at appendix a to this order;

AND UPON the court adding a penal notice to the order as set out below

PENAL NOTICE

IF YOU (1) PERSONS UNKNOWN OCCUPYING THE LAND AS PART OF AN ENCAMPMENT OF TEN (10) VEHICLES OR MORE AND (2) PERSONS UNKNOWN DEPOSITING WASTE AND / OR FLY-TIPPING 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.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS PERSONS UNKNOWN OCCUPYING THE LAND TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IT IS ORDERED THAT:

1. There be judgment for the Claimant on the Part 8 Claim for an injunction in the terms set out below;
2. The First and Second Defendants as (1) Persons Unknown Occupying the Land as part of an Encampment of ten (10) vehicles or more and (2) Persons Unknown Depositing Waste and Fly-tipping on the Land (as defined in this Order) are forbidden, until midnight on 15 May 2022, from:
 - (1) Setting-up an encampment of ten (10) vehicles or more on any Land identified on the attached Map on the 57 sites listed, without written permission from the Local Planning Authority, or planning permission granted by a planning inspector;
 - (2) Occupying any part of the Land for residential purposes (temporary or otherwise) identified on the attached Map on the 57 sites listed with ten (10) vehicles or more, including caravans, mobile homes, vehicles, and residential paraphernalia without written permission from the Local Planning Authority, or planning permission granted by a planning inspector;
 - (3) Bringing on to the Land identified on the attached Map on the 57 sites listed, any vehicle for the purposes of disposal of waste and materials and / or fly-tipping, other than when driving through the Borough of Epsom & Ewell or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
 - (4) In this Order:
 - (a) "Land" means all the Land within Epsom & Ewell Borough Council identified on the attached Map.
 - (b) "Occupying" means remaining in for the purposes of treating as a place of residence or as a dwelling;

- (c) “Encampment” means a place of temporary shelter for the purposes of accommodation.
- (5) The prohibition set out at paragraphs 2 (1) and (2) herein is not to apply to travelling showmen carrying out the activities provided for under Paragraph 10 of Schedule 1 to the Caravan Sites and Control of Development Act (CSCDA 1960)

GUIDANCE NOTES

Effect of this Order

- (6) A Person Unknown Occupying the Land as part of an encampment of ten (10) vehicles or more or a Person Unknown Depositing Waste and / or Fly-tipping on the Land (as defined in this Order) who is an individual who is ordered not to do something must not do it him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.
- (7) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

Effect of this Order

- (8) It is a 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 assets seized.

UNDERTAKINGS

- (9) The Claimant will serve a copy of this Order in a transparent waterproof envelope or laminated copy or on waterproof paper in a prominent position at all the entrances to the Land on each of the 57 sites marked on the attached Map with a notice that a copy of the supporting evidence can be obtained from the Town Hall, The Parade, Epsom, Surrey, KT18 5BY
- (10) 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

- (11) All communications to the Court about this Order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010)

APPENDIX A

1. Witness Statement of Ms. Louise Mathie dated 5th December 2018
 2. Witness Statement of Mr. Ian Dyer dated 5th December 2018
 3. Witness Statement of Mr. Julian Rozario dated 7th February 2019
 4. Witness Statement of Mr. Clive Moore dated 5th March 2019
 5. Witness Statement of Mr. Robert Moran dated 5th March 2019
 6. Witness Statement of Mr. Clive Moore dated 13th March 2019
 7. Witness Statement of Mr. Timothy Weston dated 12th March 2019
 8. Witness Statement of Mark Seymour dated 15th April 2019
 9. Witness Statement of Mr. Clive Moore dated 9th May 2019
3. Service of this Order shall be deemed served pursuant to CPR 6.27 by affixing a copy of this Order as opposed to an original contained in a transparent waterproof envelope in a prominent position at each of the entrances to the Land identified on each of the 57 sites as marked on the Map attached.
4. No order as to Costs.

Dated 20th May 2019