

Council Employed Solicitor
Castle House
Barracks Road
Newcastle-under-lyme
Newcastle
ST5 1BL

BOROUGH OF NEWCASTLE U LYME DIRECTORATE - RESOURCES		
23 JUN 2020		
PASSED TO	CONFER WITH	CIRC TO

General Form of Judgment or Order

In the High Court of Justice
Queen's Bench Division
Birmingham
District Registry

Claim Number G90BM089

Date 22 June 2020



NEWCASTLE UNDER LYME BOROUGH COUNCIL	1 st Claimant Ref
MARK JAMES LEE	1 st Defendant Ref
CHALEENE FURY	2 nd Defendant Ref
THOMAS JAMES CLEE	3 rd Defendant Ref
DAWN MELODY WILSON	4 th Defendant Ref
PERSONS UNKNOWN	5 th Defendant Ref

YOU MUST NOT BRING ANY CARAVAN OR MOBILE HOME ON TO THIS LAND

IF YOU 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 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.

Before Her Honour Judge Stacey sitting as a Judge of the High Court on 22 June 2020

UPON hearing Counsel for the claimant and reading the evidence in support of the application by telephone

UPON the Court being satisfied that the Defendants have been properly served with the proceedings and have been made aware of this hearing and how to participate but have not attended the hearing or filed any evidence

UPON the Court concluding that there shall be forbearance of further enforcement at this stage in exchange for abridging the period of time for the Defendants to lodge an appeal to the Planning Inspectorate

The court office at Birmingham District Registry, Civil Justice Centre, The Priory Courts, 33 Bull Street, Birmingham, B4 6DS. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 0121 681 4441. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

IT IS ORDERED:

1. Until 22 June 2023, the Defendants shall not (whether by themselves or encouraging or allowing another) undertake any further development on the Land as defined by section 55 of the Town and Country Planning Act without the grant of planning permission or the written consent of the Claimant's solicitor. The Defendants are forbidden from stationing any more caravans/mobile homes on the Land, erecting any structure/building, importing or depositing any material (including hardcore) or excavating/digging up the Land. For the avoidance of doubt, if a caravan is removed from the Land it cannot be replaced with a different one. The extent of the status quo is particularised in the Schedule attached to this order.
2. For the avoidance of doubt, if a person claims that they were unaware of the terms of this order when they breached it, they must remove the caravans/mobile homes and vacate the Land within 4 hours of being informed of the terms of the order. Otherwise, they shall be in contempt of Court.
3. The Land referred to in this order is the Land known as the Blackbrook Nursery, Newcastle Road as delineated in red on the attached plan.
4. In the event that the planning application in respect of the Land submitted by and on behalf of the first four Defendants is refused by the Claimant and they wish to appeal, they shall lodge an appeal with the Planning Inspectorate within 28 days of the refusal notice
5. To effect service the Claimant shall:
 - a) Personally serve each of the named Defendants with a copy of this order;
 - b) Use best endeavours to attach a copy of the order to each of the caravans presently on the Land;
 - c) Display a copy of the order on its website; and
 - d) Affix a copy of it contained in a transparent waterproof envelope in a prominent position at the entrance to the Land so that it comes to the attention of any visitors. The Claimant shall undertake quarterly checks (and replacement if necessary) to ensure that the order remains affixed and legible at the entrance to the Land.
6. In the event that the first four Defendants decide to sell or lease the Land, they shall provide a legible copy of this Order to the proposed tenant/purchaser prior to the exchange of contract. Following the exchange of contract, the first four Defendants shall provide the name(s) and contact details of the new tenant/owner to the Claimant's solicitor within 48 hours of the sale/tenancy.
7. The matter is adjourned generally with liberty to restore. Once any appeal to the Planning Inspectorate has been concluded, the Claimant may restore the claim upon 7 days notice. In the event that the planning appeal is not lodged or is dismissed, the Claimant may apply for a mandatory order requiring eviction.
8. The first four Defendants shall pay the Claimant's costs of the application summarily assessed in the sum of £4,313 by 6 July 2020 (comprising Counsel's fee of £2,250, solicitor costs of £1,280 and Court fees of £783).

SCHEDULE

The status quo on the Land, set out in full in the statement of Elaine Moulton dated 28 May 2020 and served in these proceedings is summarised as follows:

- a) The top soil has been scraped to level the plot and some retained / embanked on the Land for the purposes of screening and a noise reduction.
- b) Approximately 500 tonnes of hard core (mainly quarried stone) has been imported to the Land.
- c) Existing buildings have been retained
- d) The line of original track on the Land has been graded and widened using some of the imported hard core.
- e) The imported hard core has been used to create hard standing for caravans and vehicles
- f) The following vehicles are on the Land: 2 park home-style mobile homes (approximately 20m (65.6') x 6.8 m (22.3')); 6 touring caravans; 4 wooden sheds each containing a toilet and wash hand basin; a shipping container; various other Vehicles and Plant/Machinery
- g) 4 Portaloos connected to a cesspit
- h) A 2m high fence had been erected enclosing the part of the Land comprised of the hard standing.

Dated 22 June 2020