



Claim Form (CPR Part 8)

In the Nottingham County Court	
Claim no.	
Fee Account no.	
Help with Fees - Ref no. (if applicable)	H W F - [] [] [] - [] [] []

Claimant

Ashfield District Council
 Ashfield District Council Offices
 Urban Road
 Kirkby-In-Ashfield
 NG17 8DA



Defendant(s)

- (1) Mr John Price
- (2) Mr Ian Cox
- (3) Persons unknown carrying out development at the site as defined by section 55 of Town and County Planning Act 1990 (including the bringing on caravans/mobiles homes for residential use).

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

Details of claim (see also overleaf)

** The Court is invited to list the matter without notice, remotely, with a time estimate of 20 minutes **

1. The claimant is the Local Planning Authority. It seeks an injunction to restrain unlawful activity at the land adjacent Woodend, Chesterfield Road, Huthwaite, Sutton-In-Ashfield, NG17 2QJ (the site). The lawful use of the site is agriculture. The 2nd defendant holds the legal title but it is suspected that the site has been sold to 1st defendant who owns/has control of the site.

2. On the 15th May 2022 an application for planning permission was received by the claimant via a planning agent Mr Martyn Winfield (the application). The 2nd defendant is named as the applicant, but no address is listed for him. The application is for change of use from paddocks/stables to residential for static caravans and associated parking of touring and domestic vehicles for use by one family group only (no transient parking plots), plus utility blocks . The requisite application fee has not been paid. On the 18 May 2022 the claimant issued a temporary stop notice (the notice). This requires the activity of developing the site for the siting of static and touring mobile homes and construction of stables, hard services and utilities to cease. Upon serving the notice it was apparent that unlawful activity was underway: hardcore was being delivered to the site and there have been further reports of more hardcore since having been delivered. The notice was posted on site to all caravans and on Mr Winfield. The 1st defendant was on site and threatened the claimant s officer. It is believed that he bid for the site when it was sold at auction. It is suspected that he is the true site owner.

Defendant's name and address

- (1) 22 Back Lane, Huthwaite, NG17 2LL
- (2) 54, Linden Rd. Creswell, Worksop.S80 4JJ.
- (3) Land adjacent to Woodend Public House, Chesterfield Road, Huthwaite, NG17 2QL.

	£
Court fee	£332
Legal representative's costs	to be confirmed
Issue date	

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When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Details of claim (continued)

3. On the 20 May 2022 the claimant served a planning contravention notice to get to the bottom of who owns and controls the site.
4. On the 23 May 2022 it was reported that hauliers were delivering stone to the site and this had been happening over the weekend. It was reported that a number of concrete mixers were brought on the site over the weekend, which were used to provide concrete platforms for two septic tanks.
5. What has gone on in recent weeks requires the grant of planning permission which has not been obtained. It remains unlawful and harmful. There is a significant risk of further breaches of planning control. It is suspected that the defendants are in the process of setting up an unlawful gypsy traveller site: the works undertaken to date appear to be preparatory works to facilitate that aim. It is submitted that it is just, expedient and proportionate for the Court to grant an interim order to maintain the status quo and prevent any further breaches of planning control. Thereafter, once the planning merits of the unauthorised development have been determined, the claimant may seek mandatory relief to require the defendants to remedy what has been done unlawfully.
6. The application is made, in the first instance, without notice on the grounds of urgency and secrecy. In particular, the claimant is concerned that should notice be given (the PD requires 21 days) the defendants may be tempted to expedite the works until such a time as the hearing takes place and/or having been informed of the claim make themselves scarce to avoid service of the injunction and thereby frustrate the operation of the Court's order.
7. The 3rd defendant has been added as the claimant is concerned that the site may be sold, leased or occupied by other people unknown to it.
8. The Court is reminded of its powers under 187B of the Town and Country Planning Act 1990:
 - (1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.
 - (2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.
 - (3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.
 - (4) In this section the court means the High Court or the County Court.
9. The claimant seeks:
 - (i) Injunctive relief;
 - (ii) Costs;
 - (iii) Any other order the Court sees fit.

Ashfield District Council Legal Services
Ashfield District Council Offices
Urban Road
Kirkby-In-Ashfield
NG17 8DA


Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in these particulars of claim are true.
- The Claimant believes** that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature



- Claimant
- Litigation friend (where claimant is a child or a Protected Party)
- Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day Month Year

05	07	2022
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Full name

Ruth Dennis, Ashfield District Council

Name of claimant's legal representative's firm

Ashfield Legal Services

If signing on behalf of firm or company give position or office held

Director of Legal and Governance (Monitoring Officer)

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