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Witness Statement: Stuart
Richardson
Filed on behalf of the Claimant
Ashfield District Council
Dated: 14th September 2026
Witness Statement: 3
Exhibits: 36

IN THE NOTTINGHAM COUNTY COURT CLAIM NO N00MF348

BETWEEN

ASHFIELD DISTRICT COUNCIL Claimant

- And -

[1] MR JOHN PRICE
[2] MR ADRIAN MICHAEL COX
[3] MR ARRAM THOMAS PRICE
[4] MR ACER PRICE
[5] PERSONS UNKNOWN RESIDENTIALLY OCCUPYING THE
SITE AND/OR CARRYING OUT DEVELOPMENT AS DEFINED BY SECTION
55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AT THE SITE
land to the east of Woodend Public House off Chesterfield Road, Huthwaite,
Nottingham
NG17 2QJ

WITNESS STATEMENT OF STUART RICHARDSON

1. I Stuart Richardson, Senior Compliance and Enforcement Officer (Consultant), employed by Sapphire DNP Limited working on behalf of Ashfield District Council ("the Claimant") based at Urban Road, Kirkby In Ashfield, make this statement in addition to my statement of 03rd August 2026 will say as follows:
2. In so far as the content of this statement is within my own personal knowledge it is true and in so far as it is not within my personal knowledge it is true to the best of my knowledge, information and belief.
3. In relation to service on the 5th defendant, "persons unknown", I sent a request to the council's web content team requesting copies of interim injunction granted before DJ Wylie and notice of the hearing on 22nd September 2026 to be displayed on the council's planning page as soon as

possible. The documents have been displayed on the council's website as of the morning of 10th September 2026 on the council's planning enforcement register webpage, alongside the "old" injunction documents relating to this site and the injunction bundle in relation to the most recent hearing on 05th August 2026 before DJ Wylie. I attach an image showing the page in question which is produced and shown marked as Exhibit SR27.

4. In addition to the above I also sent a request to the council's corporate communications team on 09th September 2026 asking that an article be produced to appear on the council's homepage drawing attention to persons unknown regarding the interim injunction granted and notification of the hearing of 22nd September 2026. An image is produced showing the page in question marked at Exhibit SR28 showing that the article has been displayed from 11th September 2026.

5. **Ownership of different parcels of land and selection of named defendants**

6. In support of an injunction to seek mandatory relief following the granting of an interim injunction for prohibitive relief I would like to further outline the position in respect of land ownership across the different parcels of land on site and why each named defendants have been selected and I would start with the "existing site".
7. The land registry title produced at Exhibit SR6 identifies Adrian Michael Cox of 54 Linden Road, Creswell, Worksop as being the registered owner of the land and I now produce a copy of the land registry plan at Exhibit SR29 which clearly denotes the land within his ownership. In respect of the "existing land", the council is seeking mandatory relief against the named defendants, requiring them to "shrink" the existing site back to 3 pitches which, would continue to be both unauthorised and illegal until such time it was formalised by way of a further planning permission or the use was to cease. As outlined in my statement of 08th July 2026, the council would be within its rights to seek mandatory relief against requiring the whole use to cease and removal of all development connected with it having regard to the planning inspector's decision and conditions attached to it in "Appeal B".

8. In respect of the “land to the north”, this is the area of land referred to in my statement of 8th July 2026 that has been expanded onto from the “existing site” including the depositing of hardcore and stationing of caravans for residential use and erection of fencing etc. This land has not been the subject of any previous enforcement action or covered by any previous planning decision. As outlined in my statement of 8th July 2026 a land registry search was undertaken on 23rd April 2026 which identified John Tyson Price and Arram Thomas Price as being the registered owners of the land as of 12th May 2025. A copy of that land registry title and plan is produced and shown marked at Exhibit SR30. In respect of this land the council is seeking mandatory relief against John Tyson Price and Arram Thomas Price as landowners to cease the unauthorised residential use of the land in its totality and removal of all associated caravans and development. No planning permission has been granted, and it is the council’s informal opinion that an application to “retain” the traveller site as it stands today would be unlikely to gain planning permission having regard to the material planning considerations at hand and that the planning inspector previously only found a 3 pitch site on the “existing site” to be acceptable. As previously outlined the development as it stands today is far removed from what the inspector found to be acceptable. Further evidence in respect of planning harm is provided within the witness statement of Daniel Power.
9. With regard to the “land to the south” this is land immediately to the rear of the two bungalows which adjoin the site called ‘Clovelly’ and ‘Springwood’. In respect of Clovelly, this is the land referred to in my statement of 08th July 2026 where the temporary stop notice was served in September 2025. A land registry search was carried out on 03rd October 2025 which identified a Mr Carr Smith as being the registered landowner which is produced and shown marked as Exhibit SR31. The land in question forms part and parcel of the continued unauthorised and illegal residential occupation of the land as it was previously included within the enforcement notice served in March 2023. However, the council received an email on 16th February 2026 from Mr Smith’s solicitor, a summary of which states that they were confused as to why they had received the temporary stop notice in 2025, that Mr Smith

does not reside at the property at present due to ill health, and that Mr Smith had neither carried out nor instructed any of the works carried out on his land which the occupants/owners of the traveller site are refusing to put the land back as it was. It is on this basis that the council has elected not to pursue Mr Smith as a defendant given that it appears he has neither permitted or caused to be carried out any of the breaches of planning control of land within his ownership and would have no power to comply with other elements of the mandatory order sought if he was included.

10. I have produced further plan which is shown at Exhibit SR32 to demonstrate how the different parcels of land are linked with landownership and how they are related to the previous planning and enforcement notice appeals and temporary stop notice.
11. This land was covered by the enforcement notice served in 2023 but was not included within the red line of the planning application site boundary. The council commissioned a drone survey which was carried out on our behalf on 08th August 2026, it appears the land in question is currently being used to park commercial vehicles and the storage of waste and scrap. I attach a copy of a drone survey image taken on our behalf which is produced and shown throughout images of the whole site at Exhibit SR33 below.
12. In respect of the drone survey carried out on the council's behalf on 08th August 2026, I attach a number of images shown and marked as Exhibit SR33. It appears that there are a minimum of 10 plots, including 8 static caravans, 20 touring caravans, personal and commercial vehicles, hardstanding and other associated development and paraphernalia, none of which has the benefit of planning permission. It came to my attention 08th September 2026 that a retrospective application had been submitted for a 14-pitch traveller site but which was currently invalid and I will further address these points below.
13. With regard to the selection of Acer Price as a named defendant, whilst he does not have a legal interest in any of the land as a registered landowner, he is a known occupier of the land and therefore has been responsible for the carrying out of a portion of the breaches of planning control in respect

of his occupation of the land. In addition, whilst carrying out online research on 8th July 2026 I noted that Acer Price had placed an advert on a community Facebook page seeking for someone to carry out works on his plot and identified himself as living on this site and he was then included on the proposed order.

14. Fresh planning application received and information relating to occupants of the site and implications on Article 8 HRA issues, PSED & Equality Impact Assessment

15. On Tuesday 8th September 2026 I was made aware than an application had been submitted under reference V/2026/0572 for a 14 pitch traveller site for one family group had been submitted by an agent, Mr Martyn Winfield, on behalf of John & Arram Price. I was asked by the councils planning administration team to assist in the initial validation given my knowledge of the site. I attach a copy of the planning application and associated documents submitted which is produced and shown marked as Exhibit SR34.

16. It appeared to me that the documents submitted weren't accurate, namely that the wrong ownership certificate had been submitted as certificate A had been completed on the applicant's behalf but they do not own all of the land, that the site location plan did not include the whole of the unauthorised site in question and that the plans submitted did not appear to accurately reflect what had been carried out on site. I was also informed that the fee had not yet been paid and that the planning administration team had written to the agent outlining why the application was invalid. A copy of that letter is shown with Exhibit SR34. The details required to be submitted are remediable, have been brought to the attention of the applicant's agent and should the required details be submitted, the application could be validated. However, following discussions between senior officers and given there is an extant enforcement notice on part of the land for which planning permission has now been applied for, the council in its function as local planning authority intends to decline to determine the application having regard to Section 70C of the Town and Country Planning Act 1990 and informed their agent Mr Martyn Winfield on 15th September 2026.

17. In my statement of 08th July 2026 I outlined that coming to the course of action the council had decided on had consumed many hours of officer time weighing up the positives and negatives, the needs of the adults and children on site and that it would ultimately result in the eviction of some of those families on site. I further outlined that no information had ever specifically been provided as to the needs of those on site and prior to taking further enforcement action the council sought to engage with the owners/occupiers on site to assess any welfare requirements, but no details had been forthcoming. I would reiterate that the proposed course of action the council has decided on has not been taken lightly, and due regard has been given to the public sector equality duty, human rights act and equality act within my statement of 8th July 2026. I must again reiterate that the best interests of the children on the site are a primary consideration and are being taken into consideration in the outcome that has been decided on. As previously outlined in my statement of 08th July 2026 the numbers of children on site have never been fully aware to the knowledge of the council for us to consider. Having regard to the drone survey undertaken on 8th August 2026 it appears that there are at present a minimum of 10 plots on site. The details submitted with the invalid planning application for 14 plots indicate there are 34 children under the age of 18 either currently residing or intending to reside following determination of the planning application. The reason given for many of those wanting to reside on site is for a settled environment for their children and family. However, it is my view that a wholly unauthorised gypsy and traveller site, a partly illegal gypsy and traveller site, would not be a settled or sustainable environment, and the on-site environment would not be an optimal space in which to raise those children. It is indicated that some of the children attend Brierley Park Primary School and some are home tutored, but it is not clear in the specifics of which children do and do not. It is noted that it would obviously cause a level of distress and upset in potentially requiring some number of children to move from what they know as their home and schools if they were evicted from this site.

18. However that being said, the council is now in receipt of information that it did not have before in terms of those occupying the site, children on site etc

and as promised I will now reassess those needs against the proposed action the council is pursuing against the best interests of all involved. The council including senior officers, have considered the new information submitted with care.

19. Included within Exhibit SR34 is a document which lists those who are occupying the site, their ages, associated medical conditions etc. I have produced a further document produced as Exhibit SR35 which assesses the relevant human rights implications and an equality impact assessment is produced and shown marked as Exhibit SR36.

20. In summary of the above documents, the proposed action that the council is seeking to take, will interfere with the article 8 rights of those residing on the site who have protected characteristics as an ethnic minority, and will result in the eviction of a number of families including a number of children. This decision is not taken lightly and it is considered that this course of action is proportionate and justified given that;

- The council is not proposing to be as robust as it could be. It could be proposing to require all occupants to vacate the existing site but having considered all the available information to date would not be considered justified or proportionate hence the actions of the council are to be as reasonable as it can be whilst balancing the needs of those on site against the planning harm caused by the unauthorised development and maintaining integrity and public confidence in the planning system within the district.
- That the development as it stands today across all parcels of land on the site is unauthorised and harmful in planning terms, and in respect of the “existing site” is both unauthorised and illegal. The breaches of planning control have continued to expand exponentially over time and I would have no confidence that if it were not for the actions of an interim injunction that has now been granted that it would continue to do so.
- The inspector’s decision found that a 3 pitch site on the existing land was acceptable, however as it stands today is at least a 10 pitch site

in addition to site spreading onto further land that they own. Furthermore, the policy context has shifted from when the inspector came to the decision that they did. As outlined in my statement of 8th July 2026 the council no longer has an unmet need which it did at the time of the appeal and whilst it does not know where the occupants that would be evicted from this site would go and the upset and disruption it would cause them and their children has identified the other sites within our district, and within neighbouring districts.

- Ultimately the length of the compliance period for eviction is in the hands of the court. A more generous period could be granted, which would mitigate the extent of the inconvenience, stress and disruption.
- In the event of eviction I would like to reiterate and emphasise that the council would not simply wash its hands of those evicted from the site, some of those who will likely have children. Should the court grant mandatory relief, homelessness is not an inevitable consequence and those with children would be considered a priority given the councils housing team has a statutory duty in this regard in terms of their housing options and homelessness.

21. In conclusion, notwithstanding the planning application submitted and additional information supplied the council considers that it would be proportionate and justified to require the named defendants to shrink the existing site to 3 pitches given the ongoing unauthorised and illegal occupation of the land and also require the named defendants to cease the unauthorised use and removal of all associated development from the “land to the north” until such time that any planning application or associated appeals etc have been dealt with.

22. I believe that the facts stated in this Statement are true. 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.

Signed: **Stuart Richardson**

Dated: 15th September 2026