

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2023-004501

KING'S BENCH DIVISION

DATED 30TH November 2023

MR JUSTICE HENSHAW

IN THE MATTER

B E T W E E N : -

WEST BERKSHIRE DISTRICT COUNCIL

and

- (1) MR THOMAS STOKES
(2) PCS HOMEBUILD LTD
(3) MR PAUL CHRISTOPHER SMITH**

Defendants



INJUNCTION ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED: MR THOMAS STOKES, PCS HOMEBUILD LTC, MR PAUL CHRISTOPHER SMITH DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT, A FINE OR HAVING YOUR ASSETS SEIZED. ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT

1. This Order prohibits you from doing the acts set out in this Order. You should read terms of the Order and the guidance notes very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge the Order.

2. If you disobey this order you may be found guilty of Contempt of Court and may be sent to prison or fined. In the case of a Corporate Defendant, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

On the 30th November 2023 Mr Justice Henshaw considered the Application brought by West Berkshire District Council (“the Claimant”) for an injunction supported by the Witness Statements listed in Schedule A and accepted the undertakings listed in Schedule B at the end of this Order.

UPON hearing Counsel for the Claimant, upon reading the witness statements listed in Schedule A and upon accepting the undertakings listed in Schedule B

IT IS ORDERED THAT UNTIL 11th December 2023 (the Return Date) OR FURTHER ORDER:

THE INJUNCTION

Prohibitions

1. In relation to the Land known as “Ermin Street Stables, Ermin Street, Lambourn Woodlands, Hungerford RG17 7BL” registered at HM Land Registry under Title Number BK143882 (“the Land”) as shown edged red on the attached plan, the Defendants, whether by themselves or by instructing, encouraging or permitting any other person, must not:
 - (i) Allow the use of the Land for human habitation or residential occupation in breach of planning control;
 - (ii) Bring onto the Land any caravans and/or mobile homes for the purpose of human habitation or residential occupation in breach of planning control;
 - (iii) Bring/erect/install any buildings or structures on the Land for the purposes of human habitation or residential occupation in breach of planning control;

- (iv) Bring onto the Land any portable structures including portable toilets for purposes associated with human habitation or residential occupation in breach of planning control;
- (v) Bring onto the Land any further waste materials and/or hardcore and/or like materials for any purpose, including the creation/laying of hardstandings or hard surfaces, in association with the use of Land for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation in breach of planning control;
- (vi) Carry out any further works in relation to the formation of paths, roadways or any works including the further provision of sewerage, water and electricity infrastructure associated with the use of caravans and/or mobile homes for the purpose of human habitation or residential occupation in breach of planning control;
- (vii) Carry out any works to the Land associated with or in preparation for its use for stationing caravans and/or mobile homes or for the erection of a building and/or any structure for human habitation or residential occupation in breach of planning control;
- (viii) Undertake any development on the Land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission.

IT IS FURTHER ORDERED THAT:

ALTERNATIVE SERVICE

2.
 - a. Service of this Order and related documentation may be effected by the securing or affixing of copies of the sealed Order, the sealed Application Notice, the sealed Claim Form and the evidence in support of the Application and any future documentation in a transparent waterproof envelope in a prominent position on the Land.
 - b. This Order, the Application Notice, Claim form and evidence in support must also be served on Mr Thomas Stokes and Mr Paul Christopher Smith at their last known addresses, and on PCS Homebuild Ltd at its registered office.
3. The steps in 2a. and 2b. shall together be deemed to be good and sufficient service on the Defendants of the said Order, the Application Notice, Claim form and evidence in support.

THE RETURN DATE

4. There shall be a hearing at 10.30am on 11th December 2023 (the Return Date), with a time estimate of 2 hours, at the Royal Courts of Justice, unless the named parties consent in writing that no such hearing is necessary. On the Return Date, the Defendants can make, if so advised, representations in relation to the continuation, variation or discharge of the Order.

VARIATION OR DISCHARGE OF THIS ORDER

5. The Defendants may each of them (or anyone notified of this Order) 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 the following Monday cannot be counted as part of the 48 hours' notice period.

COSTS OF THE APPLICATION

6. Costs reserved.
7. Liberty to apply.

GUIDANCE NOTES

Effect of this Order – The Defendants

1. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
2. 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.

Effect of this Order - Parties other than the Claimant and Defendants

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.

Interpretation of this Order

1. In this Order, where there is more than one Defendant (unless otherwise stated) references to "the Defendants" means each or all of them.

2. A requirement to serve on “the Defendants” means on each of them. However, the Order is effective against any Defendant on whom it is served.
3. An Order requiring “the Defendants” not to do anything applies to all Defendants.

Communications with the Court

All communications to the Court about this Order should be sent to Room E03, Royal Courts of Justice, Strand, London, WC2A 2LL (020 3936 8957). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday except holidays.

SCHEDULE A

Evidence

The Judge read the following written evidence before making this Order:-

1. First Witness Statement of Neill Whittaker dated 28th November 2023

SCHEDULE B

Undertakings given to the Court by the Claimant:-

1. As soon as practicable the Claimant will serve on the named Defendants a sealed copy of this Order and evidence together with Counsel’s skeleton argument for the hearing and a Note of the hearing in support pursuant to the Order for alternative service herein.
2. As soon as practicable the Claimant will serve on the named Defendants the sealed Claim Form in this action claiming the appropriate relief.
3. To use the Claimant’s best endeavours to effect personal service on the named Defendants.

Name and Address of Claimant's Legal Representatives:-

Izindi Visagie
Ivy Legal Ltd
4th Floor, 33 Cannon Street
London
EC4M 5SB
020 3745 5896

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DATED 30 NOVEMBER 2023

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