

IN THE HIGH COURT OF JUSTICE

CLAIM NO. KB-2024-002247

KING'S BENCH DIVISION

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

BEFORE THE HONOURABLE MR[S] JUSTICE

DATED 25TH DAY OF JULY 2024

B E T W E E N : -

**THE MAYOR AND BURGESESS OF THE ROYAL
BOROUGH OF KINGSTON UPON THAMES**

Claimant

-and-

(1) MICHAEL CASEY

(2) BRIDGET CASEY

(3) SIMON DOHERTY

(4) KATHLEEN DOHERTY

**(5) PERSONS UNKNOWN, BEING THOSE PERSONS CAUSING OR PERMITTING
WORKS TO BE UNDERTAKEN, OR WASTE OR OTHER MATERIAL TO BE
DEPOSITED ON THE LAND, AND/OR BRINGING ONTO OR OCCUPYING
CARAVANS OR MOBILE HOMES ON THE LAND OR INTENDING TO DO
SO, OTHER THAN IN ACCORDANCE WITH A VALID GRANT OF PLANNING
PERMISSION**

Defendants

***Draft* INTERIM ORDER**

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS: MICHAEL CASEY, BRIDGET CASEY,
SIMON DOHERTY, KATHLEEN DOHERTY, OR PERSONS UNKNOWN, BEING**

THOSE PERSONS CAUSING OR PERMITTING WORKS TO BE UNDERTAKEN, OR WASTE OR OTHER MATERIAL TO BE DEPOSITED ON THE LAND, AND/OR BRINGING ONTO OR OCCUPYING CARAVANS OR MOBILE HOMES ON THE LAND OR INTENDING TO DO SO, OTHER THAN IN ACCORDANCE WITH A VALID GRANT OF PLANNING PERMISSION DO NOT COMPLY WITH THIS ORDER YOU (OR ANY OF YOUR DIRECTORS OR OFFICERS) MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU (OR ANY OF YOUR DIRECTORS OR OFFICERS) MAY BE IMPRISONED OR FINED OR YOUR ASSETS MAY BE SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS (OR ANY OF THEIR DIRECTORS OR OFFICERS) 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.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. You should read it all carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.

If you disobey this Order, you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.

UPON the Claimant's application for an injunction pursuant to section 222 of the Local Government Act 1972 and section 187B of the Town and Country Planning Act 1990.

AND UPON READING the Claim Form, the Application Notice, the Details of Claim and the Witness Statement of Toby Feltham (and the Exhibit Bundle marked TF1 to that Witness Statement).

IT IS ORDERED THAT:

1. With immediate effect, and until the conclusion of the return date hearing on **X DATE X**, or until the handing down of judgment if judgment is reserved, or further order in the meantime, in relation to the land known as The Three Birches, at the side and rear of Kenwood, Green Lane, Chessington (registered under Title No.s SY263578 and SGL 643997) as shown edged in red on the Plan attached to this Order (the Plan), together with the adjoining land as shown edged and hatched pink on the Plan (“the **Land**”), the Defendants, whether by themselves or by instructing, encouraging or permitting any other person, must not carry out development on the Land in breach of planning control. In particular, the Defendants must not, without planning permission:

- (a) Carry out any further development on the Land;
- (b) Bring onto or deposit on the Land any material
- (c) Carry out any ground excavation works on the Land;
- (d) Clear the Land;
- (e) Lay, or create any areas of, hardstanding, hardcore, bitumen, gravel, stones, concrete or other similar materials on the Land;
- (f) Bring onto the Land, or any part thereof, or keep on the Land, or any part thereof, any plant, machinery or equipment used, or capable of being used, for the development of the Land;
- (g) Bring onto the Land, or station on the Land, any further or replacement caravans as defined in the Caravans Sites and Control of Development Act 1960 and Caravans Act 1968 other than the seven caravans present on the Land on 15th May 2024;
- (h) Allow or facilitate any further residential occupation of the Land or of the seven caravans on the Land beyond the presence of those occupying the land on 15th May 2024;
- (i) Bring onto the Land, or place, station or keep on the Land, any other structures capable of residential use or occupation;
- (j) Erect any buildings or shelters on the Land; and/or
- (k) Install any, or connect any further, services on the Land.

COSTS OF THE APPLICATION

2. The costs of this Application are reserved to be dealt with by the Judge who tries this Claim.

VARIATION OR DISCHARGE OF THIS ORDER

3. The Defendants may apply to the Court at any time to vary or discharge this Order, but if the Defendants wish to do so, they must first inform the Claimant's solicitors in writing at least 48 hours beforehand.
4. The Claimant has liberty to apply to the Court to extend or vary this Order, or for further directions, but if the Claimant wishes to do so, it must first give the Defendants at least 48 hours' notice in writing.

FURTHER DIRECTIONS

5. Pursuant to CPR 6.15 and 6.27, permission for alternative service of the documents specified in paragraph seven below in respect of the Defendants is granted.
6. Service of this Order on the Defendants may be effected by the Claimant affixing sealed copies of the Order, the Application Notice, the Claim Form and the evidence lodged in support of the Application in transparent waterproof envelopes to all entrances to the Land. This shall be deemed to be good and sufficient service of the Order and of the specified documents on the Defendants and the need for personal service of this Order is dispensed with in relation to the Defendants.
7. Subject to further order, copies of any future documentation may be validly served on the Defendants in these proceedings in the way specified in paragraph six above.
8. Should the Claimant become aware of the identity of any of the persons currently encompassed within the Fifth Defendant, it shall apply, as soon as reasonably practicable thereafter, to join that person to these proceedings as a named defendant.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS

The Claimant's solicitors are: South London Legal Partnership, of Merton Civic Centre,
London Road, Morden SM4 5DX

Telephone No.s 020 8545 3470/4468

Email Byron.britton@merton.gov.uk / Samuel.hick@merton.gov.uk

The Legal Representative dealing with the matter is Byron Britton.

Reference 1743/209

BY THE COURT