

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

**CLAIM NO. KB-2024-002247**

**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 MRS JUSTICE MAY**  
**DATED 24th DAY OF JULY 2024**



KB-2024-002247

**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**

---

**INTERIM ORDER**

---

**PENAL NOTICE**

**IF YOU THE PERSONS UNKNOWN AT (5) ABOVE, 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 out-of-hours application without notice 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 Details of Claim and the Witness Statement served with this Application

**AND UPON THE COURT NOTING** that the Claim Form, Details of Claim, Application for interim injunction, supporting evidence, and notice of the hearing for 25<sup>th</sup> July 2024 was served upon the Defendants on 19<sup>th</sup> July 2024

**AND UPON THE COURT NOTING** that informal notice of this Application was provided to the Solicitors for the 1<sup>st</sup> to 4<sup>th</sup> Defendants by email sent at 18.33 hours on 23<sup>rd</sup> July 2024

**AND UPON THE 1<sup>st</sup> to 4<sup>th</sup> DEFENDANTS NAMED ABOVE UNDERTAKING** until the conclusion of the return date hearing on 25<sup>th</sup> July 2024, or until the handing down of judgment if judgment is reserved, or further order in the meantime not without planning permission (a) to bring onto the below defined 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 caravans present on the Land as of 24 July 2024, 10:00am and (b) to allow or facilitate any further residential occupation of the Land or of the caravans on the Land beyond the presence of those occupying the land as of 24 July 2024, 10:00am.

### **IT IS ORDERED THAT:**

1. With immediate effect, and until the conclusion of the return date hearing on 25<sup>th</sup> July 2024, 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 Persons Unknown at (5) above, 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, those Persons Unknown must not, without planning permission:

- (a) 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 19<sup>th</sup> July 2024;
- (b) 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 19<sup>th</sup> July 2024;

### **COSTS OF THE APPLICATION**

2. The costs of this Application are reserved.

### **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. This Order will be reconsidered at the hearing fixed for 25<sup>th</sup> July 2024 at NB 10.30am

6. Service of this Order may be effected by the Claimant (a) affixing sealed copies of the Order, the Application Notice, and the evidence lodged in support of the Application in transparent waterproof envelopes affixed to the entrance to the Land and (b) handing sealed copies of the Order, the Application Notice, and the evidence lodged in support of the Application to any persons (if any) found on the Land

### **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](mailto:Byron.britton@merton.gov.uk) / [Samuel.hick@merton.gov.uk](mailto:Samuel.hick@merton.gov.uk)

The Legal Representative dealing with the matter is Byron Britton.

Reference 1743/209

### **NAME AND ADDRESS OF SOLICITORS FOR THE 1<sup>ST</sup> to 4<sup>TH</sup> DEFENDANTS**

Brilliance Solicitors of HatTech Business Centre, Beaconsfield Court, Hatfield. Herts  
AL10 8FF.

Email for Service: [casework@brilliancesolicitors.co.uk](mailto:casework@brilliancesolicitors.co.uk)

Telephone 0207 164 6849

**BY THE COURT**