

NOTE OF HEARING AND JUDGMENT

18th December 2025

Mr Justice Cotter

Counsel – Emmaline Lambert

3.15pm

Judge apologised for delay.

Judge confirmed had read everything relevant.

Content to make order and had no issues with the Without Notice application or Persons Unknown.

Did have questions:

- 1) Where is the X referred to in the order on the plan?
- 2) What is the evidence that none of the existing caravans are occupied save for the one marked X
- 3) Order needs “bright lines” re when it is effective.
- 4) Alternative Service needs more detail to comply with CPR 55.6 and an example was provided.

EL showed the Judge the plan on last page of bundle with the X.

EL confirmed that Ms Woods is satisfied that on 15th December 2025 no other caravans were occupied. Indeed, it was submitted that it is generous to assume plot 1 is occupied as there was no one there on 15th December 2025.

Wording of the order was discussed and EL confirmed that amendments would be made.

EL notified the court of the Application to serve out of the jurisdiction and read the application to the Judge who granted permission but asked why the company was a defendant. EL replied that they are the overall land owner of the parcels carved out and transfers have been made very recently. The Judge noted that the Council may want to consider whether it is worth it given that the landowner probably does not know what is taking place. Permission to serve out of the jurisdiction was granted.

EL notified the court of the rejected claim form and the need to amend the defendants. The judge noted that the Claimant must apply to add named defendants when it becomes aware.

The judge praised the bundle and said it would be kept for the next hearing and that the Council should add to it not create a new one.

Judgment

This is an application by the Claimant WBDC for an ex parte interim injunction, the authority is the planning authority for a piece of land which has been referred to as the land south of Reading and shown edged on a plan attached to the draft order. It has various title numbers and the Claimant is the LPA within TCPA 1990 and makes this application as it is its case that significant breaches of planning control across the land and furthermore, service of TSN on 4th Nov 2025 has not been effective and has been ignored.

Under s.187B of the TCPA 1990, where a LPA considers it nec or expedient for*reads out whole section*

The well settled principles in relation to the grant of a final injunction considered by the court in *South Bucks v Porter* [citation] need no more elaboration from me save to say that I bear in mind also the court of appeal's decision in *Tonbridge*.

It is a straightforward point to be made at the outset of any proceedings. The court does not examine planning policy and judgment – that lies within purview of the Claimant. The court will have regard to all the circumstances when considers an injunction and when it is just and convenient including the persons against whom it is sought. In the present case, some activity in the summer of this year was noted but it seems it was of the 1 and 2 November that sustained activity started on the land in question. The 2nd – 13th defendants all named on a planning application.

17th Dec – her visits to the site on 14th november and 15th december show that activity has taken place and continued in breach of the TSN, Specifically large scale excavation works, HGVs delivering, 14 caravans and 2 statics, and purpose of vast majority is to house during day whilst working as opposed to residential use. One family appeared to have taken up occupation. New vehicular accesses. These have taken place in breach of TSN. It is the Claimant's case which is supported by evidence of FW that a flagrant disregard for planning control. The view of people carrying out the works is that they are homeless and intend to live at the site and believe that ownership of the land and app lodged, sufficient to carry out the works and sufficient to turn into residential area for at least 13 caravans.

Legitimate uses are ag or forestry.

I am satisfied on basis of evidence before me – FW and CR - that there is a serious issue to be tried in relation to occupation of the land. As is well known when come on to consider the adequacy of damages, damages will provide no remedy for claimant who entitled to them and that is well understood given the nature of its duties. Equally, the authority is not normally required to give an undertaking as to damages. The damages are not an adequate remedy for the def. I have considered the potential hardship to defendants. The info to court is expanded upon by Ms Lambert under duty of full and frank disclosure. Only one plot which has at some stage been occupied and no evidence that any of other caravans been used residentially so difficult to see what hardship would be caused to someone living on the site.

In those circumstances, the balance of conv is overwhelmingly in favour of grant of interim injunction.

During course of submissions, I have discussed the terms of the order with Ms Lambert who will consider the exact nature of alt service. I grant it given the nature of occupation.

But does need to ensure that those who attend upon the site have full and proper notice of the requirements of this order. I have requested and not demur consider CPR 55.6 and a form of order akin to that.

Out of abundance of caution, I do not order but it is important that evidence is obtained to show the state of the site in terms of number of vehicles pieces of equipment, laying of hardcore and residential occupation at the time of the deemed service of the order which will be when the order is placed on stakes or equivalent in prominent places on the site.

I therefore make the order in terms which are yet to be finalised but the thrust of which is within the draft order as I am obliged to helpful way the case presented to me.