IN THE HIGH COURT OF JUSTICE **Claim No: KB-2025-004667**
KING'S BENCH DIVISION

IN THE MATTER OF PROCEEDINGS

B E T W E E N:-

WEST BERKSHIRE COUNCIL

Claimant

and

(1) UK LAND HOLDINGS 1 LTD
(2) CAROLINE BERRY
(3) NORA CONNORS
(4) PATRICK FAGAN CONNORS
(5) JIMMY O'CONNORS
(6) JOHNNY WALL
(7) PATRICK JAMES CONNORS
(8) JOHN JUDE O'BRIEN
(9) MICHAEL WALL
(10) JERRY GROGAN
(11) RICHARD O'BRIEN
(12) JOSEPH DOYLE
(13) NOREEN FLYN
(14) PATRICK STOKES
(15) BERNARD STOKES
(16) TOMMY STOKES
(17) VINCENT CRUMLISH
(18) HUGHIE STOKES
(19) BENJIT SINGH DHESI
(20) THOMAS FLYNN
(21) MARTIN STOKES
(22) PERSONS UNKNOWN (THOSE WITH AN INTEREST IN OR INTENDING TO UNDERTAKE WORKS OR INTENDING TO OCCUPY THE LAND KNOWN AS "LAND SOUTH OF READING ROAD, ALDERMASTON, READING")
(23) CHRISTY STOKES
(24) GHEORGHE GHEORGE
(25) RODICA GHEORGHE
(26) OWEN STOKES
(27) THOMAS STOKES
(28) PATRICK CRUMLISH
(29) CHRISTOPHER RYAN
(30) CHRISTOPHER STOKES
(31) JAMES FLYNN
(32) SERGU CACUI
(33) NICOLE FILIPOPILSCHI

Defendants

REPLY TO DEFENDANTS' SKELETON ARGUMENT ON BEHALF OF THE CLAIMANT

INTRODUCTION

1. This document is served in reply to the Defendants' latest skeleton argument ("DSA") served on 26th January 2026 and attempts to respond by paragraph number and sub-title.

2. However, the DSA appears to make arguments in relation to whether the injunction should have been granted and/or whether it should continue. It is submitted, that this hearing is about whether the injunction ought to be varied to allow greater occupation of the Land. The Return Date hearing which has been adjourned (on the application of the Defendants) will assess whether it is necessary and proportionate for the injunction order to continue.

3. The crux of the dispute between the parties is whether more than one family was in occupation of the Land at the time that the injunction order dated 18th December 2025 was served. The DSA fails to grapple with that issue.

Relevant background

4. Para 1 DSA asserts that "At all material times from the 1st November the Defendants owned and occupied the land in caravans". The DSA makes clear that it is provided on behalf of Defendants 2, 3, 4, 8, 10, 12 13 and 22. The assertion is inaccurate:

5. Defendant 2 is Caroline Berry – no evidence is provided as to her occupation.

6. Defendant 3 is Nora Connors – no evidence is provided as to her occupation.

7. Defendant 10 is Jerry Grogan – no evidence is provided as to his occupation.

8. Defendant 13 is Noreen Flynn – evidence provided by Joseph Doyle is that she moved on in the first week of November.

9. Defendant 22 comprises, so far as the Claimant can tell, Patrick Wall, Martin Stokes, Christopher Kiely, Martin Joyce and John Ward.

10. Martin Stokes states that he moved on 12th December 2025.

11. Christopher Kiely states that he moved on 10th December 2025.

12. Martin Joyce does not provide a date but states end of November.

13. John Ward does not provide a date but states November.

14. These facts (or lack of) are crucial as they go to the heart of the dispute and broad conclusions and assumptions which fly in the face of the evidence are misconceived.

15. In response to para 2 of the DSA, the Council does not accept that a few gas bottles and generators evidence occupation.

16. A prospective planning application (invalid) also does not evidence occupation. It evidences intent.

17. The witness statement of Reverend John Chadwick is unspecific.

18. Para 3 DSA refers to Core Strategy policy CS8 which is no longer extant. The DSA refers to the Brimpton Lane appeal decision but fails to acknowledge that that was an application for one single plot and the Inspector stated:

I conclude that the proposal would ***not ensure public safety, having regard to AWE A.*** *The proposal would not accord with Core Strategy Policy CS 8, Emerging Plan Policy SP4, and Framework paragraphs 102 b), 198, and 200. Jointly these* ***policies seek, among other things, to ensure public safety and that the operation of defence and security sites are not adversely affected by other development in the area and that existing businesses and facilities do not have unreasonable restrictions placed on them as a result of development permitted after they were established.***

19. The appeal was dismissed despite it being for only one additional family unit on the outer edges of the DEPZ. The Inspector noted that the mobile home "*would not provide adequate shelter for the occupants*" and that "*would not be in the children's best interests*" and it would "*add to the 231 caravans/mobile homes already within the AWE A DEPZ that do not have adequate shelter*" (para 56)[**CB/B545**] and "*Hence, the proposal would place an increased burden on emergency responders at a time when they would already be under pressure, especially as they include vulnerable individuals. It would also increase the burden during the recovery period…*" (para 57). The Inspector also referenced the decision at the Hollies: "*While planning permission was granted for 32 dwellings in the Hollies Nursing Home decision, the appeal site is not an allocated site within the DEPZ, and it does not provide adequate shelter. The two are not therefore directly comparable*" (para 58).

20. The Inspector also discussed Four Houses Corner and stated "*Despite the appellant's point about the lack of public safety concern in connection with these sites, the OSEP already accounts for both sites even without dayrooms to provide adequate*

shelter…and the OSEP's adequacy would not be affected by either site, nor would there by any extra impact created for emergency responders" (para 59)

21. In response to DSA para 4, the Council has never stated in these proceedings that any policy acts as a bar to development.

22. In response to DSA para 5, all recent appeal decisions have been discussed in the Claimant's evidence and full and frank disclosure was provided to the court on 18th December 2025 as set out in the Claimant's skeleton argument for that hearing. The Planning Assessment set out a full discussion of all relevant permissions within the DEPZ [**CB/B517-522**].

23. The Pelican Road Decision Letter is not referenced as it does not relate to West Berkshire District Council (Basingstoke & Deane Borough Council was the local planning authority) is dated 17th January 2018 some 8 years ago in a different policy context. In contrast, the Brimpton Lane Decision Letter relates to West Berkshire District Council and is dated 5th March 2025.

24. In response to para 6 DSA, the court is being asked to take into account a Decision Letter from 2018 relating to a different local authority when the Brimpton Lane DL is very recent and provides a much more up to date assessment of the planning merits.

25. Furthermore, there is no planning application of which to notify the court.

26. The Council has set out why service of an enforcement notice was not appropriate in the circumstances where urgent relief was sought. The Council is considering all enforcement options alongside these proceedings. However, it is up to the Defendants to make a planning

application. It is not for the Claimant to take enforcement action simply so that the Defendants can appeal.

27. In response to DSA8, the Council has not "failed to validate the application", the Defendants have failed to provide the information requested in order to make the Planning Application valid.

28. The Council has continued to make enquiries but there is considerable confusion as to who is acting. The previous agent thought he was still acting after 12th January 2026. The Claimant only received a response from the "new" planning agent today. There appears to be another planning agent with Plots 7&8 represented by 2 firms. Despite various people being involved, there is still no valid planning application. An assessment is as follows:

Application 25/02518/FULMAJ

- Received 03/11/2025
- Submitted by Kieran McDonnell Design on behalf of Mr J Doyle
- Invalid letter sent 12/11/2025
- At court on 12/01/2026, solicitors advised new agent, followed up by email.
- WBC emailed Oasis Land Management on 15/01/2026 with copy of invalid letter and request for evidence of change of agent on behalf of Mr J Doyle.
- Subsequent calls between WBC and Kieran McDonnell indicate Kieran McDonnell Design considers himself still instructed.
- On 26/01/2026, first contact from Oasis Land Management Ltd stating they are instructed by a group of alleged occupants, but no mention of the applicant - Mr J Doyle. No comments/update on invalid letter.
- Notwithstanding the urgency indicated at court hearing of 12/01/2026, there remains ambiguity as to who is acting as agent for the application. The applicant is Mr Doyle, not the alleged occupants. It is therefore Mr Doyle's representative that will have the authority to act on behalf of Mr Doyle on the application.
- In the meantime, there has been demonstrably minimal effort in progressing the planning application to date.

Application 26/00159/FUL

- Received 26/01/2026 via the Planning Portal
- Submitted by Philip Brown Associates Limited on behalf of Mr John O'Brien
- Plots 7/8 - one pitch proposed (2 caravans, including no more than one static caravan/mobile home, hardstanding and erection of dayroom).
- 26/00159/FUL does appear to overlap with 25/02518/FULMAJ. We don't have a red line on the 2025 application, but the black line shown on a plan and the Block Plan do closely match the red line shown on the 2026 application.
- Undergoing validation checks, but upon initial review it appears that the application will be invalid in relation to several local validation requirements (e.g. landscape, ecology).
- The application will be subject to normal validation checks, but it should be noted that it was submitted almost three months after alleged occupation (according to the Defendants' statement they have occupied 7&8 since 1st November 2025).

29. DSA para 9 states that the "Defendants have lawfully sought retrospective planning permission". They have not. There is no valid planning application and the purported planning applications that have been made are both prospective not retrospective.

30. DSA para 9 states that the Council have not identified or allocated any suitable available gypsy sites. However, the Council has a 5 year supply of sites and it has a permissive policy to enable windfall development to be approved in suitable locations.

31. DSA para 10 does not explain why the Defendants were in need of suitable land.

32. DSA para 10 fails to recognise that the invalid planning application is not the fault of the Claimant.

33. In response to DSA para 12, the Council was not fully aware of residential occupation of the Land. It was aware of an invalid planning application for 13 plots whereas now there are considerably more and one family on site.

34. In response to DSA para 13, the Note of the hearing was provided and is still available on the Council's website and confirms submissions made to the court. Para 13 also states that the injunction was an eviction injunction. It was not. The Council's position was and is that only one family was in occupation as at the date of the injunction.

35. DSA para 14 confuses the presence of caravans with residence.

36. In response to DSA 28, many of the Defendants moved on and occupied the site in breach of a Temporary Stop Notice, not just without obtaining planning permission. That does go to "persistent" and "flagrant" disregard of planning control. The Council attempted to bring works to a halt using its enforcement powers before resorting to the application for an injunction. The TSN was ignored.

37. Even on the Defendants' case, that is the equivalent of "cocked a snook" at the system.

38. DSA para 31 does not provide an explanation of why the Defendants have nowhere suitable to live. There is no information provided as to their origin.

Planning merits

39. There is no planning evidence provided by the Defendants at DSA 33. In contrast, the Council has provided a detailed Planning Assessment setting out the planning merits and an overall conclusion. It is not for counsel to provide evidence. Furthermore, the Council currently does have a 5 year supply of sites.

Lack of welfare inquiries

40. In response to DSA paras 16, 17 and 18, 34 the Claimant has attempted to obtain information as set out in the Planning Assessment (para 12.1) [**CB/B530**]:

Efforts to obtain details of gypsy and traveller status, and any personal circumstances have included:

• *Requesting information from the planning agent of application 25/02518/FULMAJ, as a local validation requirement.*

• *Planning Contravention Notice(s) served on Mr Joseph Doyle.*

• *Requests to persons present on site.*

41. The Planning Assessment also attempts to undertake this assessment at paras 12.3-12.6. There is a PSED assessment at para 12.7-12.11. In relation to the best interests of the child (and in line with the Brimpton Lane Inspector), it notes that the best interests of the children are served by not living on the Land (para 12.5).

42. On 15th December 2025, Ms Woods was accompanied by officers to check on welfare [see para 87 **CB/B24**]. As there were so few people on site, there was nothing to report. On 19th January 2026, the unannounced site visit was with the intention of checking on welfare (see para2 **CB/B379**]. Ms Woods confirms enquiries were made e.g. para 16 and para 6, para 20, para 24. She made enquiries of all she met.

43. A Gypsy and Traveller liaison officer is due to visit but after the reaction to Ms Woods on her last site visit, this has had to be postponed.

44. In response to DSA 37, the Council's Local Plan Review was examined recently and adopted last year and its policy in relation to G&T accommodation was found sound by the Inspector.

The law in relation to injunctions

45. This hearing is regarding variation of the injunction order and not about whether the injunction should have been granted or should be continued (the Defendants agreed to its continuation pending the Return date on 12th January 2026). This hearing is to determine whether further occupation of the site beyond one family is established by the Defendants.

46. In short, it is the Council's case that as matters stand, the Defendants have not demonstrated that this is their home.

47. The DSA fails to grapple with the evidence. Rather, it wholesale assumes that the Land was occupied by all the represented defendants (with or without evidence) on 1st November.

48. DSA 53 is not understood. There has been no obstacle to the Defendants making this application and providing evidence. Indeed, they were given further time to do so.

49. DSA 54 recites the PPG on injunctions and underlines where "other enforcement options have been, or would be, ineffective". Given that on their case, several defendants moved on in breach of the TSN, the Council's application was justified.

EMMALINE LAMBERT
CORNERSTONE BARRISTERS
2-3 GRAY'S INN SQUARE
LONDON