

## JUDGMENT – MRS JUSTICE DYAS

2.45AM 30<sup>th</sup> March 2024

### NOTE OF HEARING BY COUNSEL

Quite clear that the evidence discloses that the Defendants propose to build on the land permanent or semi-permanent dwellings for themselves or family or others. Clear breach of planning control. Further, overwhelming evidence that started on Good Friday and continue work over w/e when council offices closed to present a fait accompli. Apparently work can take place very quickly, they are already digging onsite, considerable amount of work already done. Referred to relevant authorities: *Wolverhampton, South Bucks* summarised in *Davies*.

Compelling evidence that just and proportionate to grant an interim injunction. Clear threatened breach of planning control if not an actual breach. The Council considered needs of family. Although the Lees appear to have come from another site where doubling up, ABC does have up to date local plan making specific provision for travellers to make applications for sites to stay on although counsel has informed me that ABC has a shortfall on sites available although proactively assessing where sites might be available. However the speed and apparent steps taken by named defendants hasn't allowed council to engage in pre-emptive discussions. The site is not yet in complete occupation and I do not consider that human rights provisions are engaged but in any event, if they were, it is clear that the Council took these matters into consideration. No other measures available to restrain a breach. An EN or other measures would be lengthy and by the time issued, work would be completed. Giving notice would have led to the same outcome.

Satisfied that Immediate injunction should be granted so the position can be clarified before got too far advanced.

Council identified some defendants. The first defendant is the registered owner. There is some evidence D2-5 may have purchased although not yet registered. When planning officer visited told her that extended family to join them. No means to identify them other than by use of the land. The terms are clear and limited to piece of land identified by reference to title deeds and it is limited to a return date of 9<sup>th</sup> April. The council has asked for an order for alternative service by placing the order in a waterproof envelope in a prominent position. I would also suggest that steps are taken to deliver personally to mobile homes already on the site.

Amendments to order discussed.

No need for cross undertaking.

*American Cyanamid* – Serious question to be tried. Doubtful if ABC could be compensated in damages on the other hand damages would be adequate for defendants but satisfied that balance of convenience in favour of status quo and just and convenient to grant order pending return date.