



Neutral Citation Number: [2021] EWHC 1180 (QB)

Case No: QB-2021-001722

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**URGENT APPLICATIONS COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 6<sup>th</sup> May 2021

**Before :**  
**MR JUSTICE FORDHAM**

**Between :**

**BUCKINGHAMSHIRE COUNCIL**

**Claimant**

**- and -**

**JOHN JAMES WARD**

**Defendants**

**KALEY GUEST**

**ROSE GENTLE**

**SAVANNAH CASEY**

**ALEX HARRIS**

**MIKALA McCARTHY**

**PERSONS UNKNOWN**

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**George Mackenzie** (instructed by Sharpe Pritchard LLP) for the **Claimant**

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Hearing date: 6.5.21

Judgment as delivered in open court at the hearing  
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**Approved Judgment**

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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**THE HON. MR JUSTICE FORDHAM**

Note: This judgment was produced for the parties, approved by the Judge, after using voice-recognition software during an ex tempore judgment in a Coronavirus remote hearing.

**MR JUSTICE FORDHAM :**

1. I am satisfied that it is necessary and proportionate to make the interim injunction sought in this case pursuant to section 187B of the Town and Country Planning Act 1990, It is an Order against 6 named defendants and persons unknown. It includes an order for alternative service at the site, although the First Defendant will also be served at the address which appears on the Land Registry. I am also satisfied that it was necessary and appropriate for the application to be made without notice, notwithstanding the planning application received on 4 May 2021 and made on behalf of two of the defendants (Mr Nolan and Mr Casey), a Mrs Ward (who may be the second defendant, Mr Ward's partner) and a Mr Nolan. The justification which satisfies me that the Order in all respects is necessary and appropriate is clearly set out in a witness statement of Mr Wilmot dated 5 May 2021. My Order is a document available from the court files and I will not set out the details here. I am also satisfied that this mode of hearing by Microsoft Teams was justified and appropriate. Since the urgent applications judge and the time at which I was sitting was published in the cause list together with an email address usable by any member of the press or public who wished to observe hearings, by remote access, and since this was a public hearing, I am satisfied that the open justice principle has been secured. The hearing was recorded and this judgment will be released in the public domain.
2. The First Defendant is the registered proprietor of the relevant land, adjacent to Lawn Hill in Edgcott. He and the other 5 named defendants are the adult occupiers of caravans now on the site, which names were given to Mr Wilmot on 5 May 2021 in conversations, including with Mr Ward. Mr Wilmot was told that there are 8 children of the families occupying the caravans, whose ages range from 8 weeks to 16 years old. Two of them are said to have diabetes and one is said to need a constant oxygen supply. For the purposes of today I proceed on the basis that there is no reason to doubt that evidence. Nothing in the Order I am making today would prevent medical supplies or medical equipment for any child currently present, and there is a specific exception to ensure that vehicles of the emergency services are to be permitted access. Nor do I assume that the only persons present at this moment and at the moment of the making of my Order are those to whom I have referred. The position may have moved on since yesterday. The important point is that the Order I am making is a prohibitory order which prevents further actions from taking place.
3. The land until recently was inactive agricultural land. There is no planning permission in place for any operational development or use. Events have moved very quickly. A site visit on 29 April 2021 found the site had been cleared, and information was that hardcore was going to be brought onto the site unless action was taken. A preventative warning letter was displayed on 30 April 2021, and a Temporary Stop Notice on Saturday 1 May 2021 (during the Bank Holiday weekend). By Sunday 2 May 2021 there was both hardcore and now caravans on the site: one static caravan; two touring caravans; and one campervan. The planning application received on Tuesday 4 May 2021 was for 4 caravan pitches in the names of Mrs Ward, Mr Nolan (understood not yet to be on site), Mr Casey and Mr Harris. As Mr Mackenzie puts it, the fact of the planning application with its site layout plan – and the reference to dayrooms etc – is a strong indication that it is intended to conduct further works on the land, whereas events to date indicate that these are not intentions which involve the planning process running its course before such works are carried out. By Wednesday, 5 May 2021 two more

static caravans and a truck were on the site, and a trench had been dug, strongly reinforcing the point just made.

4. I am satisfied that there is a serious issue to be tried, that damages would not be an adequate remedy, and that the balance of convenience and justice strongly weighs in favour of interim injunction whose effect is to maintain the status quo with appropriate prohibitions on activities (specified in the order) the gist of which are: setting up any further encampment; entering or occupying any further part of the land; stationing or storing or bringing onto the land any further caravans, plant or machinery etc., or carrying out any further active development, without the appropriate prior written permission from the appropriate authority. The details are all set out in the Order. The gist which I have just given is not a substitute for the contents of the Order. The application for planning permission (4 May 2021) sets out the case put forward for planning permission to be granted. The Wilmot witness statement sets out the case for the council saying that this is not a sustainable form of development as required; it is contrary to the approach set out in the relevant policies and plans; that there is no needs based justification, still less capable of justifying the environmental harm. The Wilmot witness statement also explains the advanced stages of the new local plan with its policy addressing gypsy and traveller sites and the provision suitable for the relevant needs. The planning merits are not for me. There are in this case cogent, serious concerns, and what on the face of it is action in flagrant defiance of a warning letter and a Temporary Stop Notice. I am quite satisfied that this preventative interim injunction is necessary and proportionate, maintaining the status quo, that any immediate impact from its prohibitory content for the children currently present on the site is justified and proportionate, all in circumstances where there is a return date (14 May 2021) and liberty to apply on 72 hours written notice to vary or discharge the Order, by any person affected by it. Alternative service is also clearly justified. Making the application without notice was justified and appropriate, given the Claimant's clearly and cogently articulated concerns that the giving of notice would itself prompt additional works to take place prior to a hearing. The Claimant's position is it will now consider whether it wishes to apply to the Court for further relief such as the removal of caravans and hardcore. Although not part of my Order I am asking that the Claimant provide copies of this written judgment, in the same way as serving the Order which I have made, and Mr Mackenzie and Mr Rose from Sharpe Pritchard have helpfully and cooperatively told me that this will happen.