

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
BETWEEN

CLAIM NO.

QB-2022-00178

NORTH KESTIVEN DISTRICT COUNCIL

Claimant

And

DOUGLAS PRICE (ALSO KNOWN AS JAMES SMITH) (1)

WILLIAM LEE (2)

ALAN KNIGHT SENIOR (3)

ALAN KNIGHT JUNIOR (4)

KEVIN CLEE (5)

SUNSHINE CLEE (6)

PERSONS UNKNOWN BEING PERSONS WHO ARE NOT NAMED

DEFENDANTS WHO CARRY OUT ANY

OPERATIONAL DEVELOPMENT OF THE LAND AND/OR BRING CARAVANS

ON TO THE LAND (7)

RICHARD SMITH (8)

MICHELLE PRICE (9)

WILLIAM PRICE (10)

NICOLA PRICE (11)

JAMES EVANS (12)

JULIE EVANS (13)

BERYL PRICE (14)

DANNY PRICE (15)

NAOMI VAREY (16)

MICHAEL PEMBERTON (17)

DREWEY PRICE (18)

BILLY JOE LOVERIDGE (19)

STEVE FINNEY (20)

LUKE CLEE (21)

JULIE CLEE (22)

LINCHUM PRICE (23)



QB-2022-000178

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**ORDER**

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**PENAL NOTICE**

**IF YOU, THE WITHIN NAMED OR ANY UNKNOWN PERSONS DISOBEY THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR HAVE YOUR ASSETS SIEZED.**

**IMPORTANT NOTICE TO THE DEFENDANTS**

**You should read the terms of this Order and Guidance notes very carefully. You are advised to consult a solicitor as soon as possible.**

**If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison.**

Before Ms Susie Alegre sitting as a Deputy High Court Judge on 3 and 4 February 2022

**AND UPON** hearing Counsel for Claimant and Counsel for the named Defendants;

**AND UPON** the Court being satisfied that the proceedings have been properly served on the 7<sup>th</sup> Defendant and personally served on the named Defendants save for the 2<sup>nd</sup>, 6<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> Defendants;

**AND UPON** the Claimant issuing an application for service by alternative means dated 2 February 2022;

**AND UPON** the Court being satisfied that the interim restraint shall remain in force but that its terms should be varied to allow those living on the Land to live in an acceptable condition

**AND UPON** the named Defendants confirming that there are presently 8 caravans on the site.

**AND UPON** the named Defendants having submitted 17 planning applications for the residential use of the Land which have yet to be validated by the Council ("the planning applications").

**IT IS ORDERED:**

1. Until further order, the Defendants shall not whether by themselves or by instructing, encouraging or permitting any other person in relation to land off A17, Beckingham and shown edged red on the attached plan ('the Land'), save with the Claimant's prior written permission:

a. Carry out any operational development on the Land as defined by s55 of the Town and Country Planning Act 1990, including but not limited to the laying of hardcore material to the ground or any other construction related activity save for that permitted by paragraph 2; and

b. Erect or bring onto the Land any more caravans/mobile homes, buildings, cabins, structures, construction related materials or construction machinery save for that permitted by paragraph 2.

2. The Defendants are allowed to:

- a. Bring 6 additional tourer caravans such that there shall be no more than 14 tourer caravans on the Land at any one time. For the avoidance of doubt this does not authorise the bringing onto the Land of any static caravan without the prior written permission of the Claimant, but it does permit the repair or replacement of any caravan on the Land should any caravan on the Land require repair or replacement by virtue of its condition;
  - b. Lay hardcore/hardstanding to provide a base for up to 6 additional caravans which may be brought on to the Land. This additional hardstanding/hardcore shall be limited to that necessary to bring the caravans on to the Land and to provide the base for those caravans.
  - c. Erect a single building or temporary structure (with footings or foundations as necessary) to provide wash facilities for those living on the Land ("the dayroom");
  - d. Connect water, sewage and electricity to the Land, including the digging of any trenches or laying of pipes necessary for the same.
3. Only the named Defendants and their dependants may reside on the Land without the prior written permission of the Claimant.
4. In the event that the Defendants ask the Claimant for prior written permission in accordance with paragraphs 1 to 3 above and that permission is refused by the

Claimant, the Defendant(s) may apply to the Court upon 3 days written notice for the Court to review the decision and decide it afresh.

5. To effect service of this order on all the Defendants the Claimant shall load up a copy of this order on its website, attach a copy at a conspicuous location at the entrance to the Land & on to the door of each caravan on the Land and provide a copy to the planning agent who acts for the named Defendants in respect of the planning applications. There shall be deemed served within 4 hours of these steps being completed.
6. In respect of the 2<sup>nd</sup>, 6<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> Defendants who have not been personally served with the proceedings but have been made aware of the claim, the Claimant may dispense with personal service and there shall be deemed service within 4 hours of the claim form, applications and this order being attached at a conspicuous location at the entrance to the Land & on to the door of each caravan on the Land.
7. In the event that the planning applications for residential use of the Land are refused by the Claimant the Defendants shall lodge any appeal against the same with the Planning Inspectorate within 28 days of any such refusals of planning permission by the Claimant.
8. Following the occurrence of one or more of the following 'trigger' events the steps applying to that event (as set out below) shall be taken:

a. Should the Claimant confirm in writing that any of the planning applications are not valid the so-notified Defendants shall have 28 days to make a valid application for planning permission. If no such valid application is made within those 28 days, the so-affected Defendants shall cease their residential use of the Land and remove their caravan(s) from the Land within a further 28 days (being a total of 56 days from the date of confirmation in writing of the lack of a valid application having been made);

b. Should any Defendant not lodge an appeal against the refusal of the planning application within 28 days of that refusal in accordance with paragraph 7 (above) those Defendants shall cease their residential use of the Land and remove their caravan(s) from the Land together with the hardstanding/hardcore base for the removed caravans within a further 28 days (being a total of 56 days from the date of refusal of the planning application);

c. Should any Defendant make an appeal to the Planning Inspectorate against the refusal of the planning application by the Claimant, on the dismissal of any such appeal to the Planning Inspectorate (including any statutory appeal to the High Court by virtue of s288 of the Town and Country Planning Act 1990) those Defendants so-affected shall, within 28 days of the dismissal of any such appeal (including any statutory appeal) cease their residential use of the Land and remove their caravan(s) from the Land and remove the dayroom, footings/foundations and all hardcore/hardstanding laid since December 2021 within 56 days;

d. The expiry of any temporary planning permission for residential use of the Land, whereupon the so-affected Defendants shall, within 28 days of that expiry, cease their residential use of the Land and remove their caravan(s) from the Land and remove the dayroom, footings/foundations and all hardcore/hardstanding laid since December 2021 within 56 days.

9. The matter is adjourned generally with liberty to restore. If the proceedings are not restored by 3 February 2024, they shall stand dismissed without further order. In the event that planning permission in respect of the planning applications is granted, the parties may apply to the Court to discharge or vary this order.

10. Costs reserved.

## **GUIDANCE NOTES**

### **Effect of this Order**

A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

### **Parties other than the Claimant and Defendants**

It is Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

### **Communications with the Court**

All communications to the Court about his Order should be sent to the court office at the Queen's Bench Division, The Royal Courts of Justice, Strand, London, WC2A 2LL, United Kingdom, 020 3936 8957.

### **Name and Address of Claimant's Legal Representatives**

The Claimant's Legal Representatives are: Legal Services Lincolnshire, County Offices, Newland, Lincoln, LN1 1YS. Telephone number: 07825425217.



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