

CLAIM NO: HQ15X03115

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MRS JUSTICE LANG
DATED 16 JULY 2015

BETWEEN:-



SEVENOAKS DISTRICT COUNCIL

Claimant

-and-

- (1) MR SAM DIGHTON
- (2) PERSON UNKNOWN

Defendants

INJUNCTION ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED:

- (1) MR SAM DIGHTON
- (2) PERSON UNKNOWN

DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED. ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT

NOTICE TO THE DEFENDANT

1. This Order prohibits you from doing the acts and obliges you to do the acts set out in this Order. You should read terms of the Order and the guidance notes very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.
2. If you disobey this order you may be found guilty of Contempt of Court and may be sent to prison or fined.

On the 16 July 2015 the Judge considered the Application brought by Sevenoaks District Council ("the Claimant") for an injunction supported by the Witness Statements listed in Schedule 1

UPON hearing Counsel for the Claimant

IT IS ORDERED THAT UNTIL TRIAL OR FURTHER ORDER:

THE INJUNCTION

1. In relation to land known as land to the west of Crowhurst Lane, West Kingsdown, Sevenoaks, Kent TN15 6JE (HMLR Title No: TT33571) ("the Land") the Defendants whether by themselves or by instructing, encouraging or permitting any other person must not use the Land or carry out works to the Land in breach of planning control and, in particular, must not:
 - (i) Use the Land for stationing caravans and/or mobile homes for the purposes of human habitation or residential occupation or any other purpose in breach of planning control;

- (ii) Bring onto the Land any caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
- (iii) Bring onto the Land any portable structures including portable toilets and any other items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;
- (iv) Bring onto the Land any waste materials and/or hardcore and/or like materials for any purpose, including the creation of hardstandings or hard surfaces, in association with the use of the Land for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
- (v) Carry out any further works to the Land associated with or in preparation for its use for stationing caravans and/or mobile homes for human habitation or residential occupation or any other purpose in breach of planning control.

IT IS FURTHER ORDERED THAT:

ALTERNATIVE SERVICE

2. Service of this Order and related documentation may be effected by the posting of sealed copies of the said Order, the Application Notice, the Claim Form and evidence in support of the Application and any future documentation in waterproof envelopes affixed to the gate at the entrance to the Land and such posting shall be deemed to be good and sufficient service on the Defendants of

the said Order, the Application Notice, Claim Form and evidence in support of the Application and any future documentation on the date it was so affixed.

COSTS OF THE APPLICATION

3. The Claimant's cost of the Application be reserved.

GUIDANCE NOTES

Effect of this Order – The Defendant

1. 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.
2. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its Directors, officers, employees or agents or in any other way.

Variation or discharge of this Order

The Defendants (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person) but anyone wishing to do so must first give 48 hours notice, in writing or by fax, to the Claimant's legal representatives. Except that the hours between 5 pm on any Friday and 9am on any Monday cannot be counted as part of the 48 hours notice period.

Effect of this Order - Parties other than the Claimant and Defendant

It is a 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.

Interpretation of this Order

1. In this Order the words "the Land" means the land known as land to the west of Crowhurst Lane, West Kingsdown, Sevenoaks, Kent TN15 6JE (HMLR Title No: TT33571) as shown on the attached plan.
2. In this Order, where there are two or more Defendants (unless the contrary appears):
 - (a) References to "the Defendant" means both or all of them.
 - (b) An Order requiring "the Defendant" to do or not to do anything applies to all Defendants.
3. In this Order the Second Defendant identified only as "Persons Unknown" refers to those adult persons who are not named Defendants to this Application who have an interest in the Land and/or intend to carry out further works to the Land and/or intend to station caravans and/or mobile homes on the Land for the purpose of human habitation and/or residential occupation or any other purpose in breach of planning control.

Communications With the Court

All communications to the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

SCHEDULE 1

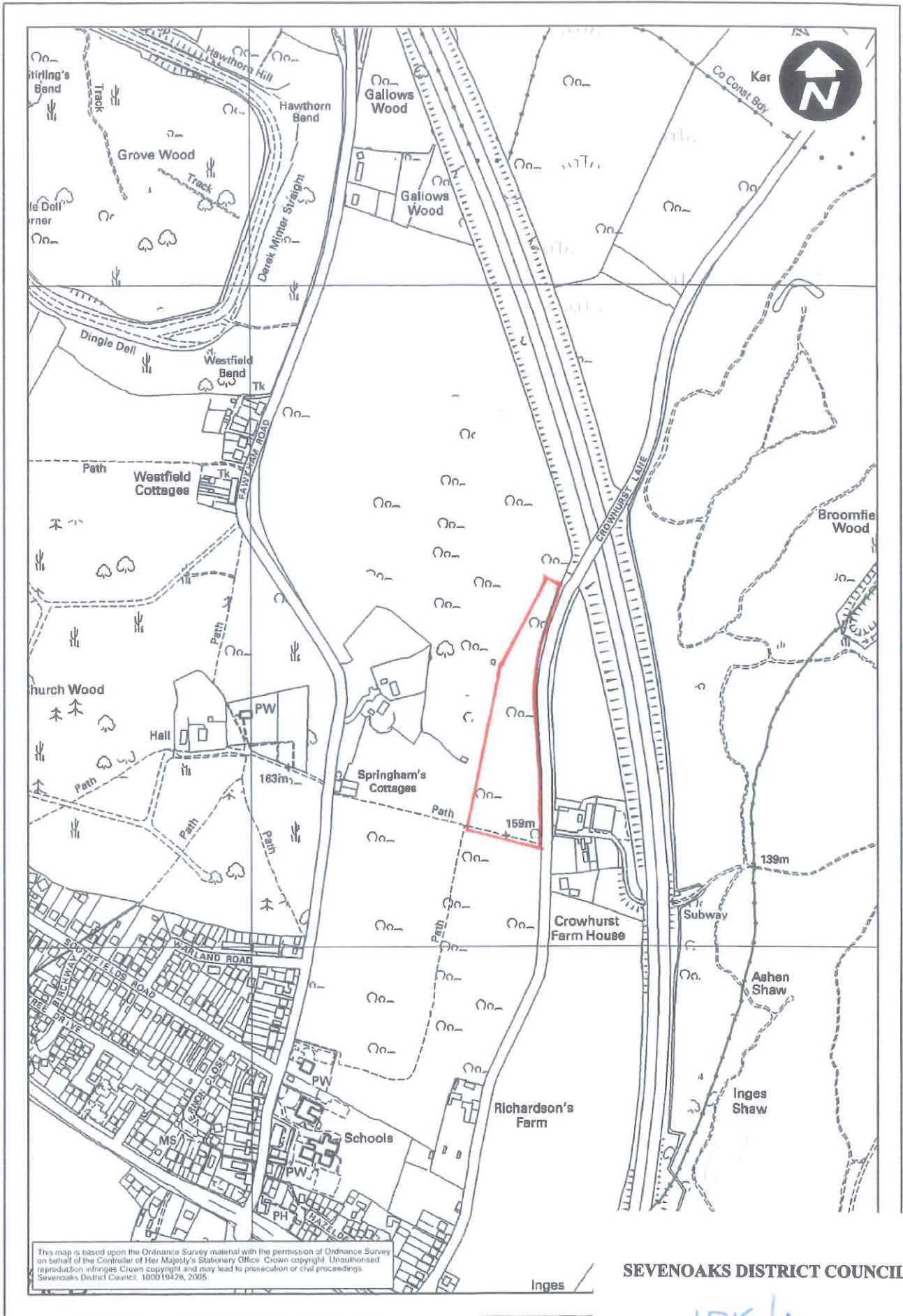
The Judge read the following written evidence before making this Order: -

1. Witness Statement of Ian Duncan Kidd dated 16 July 2015
2. Witness Statement of Joanna Russell dated 15 July 2015

Name and Address of Claimant's Legal Representatives:-

Mr William Rose
Sharpe Pritchard
Elizabeth House
Fulwood
London
WC1V 6HG

Tel: (020) 7405 4600



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Sevenoaks District Council, 100019428, 2005.

SEVENOAKS DISTRICT COUNCIL

Exhibit 10K/1 referred to in the statement of

IAN DUNCAN KIDD

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QUEEN'S BENCH DIVISION

BEFORE THE HONOURABLE MRS
JUSTICE LANG

DATED 16 JULY 2004

B E T W E E N:-

SEVENOAKS DISTRICT COUNCIL
Claimant

-and-

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(2) PERSONS UNKNOWN
Defendants

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Sharpe Pritchard Solicitors
DX: 353 Chancery Lane

Solicitor for the Intended Claimant