

Injunction Order

Between Persons Unknown Bringing Caravans Onto And Occupying Land, Defendant
and The District Council Of Folkestone And Hythe, Claimant

Legal Services District Council Of Folkestone And Hythe
Civic Centre
Castle Hill Avenue
Folkestone
Kent
CT20 2QY

In the County Court at Canterbury	
Claim Number	G00CT556
Claimant (including ref.)	The District Council Of Folkestone And Hythe
Defendant (including ref.)	Mr Mark Brazil and 2 others

PENAL NOTICE

IF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

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

Before Deputy District Judge Nelson sitting on 27 January 2021 at Canterbury County Court.

UPON hearing Counsel for the claimant and reading the evidence in support of the application by telephone

UPON the Court being satisfied that the claim was properly served

UPON the Defendants choosing not to serve any evidence

UPON the Claimant indicating that it intends to issue an enforcement notice in respect of the Land

IT IS ORDERED:

1. Until 27 January 2024, the Defendants shall not (whether by themselves or encouraging or allowing another) undertake any further development on the Land as defined by section 55 of the Town and Country Planning Act without the grant of planning permission or the written consent of the Claimant's solicitor. The Defendants are forbidden from stationing any more caravans/mobile homes on the Land, erecting any structure/building, importing or depositing any material (including hardcore) or excavating/digging up the Land or undertaking any engineering works. For the avoidance of doubt, if a caravan is removed from the Land it cannot be replaced with a different one.
2. For the avoidance of doubt, if a person claims that they were unaware of the terms of this order when they breached it, they must remove the caravans/mobile homes and vacate the Land within 4 hours of being informed of the terms of the order. Otherwise, they shall be in contempt of Court.
3. The Land referred to in this order is the land adjacent to Martinfield Cottage, Lydd Road, Old Romney, Kent, TN29 9SG as delineated in red on the attached plan.
4. To effect service the Claimant shall:
 - a) Personally serve each of the named Defendants with a copy of this order together with the claim form and evidence in support;
 - b) Attach a copy of the order to each of the caravans presently on the Land;
 - c) Display a copy of the order on its website; and

The court office at the County Court at Canterbury, The Law Courts, Chaucer Road, Canterbury, Kent, CT1 1ZA. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 01227 819200. **Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.**

d) Affix a copy of it contained in a transparent waterproof envelope in a prominent position at the entrance to the Land so that it comes to the attention of any visitors.

5. Liberty to apply upon 48 hours written notice.

6. Any person who is presently living on the Land and who wishes to identify him or herself to join as a named Defendant to the proceedings may apply to the Court on 72 hours written notice to the Court and the Claimant.

7. In the event that the Defendants sell or lease the Land, they shall provide a legible copy of this order to the prospective buyer/tenant prior to the exchange of contracts. Further, they shall provide the full name and contact details of any new owner/tenant to the claimant's solicitor within 48 hours of the exchange of contracts.

8. The matter is adjourned generally with liberty to restore. Once the planning merits of the enforcement notice have been determined, the Claimant may return to Court to seek a mandatory order for eviction and reinstatement.

9. The Defendants shall pay the Claimant's costs of the claim summarily assessed in the sum of £3,546.60 by 10 February 2021.