

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2026-001835

KING'S BENCH DIVISION

IN THE ROYAL COURTS OF JUSTICE

IN THE MATTER OF AN INJUNCTION PURSUANT TO SECTION 187B

OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N: -

CANTERBURY CITY COUNCIL

Claimant

- and -

(1) JOHN LLOYD

(2) ADELINE READING

**(3) PERSONS UNKNOWN, BEING ANY PERSON OTHER THAN THE
NAMED DEFENDANTS WHO INTENDS TO TAKE ANY OF THE STEPS
PROHIBITED BY THE ORDER BELOW (EITHER BY THEMSELVES OR BY
ASKING OR INSTRUCTING OR ALLOWING OR CONTRACTING
ANOTHER PERSON)**

Defendants

**CLAIMANT SKELETON ARGUMENT
FOR RETURN DATE HEARING
ON 27.05.2026**

PRELIMINARIES:

References

References to the First Witness Statement of Mr Ian Farrow, 21 May 2025 are in the form
[WS/X] where X is a paragraph number

Suggested Pre-Reading (time estimate for pre-reading is 1.5 hours)

- First and Second Witness Statements of Mr Ian Farrow dated 21 May 2025 and 26 May 2026
- Order of Mr Justice Dias of 22 May 2026
- Note of Hearing before Mr Justice Dias on 22 May 2026

INTRODUCTION

1. This is the return date hearing for an injunction granted by Mr Justice Dias on 22 May 2026 against John James Lloyd, Adeline Reading and Persons Unknown (“**the Defendants**”) to restrain an apprehended breach of planning control (“**the Dias Order**”). The application is pursuant to s. 187B Town and Country Planning Act (“**TCPA**”) 1990.
2. The application was made following informal notice being given in advance of the application hearing to the named Defendants. As the Court will see from the note of that hearing, this return date hearing has been listed very shortly after the hearing at which the Dias Order was granted so as to allow the named Defendants time to come to Court and make submissions on the question of whether or not an injunction should be continued.
3. At the time of settling this skeleton argument, no evidence has been filed or served on behalf of the named Defendants. The Claimant is completing a second witness statement which will address service of the Dias Order and this will be filed before the hearing (but has not been completed at the time of settling this skeleton argument).
4. In due course, Canterbury City Council (“**CCC**”), will seek a final injunction pursuant to section 187B of the TCPA 1990. That will seek the removal and remediation of the actual breaches of planning control on the land, and permanent restraining elements preventing any future unauthorised development or use of the land. The Claimant seeks at this stage the continuation of the interim injunction and directions for the hearing of the substantive claim.
5. The Claim relates to a plot called “Land at Three Acres, Maypole Road, Hoath, Kent, CT3 4LN” (the “**Land**”) [WS/3]. It is registered with the land registry title number: TT171520 and is shown edged in red at Exhibit IF-02(B).
6. Since approximately 1 May 2026, unauthorised development has been taking place at the site. The Claimant believes that there is an imminent and credible risk that further

unauthorised development and change of use of the site will take place in the absence of the continuation of the interim injunction. Enforcement measures to date have not been successful in preventing further breaches of planning control such that an interim injunction was sought to restrain apprehended breaches of planning control.

FACTUAL BACKGROUND

7. The Claimant is the relevant local planning authority (“LPA”) for the area in which the Land is located.
8. An application for planning permission on the site was made by Mr Rob Jarman, of Jarman Planning, on behalf of Mr John Lloyd (the First Defendant) on 30 January 2026 [Exhibit IF-03(A)]. The planning application, under reference CA/26/00161, sought permission for the following development:

“Change of use from agriculture to residential, exclusively for the stationing of caravans for gypsies and travellers, the laying of hardstanding and the formation of a new access onto Maypole Road together with associated works”.
9. The planning application was made valid on 5 February 2026 [WS/12].
10. On 18 February 2026, CCC received reports that works had begun on the site to create a new access [WS/13]. The works included the removal of some hedgerow along Maypole Road [WS/13]. Such works were unauthorised development and in breach of planning control.
11. The CCC Planning Officers overseeing the pending planning application contacted the agent of Mr John Lloyd to advise that any unauthorised work on the site must stop. The planning agent informed CCC that Mr Lloyd had ceased all works and no further work would be carried out pending the decision on CA/26/00161 [WS/13].
12. On 2 April 2026, CCC refused planning permission. The Decision Notice is at Exhibit IF-03(D) and the delegated Report is Exhibit IF-03(C).
13. The delegated Report identified that both Kent County Council and CCC Heritage had objected to the development.
14. The Decision Notice includes seven reasons for refusal. In short, CCC considered the proposed development amounted to unsuitable development in the open countryside outside the confines of any defined settlement; that it would harm the rural character and

appearance of the local area, the Hoath Farmlands Landscape Character Area, and the setting of the Ford, Maypole and Oldtree (Hoath) Conservation Area; and that the development would result in an unjustified loss of agricultural land [Exhibit IF-03(D)].

15. In addition, CCC found that the proposed development failed to provide sufficient visibility splays and had failed to demonstrate that vehicles trailing a caravan could exit the Land in a safe manner, and failed to demonstrate that the Land could achieve nutrient neutrality and secure necessary measures to mitigate impacts of the proposed development on nearby European Sites [Exhibit IF-03(D)].
16. CCC noted that the applicant for planning permission had not submitted evidence which demonstrated the proposed occupants of the site had a nomadic way of living. CCC did not consider that the public benefits derived from three gypsy and traveller plots outweighed the harm [Exhibit IF-03(D)].
17. On 1 May 2026, CCC received reports that unauthorised works had re-commenced on the site. Kent Police also contacted CCC and confirmed that hardcore had been delivered to the site and that trenches were being dug up and utilities pipes were being fitted [WS/14]. Mr Toby Laws, a Council Officer from CCC attended the Land at 10:55am to ascertain the nature of concerns received by CCC [WS/15].
18. Upon attendance at the site, it was confirmed that piles of hardcore had been deposited on the Land, and that the digging of a trench for the purposes of utilities had commenced. Mr Laws received verbal confirmation from Mr John Lloyd, the First Defendant, that work was being carried out in relation to utilities [WS/15]. There were three other men on the Land who did not identify themselves [WS/15].
19. At 17:30pm on 1 May 2026, CCC Officers returned to the Land to serve a Temporary Stop Notice (“TSN”) [WS/16]. The TSN is exhibited at Exhibit IF-04, and the certificate of service at Exhibit IF-04(B).
20. At 20:15pm on 1 May 2026, CCC Officers returned to the Land and affixed further copies of the TSN to the land [Exhibit IF-04(B)]. Photographs of the condition of the Land on 1 May 2026 are exhibited at Exhibit IF-08.
21. Officers at CCC received reports that further works took place following 1 May 2026 [WS/19].

22. Officers attended the site on 6 May 2026 at 12:00pm [WS/19]. No one was at the Land and there was no clear evidence of residential use of the Land. It was noticed, however, that further works had been undertaken since the TSN was served on 1 May 2026 [WS/19]. This further work included:
- a. A newly formed access to the site, with further hedgerow having been removed and new fencing and metal gates added.
 - b. A top finishing layer of pebbles had been brought onto the land.
 - c. A static caravan had been brought onto the land.
 - d. A tourer caravan had been brought onto the land.
 - e. A shed/stable building made of wood was on the land.
 - f. The previous main entrance was blocked off with barbed wire and posts, with the TSNs affixed on 1 May 2026 having been removed [WS/32].
23. Photographs of this site visit are exhibited at IF-09. Officers left a Human Rights Questionnaire at the site on 6 May 2026 [WS/19].
24. On 8 May 2026, CCC Officers visited the site to serve an enforcement notice (“EN1”) [Exhibit IF-05]. The certificate of service is exhibited at Exhibit IF-05(B). This enforcement notice only related to the unauthorised works which had taken place at the site since 1 May 2026.
25. Council Officers were met on the site by a woman called Ms Adeline Reading, who is the Second Defendant and the partner of Mr Lloyd who is the First Defendant. She said that Mr Lloyd wished to speak to the Officers by telephone. Mr Ian Farrow took a phone call from Mr Lloyd whilst on the site. Mr Lloyd stated that he and his partner were Gypsy Travellers and that they were living on the land [REDACTED]. He told Mr Farrow that the plot was only to be used for him and his partner and their family. He also stated that he was at the hospital [REDACTED] [WS/22].
26. The Officers left the three copies of a s. 171A(1) Enforcement Notice, a letter informing affected persons of the Enforcement Notice and information relating to the right to appeal the Enforcement Notice with Ms Reading [WS/23].

27. On 13 May 2026, CCC Officers attended the site to serve a second enforcement notice that related to residential occupation of the Land (“EN2”) [Exhibit IF-06]. The Notices were served around 12:45pm on 13 May 2026. No one was present on the Land at the time the Notices were served. It was observed that there were no noticeable changes to the site since the visit on 8 May 2026 [WS/23].
28. As of 21.05.26, CCC have not been notified of any appeals of either EN1 nor EN2 [WS/25].
29. Council Officers received a completed Human Rights Questionnaire from the named Defendants dated 11 May 2026 on 14 May 2026 [WS/40]. The questionnaire states that Mr John James Lloyd [REDACTED]; Ms Adeline Reading [REDACTED] and Adelenia Lloyd [REDACTED] are in residential occupation on the Land. The form indicates that Ms Reading is pregnant [REDACTED] [WS/42 and Exhibit IF-07].
30. Further, the form states that Mr John Lloyd has not applied to stay at any Council owned sites, stating that there is “no council accommodation available” and that other sites Mr Lloyd has looked at are “unaffordable” [WS/43 and Exhibit IF-07].
31. CCC accepts that it does not have a 5 year supply of gypsy and traveller sites.
32. The hearing of the Claimant’s application took place before Mr Justice Dias on 22 May 2026. The Dias Order was granted by the Court and directions were made for the listing of this hearing on 27 May 2026. Shortly before the hearing, the Claimant gave informal notice by telephone to the First Defendant who stated that “This place is for me and family going to live. My wife [REDACTED] [REDACTED] r. Place we want to stay 3 It's no-on else's land I've lived round all my life and want settle down and make it my own and have a stable life Trying to get [REDACTED] (recorded in the recitals of the Dias Order and the hearing note).

LEGAL FRAMEWORK

General statutory framework

33. Section 55(1) TCPA 1990 defines “development” as the “carrying out of building, engineering, mining or other operations in, on, over or under land” (operational

development) or “the making of any material change in the use of any buildings or other land” (material change of use).

34. Section 57(1) TCPA 1990 provides that “planning permission is required for the carrying out of any development of land”.
35. Section 171A TCPA 1990 provides that “carrying out development without the required planning permission” is a breach of planning control.
36. Section 171E TCPA 1990 empowers a local planning authority (“**LPA**”) to serve a Temporary Stop Notice where they think that there has been a breach of planning control and that “it is expedient that the activity (or any part of the activity) which amounts to the breach is stopped immediately”.
37. Section 172(1) TCPA 1990 empowers an LPA to issue an enforcement notice where it appears to them (a) that there has been a breach of planning control; and (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and any other material considerations. Section 174 TCPA 1990 provides for a right of appeal against an enforcement notice. Section 179 TCPA 1990 provides that it is a criminal offence for an enforcement notice, where it has taken effect, not to be complied with.

Section 187B TCPA 1990

38. Section 187B(1) TCPA 1990 enables an LPA to apply to the court for an injunction, whether or not they have exercised any other enforcement powers, where they consider it necessary for any actual or apprehended breach of planning control to be restrained by injunction.
39. An LPA cannot exercise the power to apply for an injunction under s. 187B(1) TCPA 1990 unless they consider it “necessary and expedient” to restrain a breach of planning control by injunction (Ipswich BC v Fairview Hotels (Ipswich) Ltd (“**Ipswich**”) [2022] EWHC 2868 (KB) at [88]).
40. Section 187B(2) TCPA 1990 provides that the court “may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach”.
41. In Ipswich, Holgate J (as he then was) at [93], derived the following principles from South Bucks District Council v Porter (“**South Bucks**”) [2003] 2 AC 558 as to the exercise of the Court’s power to grant an injunction:

- i. The need to enforce planning control in the general interest is a relevant consideration and in that context the planning history of the site may be important. The “degree and flagrancy” of the breach of planning may be critical. Where conventional enforcement measures have failed over a prolonged period the court may be more ready to grant an injunction. The court may be more reluctant where enforcement action has never been taken;
- ii. On the other hand, there might be urgency in the situation sufficient to justify the avoidance of an anticipated breach of planning control;
- iii. An anticipatory interim injunction may sometimes be preferable to a delayed permanent injunction, for example, where stopping a gypsy moving on to a site in the first place, may involve less hardship than moving him out after a long period of occupation;
- iv. While it is not for the court to question the correctness of planning decisions which have been taken (e.g. decisions to refuse a planning permission or to dismiss an appeal), the court should come to a broad view as to the degree of environmental damage resulting from the breach and the urgency or otherwise of bringing it to an end;
- v. The achievement of the legitimate aim of preserving the environment does not always outweigh countervailing rights (or factors). Injunctive relief is unlikely to be granted unless it is a “commensurate” remedy in the circumstances of the case;
- vi. It is the court’s task to strike the balance between competing interests, weighing one against the other.

42. A further relevant consideration is the extent to which a local planning authority has taken into account the personal circumstances of the defendant and the hardship that any injunction may cause (South Bucks per Lord Bingham at [31]). Albeit, “[i]n many, perhaps most, cases the hardship prayed in aid by the defendant will be of insufficient weight to counter balance a continued and persistent disobedience to the law. There is a strong general public interest that planning controls should be observed and, if not observed, enforced. But each case must depend upon its own circumstances” (South Bucks per Lord Scott at [102]).

43. Section 37(1) of the Senior Courts Act 1981 provides that “The High Court may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the court to be just and convenient to do so”.

Interim injunctions pending a claim for a final injunction pursuant to section 187B TCPA 1990

44. The grant of an interim injunction where an LPA is seeking a final injunction pursuant to section 187B TCPA 1990 is determined applying the principles in American Cyanamid Company v Ethicon (No.1) [1975] AC 396. Those are:

- a. Is there is a serious issue to be tried?
- b. Are damages an adequate remedy?
- c. Where does the balance of convenience lie? This will include, as per [111] of Ipswich, whether immediate restraint by injunction, rather than the use of other enforcement action, would be “commensurate” with the harm.

45. The principles set out in South Bucks, albeit dealing with a permanent injunction, are also relevant for decision on whether to grant an interim injunction (Ipswich at [91]).

Persons Unknown

46. Following Wolverhampton City Council v London Gypsies and Travellers and others [2023] UKSC 47 at [167] (“*Wolverhampton*”), injunctions against newcomer “Persons Unknown” are justified where,

- a. There is a compelling need, sufficiently demonstrated by the evidence, for the enforcement of planning control which is not being adequately met by other available measures;
- b. There is procedural protection for the rights, including Convention rights, of the affected newcomers, sufficient to overcome the strong prima facie objection of subjecting them to a without notice injunction otherwise than as an emergency measure to hold the ring;
- c. Applicant local authorities are subject to stringent disclosure.
- d. The injunctions are constrained temporally and territorially.
- e. It is just and convenient to grant the injunction on the particular facts.

47. Further, the Supreme Court held at [221] that, “[i]t is only permissible to seek or maintain an order directed to newcomers or other persons unknown where it is impossible to name or identify them in some other and more precise way. Even where the persons sought to be subjected to the injunction are newcomers, the possibility of identifying them as a class by reference to conduct prior to what would be a breach (and, if necessary, by reference to intention) should be explored and adopted if possible”.

SUBMISSIONS ON THE APPLICATION FOR AN INTERIM INJUNCTION

48. The interim injunction granted by Mr Justice Dias ought to be continued as the three limbs of *American Cyanamid* continue to be satisfied.

Serious issue to be tried

49. The evidence in support of the application, i.e. the Witness Statement and Exhibits of Ian Farrow, demonstrates that there is a serious issue to be tried. There have been actual breaches of planning control on the Land in breach of section 55(1) of the Act as planning permission has not been granted for the unauthorised development on the Land. There has, therefore, been clear breaches of planning control.

50. The evidence also shows that there are apprehended breaches of planning control, in particular, concerning the further siting of caravans on the Land and works, such as utilities connections, associated with the current caravans on Land. If those breaches were realised, this would be a breach of section 55(1) TCPA 1990 as planning permission has not been granted for any development on the Land, or indeed residential occupation.

51. In light of the recently refused planning application which is substantially similar to the apprehended breaches of planning control, it is clear that the apprehended breaches of planning control would give rise to serious planning harm. In particular, considering the harmful impact on the setting of the Ford, Maypole and Oldtree (Hoath) Conservation Area, and the fact that it has not been shown that there are adequate measures in place to mitigate the impact on the Stodmarsh Reserve SAC and RAMSAR, rendering the apprehended breaches contrary to the Conservation of Species and Habitats Regulations 2017.

52. Moreover, there is a public interest in enforcing the planning decisions made by the Claimant as the LPA. Planning permission was refused, and no appeal was made against that refusal. The development which has taken place has, therefore, undermined the integrity of the system of planning control.

53. There is, therefore, a serious question to be tried.

Damages are not an adequate remedy

54. The Claimant seeks an injunction to enforce the law and in the exercise of its statutory enforcement functions. Damages would not, therefore, be an adequate remedy for the Claimant. In *Ipswich*, Holgate J, at paragraph 105, said that “There is no dispute that because each of the claimants is seeking to enforce planning control, damages could not be an adequate remedy. Indeed, I do not see how damages would even be an available remedy”.

55. The Claimant considers that no undertaking in damages should be required from the Claimant who is the LPA and who is thus a public authority acting to uphold the law, i.e. applying the principle in *Kirklees Metropolitan Borough Council v Wickes Building Supplies Limited* [1993] AC 227.

56. In *Ipswich*, it was said at paragraph 106 that the Claimants there “now contend that the injunctions should continue without any such undertaking, because they are performing a law enforcement role, applying *Kirklees Metropolitan Borough Council v Wickes Building Supplies Limited* [1993] AC 227. The defendants accept that position”.

57. In *Great Yarmouth Borough Council v Al-Abdin* [2022] EWHC 3476 (KB) it was stated at paragraph 57 that “the Council does not offer a cross-undertaking as to damages, applying the principles stated in *Kirklees Metropolitan Borough Council v Wickes Building Supplies Ltd* [1993] AC 227. That position is accepted by the defendants”.

58. The Claimant here likewise does not offer a cross-undertaking in damages.

Balance of convenience

59. CCC is seeking the continuation of a prohibitory interim injunction to preserve the status quo on the site pending the determination of CCC’s substantive claim. This will prevent harm on the Land by restraining potential operational development and the further use, including for residential occupation, of the Land in breach of planning control.

60. The balance of convenience lies with CCC for the following reasons:

- a. First, there is no justification for the continuation of any further development on the site. The injunction simply reflects the fact that, as a matter of law, planning permission is required to carry out development on land.
- b. Secondly, the named Defendants have continued to undertake unauthorised development despite verbal warnings and formal enforcement action being taken. For example, Mr Lloyd was served with a TSN on 1 May 2026 by CCC Officers [WS/32]. In verbal conversations at the site, CCC Officers made clear that the development was unauthorised and needed to cease [WS/15]. Rather than complying with the TSN and verbal warnings of CCC Officers, the named Defendants continued to undertake further development. Two enforcement notices have also been issued.
- c. Thirdly, the planning application was for three static caravans and three touring caravans, whereas there is currently only one static caravan and one touring caravan on the site [WS/30]. Whilst the layout of the planning application and what the Defendant has built out differ, there is nevertheless space on the existing hardstanding for further caravans to be brought onto the site [WS/30]. As such, it is highly likely that there is further planned unauthorised development.
- d. Fourthly, it is likely that further caravans will be brought onto the site. The hardstanding that has been laid to date has sufficient capacity to accommodate further caravans [WS/30] and the planning application was for 3 static caravans and 3 touring caravans as opposed to 1 static caravan and 1 touring caravan on the site. This is clear from the planning application plan [Exhibit IF-03(B)].
- e. Fifthly, the development to date has been carried out in circumstances where there is both no planning permission and planning permission for a substantially similar development on the same site was recently refused [WS/35]. Thus, the Defendants are proceeding in circumstances where they know that the development is considered unacceptable by the Claimant and that it is highly likely that the development they have and are building out results in material planning harm. This renders the apprehended breach of planning control a flagrant one.
- f. Sixthly, the breach of planning control is and will be flagrant as it is being carried out in an area of environmental sensitivity (Ipswich at [117]). The development is and will have a harmful impact on the Ford, Maypole and Oldtree (Hoath)

Conservation Area which it abuts [Exhibit IF-03(C)]. Further, the Defendants have not shown that there is adequate mitigation in place to avoid any increase in nutrient discharge into the Stodmarsh SAC and RAMSAR site [Exhibit IF-03(C)]. Likewise, the development is and will continue to have a harmful impact on the Thanet Coast and Sandwich Bay SPA [Exhibit IF-03(C)].

- g. Seventhly, and as set out in South Bucks and Ipswich, the need to enforce planning control in the public interest is a relevant consideration.
- h. Eighthly, the First Defendant has a history of acting in breach of planning control. He has continued to carry out operational development on the site despite having been served with both a TSN and two Enforcement Notices. Other enforcement mechanisms are proving ineffective, and this renders an interim injunction both necessary and expedient.
- i. Ninthly, should an interim injunction be refused, but a final injunction granted, there would be considerable difficulties in undoing the harm which would be caused by development on the Land in the meantime. This again weighs in favour of the grant of an interim injunction.

- 61. The First Defendant in his planning application and Human Rights Questionnaire has identified as a gypsy/traveller [Exhibit IF-07]. CCC accepts that it cannot demonstrate an adequate supply of sites to meet identified needs for gypsy/traveller pitches. However it has already determined a planning application by the First Defendant and concluded that the need position is insufficient to outweigh the planning harm caused by the stationing of caravans and associated works on this site.
- 62. CCC has given careful consideration to the human rights and equalities' impacts of making an order.
- 63. CCC accept that the First and Second Defendant are already living on the site. As a result, their Article 8 rights are engaged, as are the rights of Adelenia Lloyd who is still a child and living on the site. To minimise the interference with their Article 8 rights, CCC is merely seeking the continuation of the interim injunction so as to hold the ring, but does not, at present, require them to move off the land. CCC submit that any interference with their Article 8 rights pursues a legitimate aim, is provided for by law and is proportionate.

64. CCC have a legitimate role in upholding the law and enforcing breaches of planning control. The continuation of an interim injunction which allows the Defendants and their children to remain on the land, whilst stopping further development is a proportionate response to their breach of planning control. At final trial, however, the Claimant will seek an order mandating the cessation of residential occupation of the Land and the Defendants will, if that order is made, be required to leave the Land. The Court will, at that stage, undertake a full human rights balancing exercise informed by detailed evidence, including likely evidence from the named Defendants as to their personal circumstances.
65. CCC accepts that there will be an impact on the Article 6 and Article 1 Protocol 1 Rights of those with an interest in the Site. CCC considers, however, that any interference is lawful and justified as it is for a legitimate aim and is proportionate. The Defendants, without planning permission, have no right to commence operational development nor materially change the use of the land (and have no right to live on the Land). The injunction merely seeks to enforce this. Therefore, in seeking to uphold the law as it stands, the control of use of the Land is in the general interest.
66. CCC has also considered the Public Sector Equality Duty.
67. The balance of convenience favours the granting of an interim injunction. The continued restraint by way of an interim injunction, rather than reliance on other enforcement action would be commensurate with the harm which would be caused if unauthorised development is carried out on the Site.

PERSONS UNKNOWN

68. CCC considers that the grant of an interim injunction against Persons Unknown would be consistent with Wolverhampton. The Supreme Court confirmed that such orders “have been and remain a valuable and proportionate remedy in appropriate cases” (at [237]). This is one such case.
69. This is because:
- a. There is a compelling justification for an interim injunction.
 - b. The evidence shows that there is a sufficiently real and imminent risk of further breaches of planning control. Although Mr Lloyd verbally stated that he only intended for his family to live on the site [WS/22], the work undertaken already on

the site is sufficient to accommodate further plots. As noted, the application for planning permission was for 3 plots but with capacity for 6 caravans, as is clear from the application plan [Exhibit IF-03(B)]. Only 2 are currently on site (one static and one touring) and so it is likely a further 4 caravans will be brought onto the site by occupiers that are currently unknown. As such, it is highly likely that further persons may move onto the site.

- c. CCC is unsure of all the identities of those involved. On 1 May 2026 when CCC attended the site, there were three unidentified males on the Land [WS/15]. CCC does not know who further occupants will be.
- d. The terms of the Order are clear and precise and will go no further than necessary to restrain the apprehended breaches of planning control.
- e. There are geographical and temporal limits. There is a map attached to the draft Order and the Order will only last until the conclusion of trial.
- f. Liberty to apply has been included.
- g. Effective notice has been given through the alternative service provisions.
- h. A cross undertaking is not appropriate.

CONCLUSION

70. There have been serious breaches of planning control at the Land and there are apprehended breaches of planning control. The Claimant has been left with no option but to injunctive relief from this Court. This is because, in line with *South Bucks*, it appears that the breaches of planning control will continue unless and until effectively restrained by the law and that nothing short of an injunction will provide effective restraint.
71. The Court is asked to continue the interim injunction so as to prevent development and use of the Land in breach of planning control, including further residential occupation, and thereby restrain harm from occurring. There is a real risk that development will take place on the Land in the absence of an interim injunction. There is, therefore, in line with South Bucks and Ipswich, sufficient urgency to justify an interim injunction.
72. The American Cyanamid tests are met. The balance of convenience clearly lies in favour of granting an interim injunction. CCC respectfully requests that the Court continues the interim injunction in the terms sought so as to, inter alia, uphold the integrity of the planning

system. It is clearly just and convenient to do so. The Claimant also asks the Court to make directions for the hearing of the final claim.

MARK O'BRIEN O'REILLY

26 May 2026

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