

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

CLAIM NO KB-2024-BHM-00004



BETWEEN:

KB-2024-BHM-000004
Sub Event ID: 10

13 Feb 2024 10:30

NORTH WARWICKSHIRE BOROUGH COUNCIL
Birmingham District Registry - 205

Claimant

-and-

(1) MR HUGH PATRICK McGINLEY

(2) MR WILLY McGINLEY

(3) PERSONS UNKNOWN BRINGING CARAVANS/MOBILE HOMES ON TO THE LAND TO THE NORTH OF ATHERSTONE ROAD (ADJACENT TO THE KIRBY GLEBE TRAVELLERS' SITE) AND SOUTH OF BARN FISHERY IN WARWICKSHIRE ("THE LAND") TO LIVE IN, OR UNDERTAKING DEVELOPMENT (INCLUDING RESIDENTIAL OCCUPATION) AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 ON THE LAND

Defendants

ORDER

IMPORTANT NOTICE TO THE DEFENDANTS

YOU MUST OBEY THIS ORDER OF THE COURT. YOU SHOULD READ IT CAREFULLY. IF YOU DO NOT UNDERSTAND ANYTHING IN THIS ORDER YOU SHOULD GO TO A SOLICITOR, LEGAL ADVICE CENTRE OR CITIZENS ADVICE CENTRE.

IF YOU DO NOT OBEY THE INSTRUCTIONS CONTAINED AT PARAGRAPHS 1, 2, AND 3 OF THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

Before His Honour Judge Rawlings sitting as a Judge of the High Court sitting at the Birmingham District Registry on 17 January 2024

UPON hearing from Counsel for the claimant and reading the evidence filed in support of the claim

UPON the Court being satisfied that it is appropriate to deal with the matter in the first instance in the absence of notice to the defendants

UPON the Court being satisfied that it is appropriate to grant relief against the un-named 3rd defendants

UPON the claimant undertaking to provide a typed copy of its solicitor's note of the hearing to the defendants and anyone else who requests it as soon as practicable

IT IS ORDERED:

- 1. Until final determination of the claim or further order of the Court, the defendants shall not whether by themselves or encouraging, instructing or allowing another undertake any development (as defined by section 55 of the Town and Country Planning Act 1990) on the Land without the grant of planning permission or the written consent of the claimant's solicitor. For the avoidance of doubt, such prohibition includes moving a mobile home or caravan onto, or live on, the Land.**
- 2. If the 1st or 2nd defendant sells or leases the Land, they shall:**
 - a) Provide a copy of this order to the prospective purchaser/tenant before the Land (or any part therein) is transferred or contracts exchanged;**
 - b) Provide the full name and contact details of the new owner/tenant to the claimant's solicitor within 48 hours of the transfer/exchange of contracts.**

3. **If the 1st or 2nd defendant has already sold or leased the Land, they shall provide a copy of this order to the purchaser/tenant and provide the full name and contact details of the purchaser/tenant to the claimant's solicitor as soon as practicable.**
 4. The Land referred to in this order is land to the north of Atherstone Road (adjacent to the Kirby Glebe Travellers' site) and south of Barn Fishery which is as delineated and hatched in red on the attached plan.
 5. The claimant shall personally serve the 1st and 2nd defendants with a copy of this order together with the claim form and the application and evidence in support.
 6. Permission to the claimant to effect service on the 3rd defendant by an alternative method namely the claimant shall:
 - a) Attach copies of this order together with the application, claim form and evidence in a clear plastic envelope conspicuously at the entrance to the Land so that it comes to the attention of any visitors;
 - b) Load up on to its website a copy of this order together with the application, the claim form and evidence so that it is readily and easily accessible by any member of the public including a link to the aforementioned documents from the claimant's main web page; and
- There shall be deemed service upon completion of these steps.
7. Liberty to the Defendants to apply to set aside or vary this order upon 48 hours written notice to the Claimant.
 8. The matter shall return for an on-notice hearing of the interim application at 10.30am on 13 February 2024 with a time estimate of 2 hours. At this hearing, the Court shall reconsider whether the interim order was properly made and whether its terms ought to be varied or discharged.
 9. If the defendants wish to:
 - a) Rely upon any evidence to contest the claim, they must file and serve the acknowledgment of service within 14 days of service.
 - b) Rely upon any evidence to contest the application, they shall file and serve it at least 3 days before the hearing.
 10. Costs reserved.

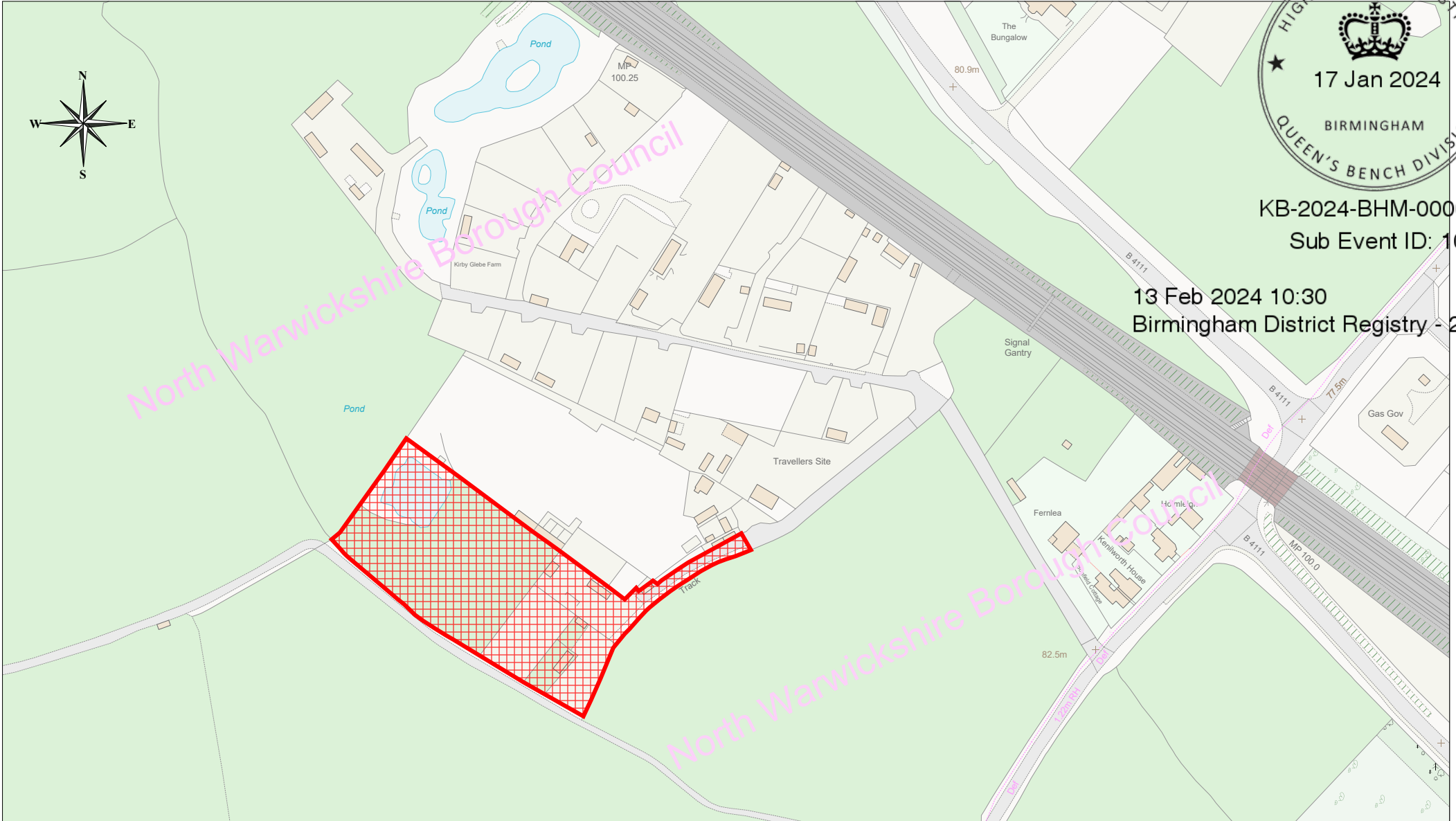
Planning Injunction Area



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