

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
**BEFORE MR RICHARD LISSACK Q.C**  
(Sitting as a Deputy Judge of the Queen's Bench Division)  
On the 17<sup>th</sup> January 2019

Claim No. QB-2018-000333

AND IN THE MATTER OF SECTION 222 LOCAL GOVERNMENT ACT 1972 AND  
SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990

**B E T W E E N :**

**HERTSMERE BOROUGH COUNCIL**



**-and-**

**(1) PERSONS UNKNOWN OCCUPYING LAND**  
**(2) PERSONS UNKNOWN DEPOSITING WASTE ON LAND**

**Defendants**

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**INJUNCTION ORDER**

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**UPON HEARING MR S. WOOLF OF COUNSEL ON BEHALF OF THE CLAIMANT  
AND MS. O'DRISCOLL OF GATE (GYPSY AND TRAVELLER EMPOWERMENT)**

**AND UPON NOTICE OF THIS HEARING HAVING BEEN GIVEN IN THE ORDER  
OF 1 NOVEMBER 2018 WHICH WAS FIXED IN PROMINENT POSITIONS ON  
THE LAND AND PUBLISHED ON THE CLAIMANT'S WEBSITE;**

**AND UPON THE COURT TREATING THE HEARING AS THE TRIAL OF THE  
PART 8 CLAIM**

**AND UPON READING THE WITNESS STATEMENTS LISTED AT APPENDIX A  
TO THIS ORDER;**

**AND UPON THE CLAIMANT GIVING THE UNDERTAKINGS RECORDED IN  
APPENDIX B TO THIS ORDER**

**AND UPON THE COURT ADDING A PENAL NOTICE TO THE ORDER AS SET  
OUT BELOW**

## **PENAL NOTICE**

**IF YOU PERSONS UNKNOWN OCCUPYING THE LAND (AS DEFINED IN THIS ORDER) AND DEPOSITING WASTE (AS DEFINED IN THIS ORDER) 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 UNKNOWN OCCUPYING THE LAND 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.**

## **POWER OF ARREST**

**THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPHS 3(1) TO 4 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON CAUGHT BREACHING PARAGRAPHS 3(1)-(4) OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT**

## **NOTE TO ARRESTING OFFICER**

Where a Person Unknown Occupying Land and / or Depositing Waste on Land is arrested under the power given by Section 27 of the Police and Justice Act 2006:-

- A Person Unknown Occupying and / or Depositing Waste on Land shall be brought before the judge within a period of 24 hours beginning at the time of their arrest;
- A Constable shall inform the person on whose application the injunction was granted, forthwith where a Defendant is arrested under the power given by Section 27 of the Police and Justice Act 2006

Nothing in Section 27 of the Police and Justice Act 2006, shall authorise the detention of a Person Unknown Occupying and / or Depositing Waste on Land after the expiry of the period of 24 hours beginning at the time of arrest

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

**IT IS ORDERED THAT:**

1. There be judgment for the Claimant on the Part 8 Claim for an injunction in the terms set out below;
2. The identity of the Defendants be amended as set out in the title of this action above;
3. The First and Second Defendants being (1) Persons Unknown Occupying the Land (as defined in this Order) and (2) Persons Unknown Depositing Waste on the Land (as defined in this Order) are forbidden, until midnight on 17 January 2022, from:
  - (1) Setting-up an encampment on any Land identified on the attached Map on the 108 sites listed, without written permission from the Local Planning Authority, or planning permission granted by a planning inspector;
  - (2) Entering and/or occupying any part of the Land identified on the attached Map on the 108 sites listed, for residential purposes (temporary or otherwise) including caravans, mobile homes, vehicles, and residential paraphernalia;
  - (3) Bringing on to the Land identified on the attached Map on the 108 sites listed or stationing on the Land any caravans/mobile homes other than if driving through the Borough of Hertsmere or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
  - (4) Bringing on to the Land identified on the attached Map on the 108 sites listed, any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through the Borough of Hertsmere or in compliance with the Parking Orders regulating the use of car parks or with express permission from the owners of the Land.
  - (5) In this Order:
    - (a) "The Land" means all the land within or in the possession and control of Hertsmere Borough Council being the sites marked on the attached plan and recorded as sites 1 to 108.
    - (b) "Occupying" means remaining in for the purposes of treating as a place of residence or as a dwelling;

4. This Order shall be deemed served pursuant to CPR 6.27 by affixing a copy of this Order as opposed to an original contained in either a transparent waterproof envelope or laminated copy in a prominent position at each of the entrances to the Land on each of the sites marked on the Map and recorded as sites 1 to 108.
5. Any person who is presently a Person Unknown (or anyone notified of this Order) who wishes to identify him or herself and join as a named Defendant to the proceedings and who is willing to provide a postal or e-mail address as to where he or she can be contacted may apply to the Court on 7 days written notice to the Court and the Claimant to vary or discharge this Order (or, so much as it affects that person).
6. No order as to Costs.

## **GUIDANCE NOTES**

### **Effect of this Order**

- (1) A Person Unknown Occupying the Land (as defined in this Order) or Depositing Waste on the Land (as defined in this Order) who is an individual who is ordered not to do something must not do it him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her 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.

## **PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS**

### **Effect of this Order**

- (3) 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.

## **COMMUNICATIONS WITH THE COURT**

- (4) All communications to the Court about this Order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 71087 6010)

## **APPENDIX A**

- (1) First Witness Statement of Chris Gascoine dated 31<sup>st</sup> October 2018
- (2) Second Witness Statement of Chris Gascoine dated 15<sup>th</sup> January 2019
- (3) First Witness Statement of Andy Philippou dated 18<sup>th</sup> November 2018
- (4) Second Witness Statement of Andy Philippou dated 23<sup>rd</sup> November 2018
- (5) Witness Statement of Gavin Burns dated 9<sup>th</sup> January 2019
- (6) Witness Statement of Robert John Harvey Patterson dated 16<sup>th</sup> January 2019

#### **APPENDIX B : UNDERTAKINGS**

- (1) The Claimant will serve a copy of this Order in a transparent waterproof envelope or a laminated copy in a prominent position at all the entrances to the Land on each of the sites marked on the Map and recorded as sites 1 to 108.
- (2) The Claimant will place a copy of this Order together with the evidence served in support and the Part 8 Claim Form on the Claimant's website.

# Hertsmere Borough Council Car Parks and Open Spaces



- 1 Aberford Park
- 2 Aycliffe Pitches
- 3 Borehamwood Civic Centre and Car Park
- 4 Brook Meadow
- 5 Clarendon Park
- 6 Cowley Hill Amenity Greens
- 7 Crown Road Garages Open Space
- 8 Crown Road Open Space
- 9 Farmers Way Open Space
- 10 Grantham Green Open Space
- 11 Grove Road Garages Open Space
- 12 Kigginston Park
- 13 Kenilworth Park
- 14 Little Park
- 15 Mansell Park
- 16 Meadow Park
- 17 Oaklands Corner Open Space
- 18 Organ Hall Embankment
- 19 Organ Hall Open Space
- 20 Potterswood Park
- 21 Ripon Park
- 22 Stapleton Road Garages Open Space
- 23 Stilton Path Amenity Green
- 24 Studio Way Woodland
- 25 Tempsford Green
- 26 The Champions Amenity Green
- 27 Thirskcliffe Nature Park
- 28 Town Centre Garden
- 29 Walshford Way Amenity Green
- 30 Boundary Green
- 31 Bushey Grove Leisure Centre
- 32 Bushey Rose Garden
- 33 Fishers Field Local Nature Reserve
- 34 Fishers Park
- 35 Hartspring Meadow
- 36 Hillmead Nature Park
- 37 King George Recreation Ground
- 38 Little Bushey Lane
- 39 Little Bushey Gardens & Warren Lake
- 40 Millry Footway Gardens Open Space
- 41 Mosfield Bushy Open Space
- 42 Park Avenue Amenity Land
- 43 Park Avenue Open Space
- 44 Windmill Lane Recreation Ground
- 45 Allum Lane Spinney
- 46 Composers Park
- 47 Parkfields
- 48 Aberdale Gardens Spinney
- 49 Berkeley Close
- 50 Cranborne Crescent
- 51 Furze Field (King George V Playing Fields)
- 52 Furze Field Wood Local Nature Reserve
- 53 Kimptons Mead Nature Area
- 54 Lower Halfpenny Bottom Local Nature Reserve
- 55 Oakfield Close / Pinewood Drive
- 56 Oakmere Avenue Garages Open Space
- 57 Oakmere Park
- 58 Parkfield
- 59 Potters Bar High Street War Memorial
- 60 Rusfield
- 61 Shilltoe Avenue
- 62 St Michaels Way Open Space
- 63 Wash Lane Common
- 64 Willow Way Open Spaces
- 65 Willow Way Open Space
- 66 Badkers Green Drive - Phillimore Court
- 67 Phillimore Place - Amenity Green
- 68 Williams Way
- 69 Hillcrest Open Space
- 70 Mead Road Open Space
- 71 Woodhall Lane Spinney
- 72 Brookside Meadow
- 73 Brookside Woodland
- 74 Glebeland
- 75 Merry Hill Allotments

- 76 Finch Lane Allotments
- 77 Windmill Lane Allotments
- 78 Highview Gardens Allotments
- 79 Allum Lane Cemetery
- 80 Aberdale Gardens Allotments
- 81 Kimptons Mead Allotments
- 82 Bushey Country Club
- 83 Rippon Way Development Site
- 84 Land adj to household waste site, Allum Lane
- 85 Caishowe Road Garages Development Site
- 87 The Old Haberdashers Sports Ground
- 88 Dove Lane
- 89 Shakespeare Drive Play Area
- 90 Sidge Play Area
- 91 Merry Hill Fruit Field
- 92 Sidge Valley
- 93 Three Valleys Way
- 94 Richfield Road Open Space
- 95 Wordsworth Gardens Open Space

- 96 Clarendon Road Car Park
- 97 Civic Centre Car Park
- 98 Brook Road Car Park
- 99 Furze Hill Road Multistorey Car Park
- 100 Newberries Car Park
- 101 Barnet Road Car Park
- 102 Highview Close Car Park
- 104 Manor Road Car Park
- 105 Wyllyotts Place Car Park
- 106 High Road Car Park
- 107 The Rutts Car Park
- 108 Kemp Place Car Park

