



IN THE HIGH COURT OF JUSTICE
001698
QUEEN'S BENCH DIVISION

QB-2021-

Before: Heather Williams QC (sitting as a Deputy Judge of the High Court)

IN THE MATTER OF SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Dated 14th May 2021

BETWEEN:

HINCKLEY & BOSWORTH BOROUGH COUNCIL
Claimant

and

KATHLEEN ANNE MORRISON (1)

LEVI SYKES (2)

ISAAC DRAPER (3)

PERSONS UNKNOWN (4)

JAMES SYKES (5)

MR DRAPER Snr (FATHER OF ISAAC DRAPER) (6)

DAVID SYKES (7)

MARIA SYKES (8)

SAVANNAH SYKES (9)

SINEAD SYKES (10)

KATHLEEN SYKES (11)

MRS DRAPER (MOTHER OF ISAAC DRAPER) (12)

Defendants

INTERIM INJUNCTION ORDER

PENAL NOTICE

IF YOU ARE ONE OF THE ABOVE-NAMED INDIVIDUALS KATHLEEN ANNE MORRISON, LEVI SYKES, ISAAC DRAPER, JAMES SYKES, MR DRAPER Snr (FATHER OF ISAAC DRAPER), DAVID SYKES AND YOU DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED

ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OR ALL OF THE ABOVE-NAMED INDIVIDUALS OR COMPANIES TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR THEIR



ASSETS MAY BE SEIZED

Notice to Defendants

You should read the terms of this Order and Guidance Notes very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined. In the case of a Corporate Defendant, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

UPON HEARING Hugh Richards Counsel for the Claimant

AND UPON HEARING the Third and Eighth Defendants

AND UPON reading the witness statement of:

- A) Tom Wicks dated 4th May 2021**
- B) Tom Wicks dated 5th May 2021**
- C) Tom Wicks dated 13th May 2021**

IT IS ORDERED THAT:

1. In this Order “the Land” means the land at South East side of Leicester Road, Barwell Land Registry Title Number LT117899 as outlined in red (or, in any black and white copy, shown outlined in bold towards the bottom left hand side) on the Plan attached to this Order and marked Schedule 1.
2. Unless with the express written consent of Hinckley & Bosworth Borough Council (which is not to be unreasonably withheld), the First, Second, Third, Fifth, Sixth and Seventh Defendants (individually or together) must not themselves (nor cause, allow or permit another person to):
 - a. Bring on to the Land any caravan, static caravan or mobile home unless already on the site at the time of the service of this order pursuant to paragraph 11 below;
 - b. Enter into occupation of any part of the Land or any caravan, static caravan or mobile home on the Land, unless already in occupation at the time of service of this order pursuant to paragraph 11 below;
 - c. Bring on to the Land any plant or machinery intended to be used for the purpose of creating site roads or hardstanding on the Land;



- d. Bring on to the Land any storage containers, portable buildings, building materials, waste (including hardcore, rubble, aggregates, soil, road scalplings or planings, chippings, timber, green waste, scrap metals or other domestic or commercial waste or any other waste material;
 - e. Spread any building materials or waste (including hardcore, rubble, aggregates, soil, road scalplings or planings, chippings, timber, green waste, scrap metals or other domestic or commercial waste or any other waste material) on the Land;
 - f. Erect any fence;
 - g. Otherwise lay or expand any form or amount of hardstanding or hard surfaces on the Land.
3. The Claimant has permission to discontinue against the Fourth Defendant "Persons Unknown". The Claimant has permission to join as Defendants:
- a. Fifth - James Sykes
 - b. Sixth - Jason Draper
 - c. Seventh - David Sykes
 - d. Eighth - Maria Sykes
 - e. Ninth - Savannah Sykes
 - f. Tenth - Sinead Sykes
 - g. Eleventh - Kathleen Sykes
 - h. Twelfth - Donna Draper
4. The Order dated 6 May 2021 is set aside. This Order shall remain in force until further Order of the Court or until 15 October 2021 which ever is the sooner.
5. The Claimant shall serve this Order by 10.00 on Monday 17 May 2021 in accordance with the provisions for service below.
6. The Claimant has permission to amend the claim form and particulars of claim.
7. The Claimant do serve the amended claim form, amended particulars of claim, witness statements and amended draft final order by 4pm on Friday 21 May 2021 in accordance with the provisions for service below.



8. By 4pm on Monday 17 May 2021 the Claimant shall visit the Land for the purpose of meeting with the Eighth Defendant to receive her request for written consent to spread stone on part of the Land. The Council shall deliver its decision in writing to the Eighth Defendant by 4pm on Wednesday 19 May 2021.
9. Any of the Defendants may apply to the Court at any time to vary or discharge this Order but if he or she wishes to do so he or she must first inform the Claimant's Solicitors in writing at least 48 hours beforehand.
10. The Claimant's Solicitors are:

Ivy Legal Ltd
3rd Floor
26 Finsbury Square
London
EC2A 1DS

Name: Ms Izindi Visagie
Email address: enforcement@ivylegal.co.uk
Telephone number: 020 3745 5896
11. Any document required to be served by this Order shall be served:
 - a. On the First Defendant
 - i. by delivery to the address given on the Land Registry title - Garlands Lane Farm, Garlands Lane, Barlestone, Nuneaton CV13 0JD, *and*
 - ii. by attaching copies of this Order at the main entrance to the Site or some other part of the Site so that they are clearly visible; *and*
 - iii. by placing eight stakes in the land in places where they are clearly visible within the Site and attaching to each stake copies of this Order in a sealed transparent envelope; *and*
 - iv. by attaching copies of this Order in sealed transparent envelopes to the entrance doors of any caravan or mobile home on the Land at the point of service of this Order
 - b. On the Second, Third, Fifth, Sixth, Eighth, Ninth, Tenth and Twelfth Defendant:
 - i. by personal service at the site, if they be present; *and*
 - ii. by attaching copies of this Order in sealed transparent envelopes to the entrance doors of any caravan or mobile home on the Land at the point of service of this Order



- c. On the Seventh and Eleventh Defendant: by personal service;
12. For the purposes of CPR 6.15(4):
- a. The method and place of service is as set out above.
 - b. The amended claim form will be deemed served on 24 May 2021.
 - c. The period for acknowledging service pursuant to CPR r8.3(1) is 14 days from 24 May 2021 that is to say 7 June 2021.

GUIDANCE NOTES

Effect of this Order

13. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He/She must not do it through others acting on his/her behalf or on his instructions or with his/her encouragement.
14. 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

15. 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

16. In this Order, where there is more than one Defendant (unless otherwise stated) references to “the Defendants” means each or all of them.
17. A requirement to serve on “the Defendants” means on each of them. However, the Order is effective against any Defendant on whom it is served.
18. An Order requiring “the Defendants” to do or not to do anything applies to all Defendants.

Communications with the Court

19. All communications to the Court about this Order should be sent to Queen's Bench Division, HMCTS, Royal



Courts of Justice, Strand, London WC2A 2LL quoting the Claim Number QB-2021-001698. The offices are open between 10am and 4.30pm Monday to Friday.

DATED 14th May 2021

BY ORDER OF THE COURT

NOTE: Pursuant to CPR Part 40.7(1) this order takes effect from the date it was made. In the light of the Covid-19 pandemic many court staff are working remotely. A sealed order (as required under CPR Part 40.2(2)(b)) is or will be available by liaison with the court office.

NOTE: This Order contains Schedule 1, on the next page.



SCHEDULE 1

