

**QUEEN'S BENCH DIVISION**

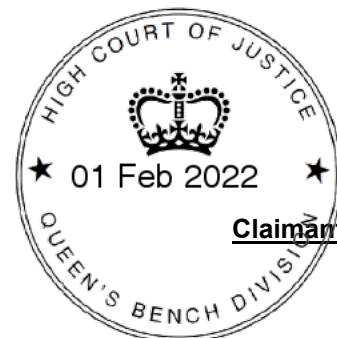
**DATED 1<sup>st</sup> day of February 2022**

**MR DEXTER DIAS QC (sitting as a Deputy Judge of the High Court)**

**IN THE MATTER of an application for an injunction under the Town and Country Planning Act 1990, section 187B**

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

**THE BOROUGH COUNCIL OF KING'S LYNN  
AND WEST NORFOLK**



**Claimant**

**-and-**

**(1) LEO SMITH (SENIOR)  
(2) LEO SMITH (JUNIOR)**

**QB-2021-004603**

**Defendants**

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**ORDER**

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**PENAL NOTICE**

***IF YOU THE WITHIN NAMED DEFENDANTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED.***

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

**IMPORTANT**

1. This Order prohibits you from doing the acts set out in this Order. You should read terms of the Order and the guidance notes very carefully. **You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge the Order.**
2. If you disobey this order you may be found guilty of Contempt of Court and may be sent to prison or fined.

On 1 February 2022, Mr Dexter Dias QC considered the Application for a Final Injunction brought by the Borough Council of King's Lynn and West Norfolk ("the Claimant") supported by the Witness Statements listed in Schedule A.

UPON hearing Counsel for the Claimant and the Defendants not appearing

IT IS ORDERED that:-

1. In relation to the Land which known as "Land at Still Meadows, River Road, West Walton, Wisbech PE14 7EX" registered at HM Land Registry under Title Number NK491258 ("the Land") as shown edged red on Plan MWB1 annexed to this order, the Defendants, whether by themselves or by

instructing, encouraging or permitting any other person by whatever means (including upon the sale or other disposal of the Land), must not:-

- (i) Bring onto the Land any further caravans or mobile homes for the purpose of human habitation or residential occupation;
  - (ii) Bring onto the Land any further hardcore and/or like materials for any purpose, including the creation/laying of hardstandings or hard surfaces, in association with the use of Land for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation;
  - (iii) Carry out any further works in relation to the formation of paths, roadways or any works including the provision of sewerage, water and electricity infrastructure; the installation, laying or running of any service media including any drain, pipe, wire or septic tank or treatment plant associated with the use of caravans and/or mobile homes for the purpose of human habitation or residential occupation
  - (iv) Carry out any further works to the Land associated with or in preparation for its use for stationing caravans and/or mobile homes for human habitation or residential occupation
  - (v) Sell or dispose of any interest in the Land (which phrase shall be deemed to include the grant of a licence) or any part thereof without first bringing to the attention to any person interested in acquiring such interest the terms of this order by providing them with a full and legible copy thereof.
2. The Defendants do pay the costs of the Claimant of the claim in the sum of 13,000, such sum to be paid within 28 days of the date of this Order.
  3. Service of this Order on the First Defendant shall be effected by email to the following email address lsmith1956@outlook.com. Notice of this Order to the Second Defendant and third parties may be effected by affixing a copy of this Order (in a weatherproof see-through cover) to the gate or to the fence in a conspicuous position at the entrance to the Land.

Dated 1 February 2022

## **GUIDANCE NOTES**

### **Effect of this Order – The Defendants**

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

### **Effect of this Order - Parties other than the Claimant and Defendants**

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**

1. In this Order, the words “the Land” means land known as, “Land at Still Meadows, River Road, West Walton, Wisbech PE14 7EX” registered at HM Land Registry under Title Number NK491258, edged red on Plan MWB1 annexed to this order.
2. In this Order, where there is more than one Defendant (unless otherwise stated) references to “the Defendants” means each or all of them.
3. 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 and any person who has notice of it.
4. An Order requiring “the Defendants” not to do anything applies to all Defendants.

### **Communications with the Court**

All communications to the Court about this Order should be sent to Room WG07, Royal Courts of Justice, Strand, London, WC2A 2LL (020 3936 8957). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday except holidays.

## **SCHEDULE A**

### **Evidence**

The Judge read the following written evidence before making this Order:-

1. Witness Statements of Michael Wilfred Bates dated 17<sup>th</sup> December 2021, Stuart John Ashworth 20<sup>th</sup> December 2021 and Michael Wilfred Bates dated 18 January 2022.



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**King's Lynn &  
West Norfolk**  
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16/12/2021