



Claim No.KB-2025-BHM-000334

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

KB-2025-BHM-000334

HHJ Emma Kelly sitting as a Judge of the High Court

B E T W E E N : -

HARBOROUGH DISTRICT COUNCIL

Claimant

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 ON TO THE LAND TO THE
SOUTH WEST OF CLAYBROOKE PLAVA CLOSE TO THE JUNCTION OF
WOODWAY LANE AND THE A5 ROAD**

Defendant

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 THE DEFENDANTS DISOBEY PARAGRAPH 3 OF THIS ORDER, YOU
MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED,
FINED OR HAVE YOUR ASSETS SEIZED.**

ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS PARAGRAPH 3 OF THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF PARAGRAPH 3 OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

BEFORE HHJ Emma Kelly sitting in the High Court of Justice, King's Bench Division, Birmingham District Registry on 11 November 2025

UPON hearing Counsel for the Claimant, the 1st and 2nd Defendant in person and Mr Lee (who is a resident of the Land), and reading the hearing bundle

AND UPON the Claimant's application, dated 28 October 2025, for an interim injunction

AND UPON the Court being satisfied that the 1st and 2nd Defendants were personally served on 4 November 2025 with the proceedings including the application for an interim injunction

AND UPON the Claimant having provided informal notice to the 3rd 'Persons Unknown' Defendant by the placing of the documents in a weatherproof, clear sleeve attached to a wooden stake at the entrance to the Land

AND UPON the Court being satisfied that it is appropriate to grant interim relief against the 3rd Defendant despite being persons unknown, and permitting service by an alternative method in respect of the 3rd Defendant

AND 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

AND UPON the parties agreeing that there are presently 18 caravans/motor homes on the Land

AND UPON the Court being told that 1st Defendant owns the Land

AND UPON the Court granting an interim order today but listing a further hearing to (a) afford the 1st and 2nd Defendants a further opportunity to seek legal advice and representation and (b) to allow for an on notice hearing in respect of the 3rd Defendant

IT IS ORDERED THAT:

1. In this order “the Land” means the land to the south west of Claybrooke Parva, close to the junction of Woodway Lane and the A5 road, and which is delineated in red on the attached plan.
2. The Claimant has permission to amend the description of the 3rd Defendant in the claim form to: “PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 ON TO THE LAND TO THE SOUTH WEST OF CLAYBROOKE PLAVA CLOSE TO THE JUNCTION OF WOODWAY LANE AND THE A5 ROAD”. Re-service of the amended claim form on the 1st and 2nd Defendants (but not 3rd Defendant) is dispensed with.
3. Until further order, 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:
 - a. This order does not prevent the siting and/or occupation of no more than 2 static or touring caravans on each of the 9 pitches on the Land, save that there must not be more than 18 static or touring caravans on the Land at any one time.
 - b. The prohibited development falling within section 55 of the Town and Country Planning Act 1990 may include but is not limited to the importing or depositing of material, the undertaking of excavation, the erection of any structure/building, and the siting of any additional static or touring caravans on the Land for residential purposes.
4. If the 1st Defendant sells or leases the Land, he shall:

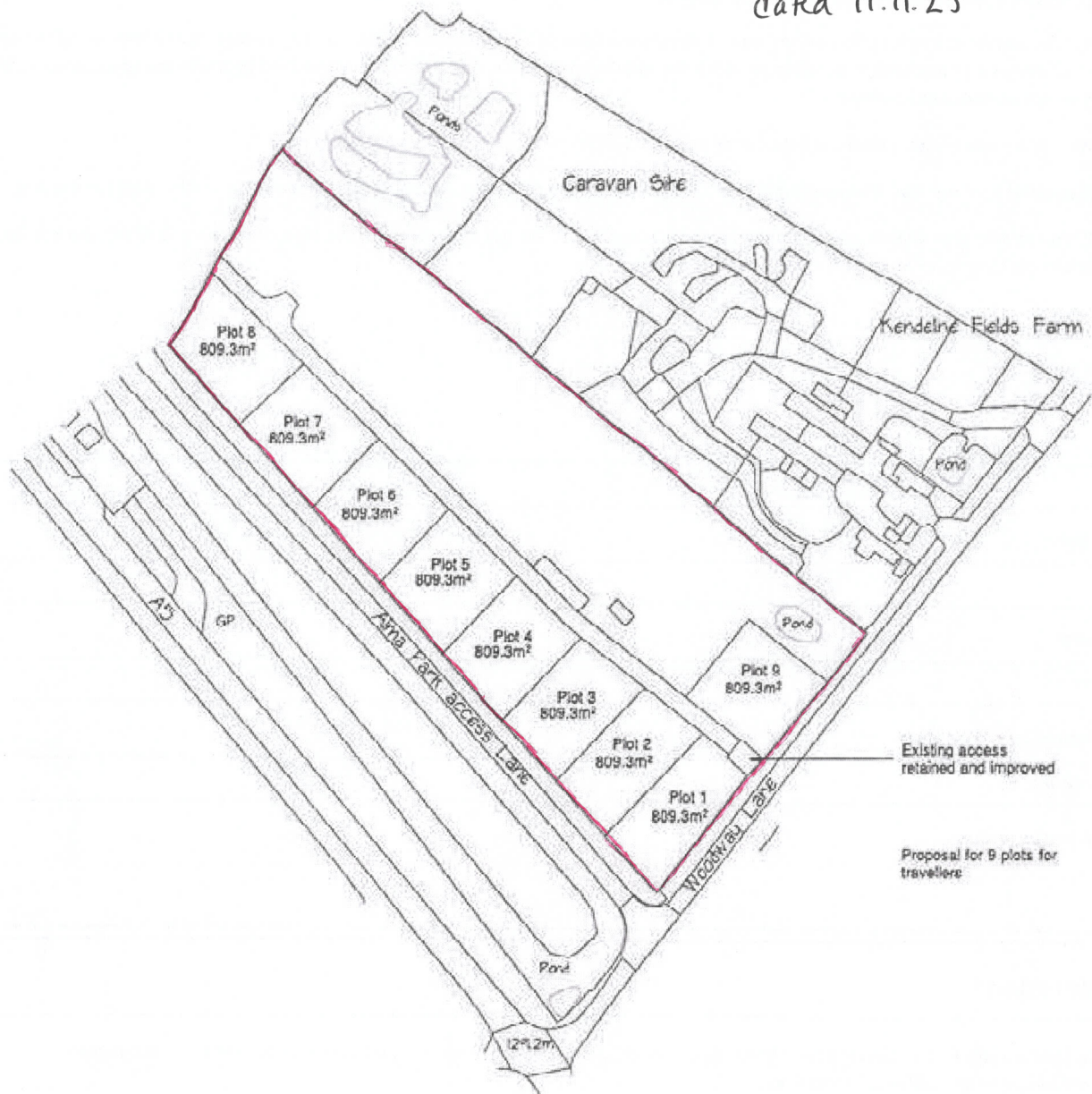
- a. Provide a copy of this order to the prospective purchaser/tenant before the Land (or any part therein) is leased, transferred or contracts exchanged; and
 - b. Provide the full name and contact details of the new owner/tenant to the Claimant's solicitor within 48 hours of the lease, transfer or exchange of contracts.
5. The Claimant has permission to effect service of the claim, the application for an interim injunction and this order on the 3rd Defendant by alternative means namely the Claimant shall:
 - a. Attach copies of this order together with the application, the amended claim form, evidence and any response pack in a weatherproof, clear plastic envelope at a conspicuous location at the sole entrance of the Land; and
 - b. Attach copies of this order together with the application, amended claim form, evidence and any response pack in a weatherproof, clear plastic envelope on the door of every caravan/mobile home on the Land; and
 - c. Put onto the Claimant's website a copy of this order together with the application, the amended claim form, evidence and any response pack such that it is readily and easily accessible by any member of the public including providing a link to the aforementioned documents from the Claimant's landing webpage.
6. The deemed date of service of the alternative service provisions in paragraph 5 of this order shall be the date of the completion of the last of the three required steps.
7. The Claimant shall forthwith provide a copy of this order to Ms Zoe Massey (the named planning agent on the planning permission application in respect of the Land dated 26 September 2025).
8. The Defendants or any of them shall have liberty to apply to set aside or vary this order upon the provision of 48 hours' written notice to the Claimant.
9. The application for an interim injunction shall be listed for a further hearing at **Birmingham Civil and Family Justice Centre, The Priory Courts, 33 Bull Street, Birmingham B4 6DS at 10.30am on 25 November 2025** with a time estimate of 2

hours. To be listed before a s.9 KB authorised Circuit Judge. At this hearing, the Court shall consider whether the interim injunction order should remain in force and/or whether its terms ought to be varied.

10. If any Defendant wishes to rely upon any evidence to contest the application for an interim injunction, they shall file and serve such evidence at least 3 working days before the next hearing.

11. Costs reserved.

KB-2025-BUM-000334
~~Order~~ To be attached to order
dated 11.11.25



0m 25m 50m 75m 100m 125m
SCALE 1:1250 @ A3

Woodway Lane
Lutterworth
LE17 5BH
Proposed travellers pitches
Scale 1:1250

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☒ The Applicant

☐ The Agent

Title

Mr

First Name

Surname

Smith

Declaration Date

26/09/2025

☒ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

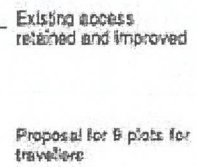
☒ I / We agree to the outlined declaration

Signed

Zoe Massey

Date

26/09/2025



SCALE 1:1250 @ A3

Scale 1:1250

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☒ The Applicant

☐ The Agent

Title

Mr

First Name

Surname

Smith

Declaration Date

26/09/2025

☒ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Zoe Massey

Date

26/09/2025