



Amended Claim Form (CPR Part 8)

In the High Court of Justice Kings Bench Division, Birmingham	
Claim no.	
Fee Account no.	28 Oct 2025
Help with Fees - Ref no. (if appli- cable)	H W F - BIRMINGHAM



KB-2025-BHM-000334

Claimant

Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough
Leicestershire
LE16 7AG



Defendant(s)

(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 Prava
Woodway Park close to the junction of Woodway Lane and the A5 road
Woodway Lane
Claybrooke Parva
Leicestershire

Does your claim include any issues under the Human Rights Act 1998? ☒ Yes ☐ No

Details of claim (see also overleaf)

1. The Council is the Local Planning Authority. The claim relates to breaches of planning control at the Land to the south west of Claybrooke Parva, close to the junction of Woodway Lane and the A5 road ("the Land"). The lawful use of the site is agricultural. The 1st Defendant is believed to be the owner of the Land and the 2nd Defendant is the main occupier. The 3rd Defendant has been included because the Council has not been able to establish the identities of the other occupiers.

2. At the very end of September 2025, the Defendant established an unauthorised gypsy traveller site on the Land in order to facilitate the unauthorised residential occupation. A planning application for the use of the Land for a 9 pitch gypsy traveller site was submitted to the Council but before it could be validated, let alone determined, the Defendants went ahead with the building work. This has included the removal of an established boundary hedgerow to create a new vehicular access, the laying of hardcore/road planings to create a new road through the middle of the site, the laying of hardstanding for the pitches, the erection of fences to delineate the pitches and the siting of a number of caravans and mobile homes. On 27th September 2025, the Council served a Temporary Stop Notice ("TSN") to put a stop to the unlawful activity. This was not obeyed and further unauthorised work has continued. Absent an injunction, the Council has little confidence that they will comply with the TSN, given that conventional enforcement action has proved ineffective.

Defendant's
name and
address

(1) Mr Henry Beeny
(2) Mr Patrick Harty
(3) Persons Unknown residentially occupying or
Woodway Park undertaking development as
Woodway Lane defined by section 55 of the
Claybrooke Parva Town and Country Planning Act 1990
Leicestershire to the land to the south west
of Claybrooke Prava close to the
junction of Woodway Lane and
the A5 road

£

Court fee	646.00
Legal representative's costs	
Issue date	

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When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Details of claim (continued)

3. The claim is brought by the Council pursuant to powers under sections 187B of the Town and Country Planning Act 1990. It provides:

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

(3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section "the court" means the High Court or the County Court.

4. In the first instance, the Council seeks an interim injunction to prevent the Defendants from undertaking any further breaches of planning control on the site as their track record to date indicates that there is a significant risk of further unauthorised activity. It is submitted that it is just, expedient and proportionate for the Court to grant the relief sought. There is plainly a serious issue to be tried, the balance of convenience favours the injunction which will freeze the status quo until the planning merits of the planning application have been determined and damages would not be an adequate remedy. In the event that the Defendants fail to obtain planning permission, the Council will seek to restore the proceedings and seek a mandatory order to require the cessation of the residential use.

5. The application is made, in the first instance, on short notice on the grounds of urgency. The Council suspects that if full notice were given (the PD stipulates 21 days) the Defendants will expedite their unlawful activity.

6. A cross-undertaking in damages is not offered. It is inappropriate to require such an undertaking in circumstances where a local authority does not act in its own private interest but seeks to enforce the law in the interests of the public generally: *Kirklees Borough Council Wickes Building Supplies Ltd* [1992] 3 All ER 717, HL.

7. The Claimant seeks:

- (i) Injunctive relief;
- (ii) Any other remedy the Court sees fits; and
- (iii) Costs.

Legal Services
Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough,
Leicestershire, LE16 7AG

Email: Legal@harborough.gov.uk

Claimant's or claimant's legal representative's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in these particulars of claim are true.

☒ **The Claimant believes** that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature



☐ Claimant

☐ Litigation friend (where claimant is a child or a Protected Party)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

28

Month

10

Year

2025

Full name

Julie Young

Name of claimant's legal representative's firm

Harborough District Council

If signing on behalf of firm or company give position or office held

Head of Legal Services

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