

Statement by G Prosniewska  
Filed on behalf of the Claimant  
Dated: 14<sup>th</sup> December 2023

Claim No: KB-2023-BHM-000271

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

BETWEEN

WYCHAVON DISTRICT COUNCIL

Claimant

v

MEGAN KIMBERLEY DAVIS

AND

JIMMY JOHNSON

AND

**“PERSONS UNKNOWN” BRINGING CARAVANS/MOBILE HOMES ON TO THE LAND KNOWN AS THE “FORMER OLD CLAYFIELD BARN SITE”, CLAYFIELD ROAD, BRETTFORTON, WORCESTERSHIRE (“THE LAND”) TO LIVE IN, OR UNDERTAKING DEVELOPMENT (INCLUDING RESIDENTIAL OCCUPATION) AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 ON THE LAND SAVE IN RESPECT OF ANY DEVELOPMENT WHICH ACCORDS WITH THE PLANNING PERMISSION DATED 21 SEPTEMBER 2022 (REF: W/22/01422/CU) OR ANY SUBSEQUENT PLANNING PERMISSION**

Defendant(s)

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STATEMENT

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*I, Gemma Louise Prosniewska, Senior Legal Officer, for Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, Worcestershire, WR10 1PT make this witness statement as follows:*

1. I attended the without notice interim injunction hearing for this matter on Wednesday 13<sup>th</sup> December 2023 to assist counsel, Jack Smyth (No 5 Chambers). Paragraph 3 of the order of HHJ Kelly dated 13<sup>th</sup> December 2023 directs the claimant to file and serve a witness statement confirming what the Court was told by counsel during the

course of the hearing. The interim injunction may not be served until this has been done.

2. I confirm that Jack Smyth had received an email on 13<sup>th</sup> December 2023 from Jenny Ager, Senior Lawyer, who has conduct of this matter for Wychavon District Council, providing an update from a site visit undertaken by Samuel Mather, Senior Planning Enforcement Officer, on 6<sup>th</sup> December 2023. I exhibit a copy of this email and accompanying photographs as **GP1**.

3. This email confirms that there had been no visible changes to the site since ~~Samuel~~ <sup>Police's ed.</sup> Mather's previous site visit on 1<sup>st</sup> November 2023. The instructions to counsel therefore were that there have been no apparent further works on the site since the very end of October. This is what Mr Smyth was instructed to make clear at the hearing.

I believe that the facts stated in this witness statement are true. 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

Signed:



Date: 14<sup>th</sup> December 2023

"GPI"

**Gemma Prosniewska**

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**From:** Jenny Ager  
**Sent:** 13 December 2023 09:19  
**To:** 'Jack Smyth'  
**Subject:** FW: Potential injunction for Clayfield Road, Bretforton  
**Attachments:** Clayfield site visit 06.12.2023.docx

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**From:** Samuel Mather <Samuel.Mather@malvern hills.gov.uk>  
**Sent:** Wednesday, December 6, 2023 5:29 PM  
**To:** Paul Clements <paul.clements@malvern hills.gov.uk>; Jenny Ager <jenny.ager@malvern hills.gov.uk>  
**Cc:** David Hammond <david.hammond@wychavon.gov.uk>; Sebastian Ash <Sebastian.Ash@malvern hills.gov.uk>  
**Subject:** RE: Potential injunction for Clayfield Road, Bretforton

Hi Jenny,

Please see attached site inspection photos, no change on site since the last site visit.

Kind regards,

Samuel Mather

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