



# Claim Form (CPR Part 8)

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|---|--------------------|------------|
| In the High Court of Justice, King's Bench Division<br>Birmingham District Registry |                    |            |
| Claim no.   | KB-2023-BHM-000271 |            |
| Fee Account no.   | PBA0087007         | BIRMINGHAM |
| Help with Fees - Ref no. (if applicable)  | HWF -              |            |

AMENDED CLAIM FORM IN ACCORDANCE WITH THE ORDER OF HHJ KELLY OF 13TH DECEMBER 2023  
KB-2023-BHM-000271

Claimant  
Wychavon District Council



### Defendant(s)

- Ms Megan Kimberley Davis
- Mr Jimmy Johnson Jnr

3) Persons Unknown bringing caravans/mobile homes on to the Land known as the "Former Old Clayfield Barn Site", Clayfield Road, Bretforton, Worcestershire ("the Land") as 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.

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

### Details of claim (see also overleaf)

\*\* The Court is invited to list the matter for an ex parte hearing with a time estimate of 20 minutes \*\*

1. The claimant is the Local Planning Authority. It seeks an injunction to restrain unlawful activity at land known as the "Former Old Clayfield Barn Site", Clayfield Road, Bretforton, Worcestershire ("the land"). The 1st defendant holds the legal title of the Land. The 2nd defendant is believed to have control over it.

2. In the summer of 2023, the police informed the claimant that the land had been bought by members of the gypsy traveller community. Since then, the claimant has kept the site under investigation. During this time, extensive unauthorised development has been undertaken which does not have the benefit of planning permission. This includes ground clearance, the digging of trenches, the laying of hardcore/tarmac, the deposit of building materials and the siting of a septic tank. The work has continued in the face of the claimant's investigation and in spite of numerous warnings that the work was unlawful and must cease. Later, the land was connected to electricity and water utilities and gates were installed. The claimant suspects that the defendants are in the process of establishing an unauthorised residential use of the Land.

Defendant's name and address Megan Kimberley Davis  
90 Main Street, Sedgeberrow, Evesham  
Worcestershire WR11 7UF

Jimmy Johnson Jnr  
8 Evesham Road, Cleeve Prior

Persons Unknown

|                              | £      |
|------------------------------|--------|
| Court fee                    | 569.00 |
| Legal representative's costs | 750.00 |
| Issue date                   |        |

For further details of the courts [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal).  
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 claimant is satisfied that there is a significant risk of an anticipated breach of planning control (ie, an unauthorised residential use) and should this occur it is likely to give rise to significant harm.

4. It is submitted that it is just, expedient and proportionate for the Court to grant an order to prevent any further breaches of planning control. In the first instance, the claimant seeks an interim injunction to maintain the status quo. This will have the effect of "holding the ring" until the planning merits of the Land have been assessed. In the event that planning permission is not obtained, the claimant may seek further mandatory relief to bring the existing breach of planning control to an end.

5. The Court is reminded of its powers under 187B of the Town and Country Planning Act 1990:

(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.

6. The claimant seeks:

(i) Injunctive relief;

(ii) Costs;

(iii) Any other order the Court sees fit.

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Wychavon District Council  
Civic Centre  
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Persnore  
WR10 1PT

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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

13

Month

12

Year

2023

Full name

Meesha Patel

Name of claimant's legal representative's firm

Legal Services, Malvern Hills & Wychavon District Councils

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

Director of Legal & Governance