

Name:
First Date:
Filed on behalf of: Claimant.
Exhibits:

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Claim No:
Date:

IN THE MATTER OF SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT
1990

AND IN THE MATTER OF LAND REAR OF MEADOW VIEW FARM, LODGE LANE,
MINTING, LN9 5NR, ALSO KNOW AS LONGLANDS FARM.

BETWEEN

EAST LINDSEY DISTRICT COUNCIL

Claimant

And

WILLIAM TIDD

Defendant

FIRST WITNESS STATEMENT OF DEAN EDWARD FLOWER

I, DEAN EDWARD FLOWER, Retained Planning Enforcement Officer employed by the Claimant, East Lindsey District Council, The Hub, Mareham Road, Horncastle, Lincolnshire, LN9 6PH, will say as follows:

1. I am a Planning Enforcement Officer retained by the Claimant East Lindsey District Council ("the Council") and I work on their behalf in the Planning Enforcement Team at the Council Offices in Mareham Road, Horncastle. I am duly authorised to make this statement in support of the application for an injunction pursuant to s.187B of the Town and Country Planning Act 1990 ("the Act"). I intend to draw all relevant matters to the attention of the Court.
2. The delegated decision to seek said injunction has been made by Jo Parker, Planning Enforcement Manager.

The Site

3. The Land rear of Meadow View Farm, Lodge Lane, Minting is located central to the Council's administrative area approximately 5 miles Northeast of Horncastle. The land is located to the South of Lodge Lane and North of Pinfold Lane. The area of land subject to this application is shown outlined in red on the attached plan produced as **Exhibit DEF1** ("the Site"). The site is divided into two separate parcels of land as shown on land registry title deeds and plans LT282582 produced as **Exhibit DEF2** ("the Northern Site") and LT277406 produced as **Exhibit DEF3** ("the Southern Site"). A site plan of the Northern Site is produced as **Exhibit DEF4**, and a site plan of the Southern Site is produced as **Exhibit DEF5**.
4. The Site located within the rural village of Minting is in an isolated location surrounded by a large network of agricultural fields. There are three unconnected dwellings nearby, Cherry Tree Cottage lies 75-80 metres (m) North of the site, Cherry Tree Farm 120-130m Northwest of the site, and Meadow View Farm is approximately 200m Northeast of the site. The site was historically used for the grazing of cattle and is surrounded by mature trees and hedges.
5. Access to the site was provided by an existing field gate to the Northwest of the site from Lodge Lane which has now been developed to create an expanded entrance with brick-built walls and 2m high gates. Lodge Lane is a narrow national speed limit road (60MPH), and the site is located on an "S" bend approximately 1m South of the A158, placing the site entrance on a blind bend. However, traffic conditions are light with a mixture of domestic and agricultural vehicles. Images of the original and current field entrance are produced as **Exhibit DEF6**.
6. The site now houses a 30m x 15m agricultural building which was granted permission under reference S/122/01818/18 for "Erection of an agricultural building to be used for calf rearing and hardstanding areas". Also on site is a large mobile park home that the owner has sited for the unauthorised residential occupation.

7. The lawful use of the site is that of agriculture, the current use of the site is considered to be a mixed use of agriculture and the unauthorised use for the keeping of dogs and the siting of a mobile park home for permanent residential occupation. The mobile park home is occupied by the owner Mr Tidd his partner and their 4 children. The children are aged approximately between 1 and 13 years.
8. Mr Tidd has explained that he is dyslexic and unable to read and write. Mr Tidd is assisted with matters of reading and writing by his partner.
9. The 4 children that live with Mr Tidd and his partner are between the ages of approximately 1 to 13 years of age. They are settled in the area and attend school locally. At this time there is no anticipated concerns relating to disruption to this however, this is dependant upon the approval or refusal of the retrospective application however, it isn't intended that this injunction application will affect the outcome.
10. The agricultural building is currently split into two halves where by one half is used for the keeping and rearing of calves and the second half is used for the unauthorised keeping of dogs (30 in number).

Ownership

11. The land registry title deeds **Exhibited as DEF2 and DEF3** show that the freehold owner of the site is Mr William Edward Tidd.

Planning and Enforcement

12. Planning

S/122/00634/16	Planning Permission - Erection of a stable block consisting of 6 no. stables and the erection of a single garage/store. Construction of a menage, a concrete base to provide a muck heap, a hardstanding area, and the siting of a touring caravan.	Approved
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S/122/01818/18	Planning Permission - Erection of an agricultural building to be used for calf rearing and hardstanding areas.	Approved
S/122/02268/18	Determination of whether prior approval is required for the siting, design, and external appearance of the barn to be erected.	Prior Approval Not Required
S/122/00587/22	Erection of a dwelling with a detached garage.	Pre-Application Advice – Not supported
S/122/00950/22	Planning Permission - Siting of a caravan for residential use in connection with agriculture (works completed).	Awaiting Determination
S/122/01312/23	Planning Permission - Erection of an agricultural building to use for the housing of animals and construction of a site access road.	Awaiting Determination

13. The relevant planning applications and subsequent permission are as follows:

S/122/01818/18 Full application for the erection of an agricultural building to be used for calf rearing. This planning permission has been implemented and is currently in use.

S/122/02268/18 Prior notification application for the erection of a hay and feed barn, this has been implemented but not currently built out.

S/122/00950/22 Retrospective application for the retention of the mobile park home for residential occupation for a temporary period of 3 years. This is to allow the owner of the site to reside on the site for a period of 3 years to enable them to evidence that there is a viable and sustainable agricultural business in line with East Lindsey District Council's Local Plan ("local plan"). **Awaiting Determination**

14. Enforcement

EC/122/00444/21	Erection of outbuilding used for commercial purposes not per planning permission S/122/01818/18	Case Closed, No Breach
EC/122/00001/22	1. Installation and residential use of a large static home without planning permission. 2. Breach of planning condition 5 on planning permission reference S/122/01818/18 concerning the installation of external lighting without permission. 3. Installation of a hard standing area for the installation of a septic tank and residential accommodation without planning permission. 4. Siting of a static caravan 5. Dog Breeding	Currently under investigation
EC/122/00216/22	Change of use of an agricultural building for a dog breeding business without planning permission.	Case Closed, being dealt with under the above reference number

15. The current and most relevant planning enforcement history for this application is as follows:

16. EC/122/00001/22 On the 19th of April 2022 I was allocated an enforcement investigation which related to the siting of a mobile park home on the site of agricultural land for the purpose of residential occupation. The purpose of the investigation was to establish whether a breach of planning control had taken place.

17. The investigation has confirmed that a breach of planning control has taken place. The confirmed breach is the change of use of the land from agriculture to the siting of a mobile park home (static caravan) for residential occupation and the creation of hardstanding on which the mobile park home is sited including the area around the caravan which has created curtilage for the mobile park home.

18. As part of the investigation, I have carried out a search of the Council's internal systems to establish if there was any relevant planning history on the site. I found a submission for pre-application advice on the 24th of March 2022 for the erection of a detached house which at the time advice had not been provided, due to this I called the planning agent Richard Jones to gather further information and to establish details of the owner.
19. I carried out a site inspection on the 20th of April 2022 but there was nobody on site and I was unable to discuss the matter in person. I obtained images of the site which are **Exhibited as DEF7**. The images will show the expanded access to the site including brick walls, gates, and fencing as well as the agricultural building and mobile park home which except for the agricultural building are all unauthorised.
20. On the 25th of April 2022 I received a call from mobile telephone number 07512 143 817 from a male who identified himself as William Tidd, the owner of the site at Minting. The purpose of the call was due to him having received the advice back from East Lindsey District Council's Planning Team with regards to the submitted pre-application advice, the advice received was that an application of this type would not be supported in this location as it did not meet the criteria outlined in the East Lindsey Local Plan adopted in 2018. During the conversation I explained the reasons for the advice and why in my opinion the advice was not supportive of this type of development. Mr Tidd didn't understand why he wouldn't be able to build a house at the location when he was intending to work within farming and asked if I could contact his agent to explain. During the conversation Mr Tidd stated that if he was unable to get permission he would sell the land to Gypsies, these comments were documented in my initial notes on 25th April 2022 on the planning enforcement case produced as **Exhibit DEF8**.
21. Following further discussions with both Mr Tidd and his agent it was agreed that an application for a temporary 3-year permission be submitted to enable Mr Tidd to evidence that there was a viable agricultural business which would then enable him to submit a further application for a

permanent agricultural worker's dwelling if he was able to demonstrate that the business had made a profit.

22. A retrospective application was submitted on 17th of May 2022 for the "siting of a caravan for residential use in connection with agriculture" and is awaiting determination.
23. On the 18th May 2022 I revisited the site in company with Councillor (Cllr) William Gray to introduce Cllr Gray to Mr Tidd and to discuss the matters of the unauthorised development. While on site discussing matters of planning with Mr Tidd and Cllr Gray, Mr Tidd again stated that should the application not be approved then he would just sell up to Gypsies and that this would show the nearby residents.
24. As the planning application is still awaiting determination, I have not had regular site visits or conversations with Mr Tidd however most recently due to external advice being provided from an agricultural consultant which was un-supportive of the application, I have been in contact with Mr Tidd more regularly to allow him to air his frustration following receipt of the external advice. During these conversation Mr Tidd has voiced his annoyance with the external advice and explained that the advice isn't accurate and supplied evidence in support of this. However, due to his frustration, during a conversation with Mr Tidd on 29th June 2023, when I was called via mobile phone number 07734 817 859, Mr Tidd again reiterated that if the application were to be refused, he would sell the site to Gypsies, he even went into detail of how many plots he would split the land in to and the money he would charge for this. Mr Tidd stated that he would split the land into 30 plots which would be sold at £20,000 a plot and he would then be able to walk away from the land having been reimbursed for the money that he has already invested.
25. I know this mobile phone number to be used by Mr Tidd as he has sent me various text message and videos which have at times included images of himself. I recognised the voice on the phone as Mr Tidd's as he always begins the conversation with "it's only William" he has a distinctive accent

and stammer when he talks. I have spoken to Mr Tidd on many occasions since the start of the planning enforcement investigation and I am able to recognise the number and Mr Tidd's voice.

26. Following a recent site visit from Planning Officer Graeme Hyde on 18th July 2023 in relation to a recent application submitted for further buildings he met with Mr Tidd and had a general discussion about the site and the progression of the retrospective planning application for the siting of the caravan for residential occupation. Graeme Hyde explained to me that while speaking with Mr Tidd he was advised that if planning permission was not granted, he would make one phone call and fill the site with Gypsies. Mr Tidd was said to have sworn on his son's life who was stood next to him at the time. A witness statement in relation to this conversation has been produced by Graeme Hyde which I produce as **Exhibit DEF9**.
27. On the 11th September 2023 while working from home I had logged on to check emails when I came across an email from a local resident dated 9th September 2023 at 13:51 hrs. the content of the email highlighted a conversation between the resident and Mr Tidd, during the conversation Mr Tidd reiterated the threats previously made to council officers and informed the resident that he would put 30 traveller plots on the field if he didn't get his own way. I produce a copy of this email as **Exhibit DEF10**.
28. Later the same day I received a call from Mr Tidd on the same mobile phone number, Mr Tidd again introduced himself stating "its only me William" the call was received at 09:58 hrs. The conversation was general in tone discussing the applications but turned to the conversation between Mr Tidd and the local resident. Mr Tidd confirmed that content of the conversation and explained that he had informed the resident that he would sell 30 gypsy plots. He also stated that he had said to the resident "what would you prefer, 6 of us or 300. I took this to mean that there would be 300 gypsies on the land if Mr Tidd sold the land off as plots.
29. Later that week while on site visits within the district of East Lindsey I received a further call from Mr Tidd at 10:06 hrs, the call lasted for 13

minutes and during the conversation the tone was very different, and Mr Tidd was very clearly in a poor place mentally due to the frustrations with the applications and the constant opposition from the locals. Mr Tidd was raising his voice and shouting during which he again reiterated the threats to sell the land to gypsies. My concern at this time was more about threats to harm himself and I focused on trying to calm the situation and to get Mr Tidd to go home and share the burden with his wife / partner. The call ended abruptly.

30. Mr Tidd called back almost immediately and appeared much calmer, this called referred to Mr Tidd's earlier life and the struggles that he had experienced due to being a traveller but still contained a further threat to sell the land. I didn't make anything of this and tried to offer help due to his current state of mind. Mr Tidd did also state during this conversation that if he didn't hear anything with regards to his application for the additional barn by the weekend, he would begin building it anyway. I advised against this, but the call was then ended again.
31. On Monday 18th September 2023 at 08:22 hrs I received a video recording via WhatsApp. The recording showed a tractor towing a trailer entering the Lodge Lane site in Minting carrying a 360° tracked excavator. The narrative that supported the video was Mr Tidd stating "there you go Dean, I am a man of my word, and I don't lie, I told you by the weekend that if they didn't give me no news work was gonna start, and work has started. Putting fences up today and digging holes to put the barn up. I've tried everything I can do; I have been advised by my solicitor to get in touch with the council cuz they are just fobbing me off". The rest of the narrative was difficult to understand due to wind in the microphone. A copy of this video can be presented as evidence if required.
32. Despite advice not to do any further works this shows that Mr Tidd will continue to ignore the planning system if he does not get the results he requires and within his timelines.
33. A further call has been received from Mr Tidd on Wednesday 8th November 2023 at 10:11 hrs, Mr Tidd called myself to establish what is happening

with the submitted application and he also questioned what my informal opinion is, I explained that his application for the barns is likely to be approved but it was my opinion that the application for the siting of a caravan for residential use was likely to be refused at committee. I explained further that I believe that there is a likely permission, but this would need to be via an appeal, but this would require a good planning agent to assist with any appeal.

34. Mr Tidd thanked me for my opinion and went on to explain that he has had an offer for the land and that he was meeting with the prospective buyer at 5pm on the same day. I asked if the buyer was a gypsy / traveller to which he responded, "not one", we then joked briefly, and I said please don't do this to me to Mr Tidd said that he really didn't want to, but he is so fed up with how long it has taken he didn't feel he had any choice. I continued and explained the appeal process, but he was of the opinion that there were no guarantees, and they would probably refuse his application in 3 years even if he was to win at appeal.

Mr Tidd explained that the buyer is intending to set up 15 plots on the site and that he had really wanted 30, the buyer has offered more money per plot but for a reduced amount. I asked how long the transaction is likely to take to which Mr Tidd explained that he has got to find somewhere else to live and to sell his animals so in his opinion they would need to allow him 7-8 weeks to vacate the site.

35. Due to the number of times that Mr Tidd has now repeated this threat (the use of the land being sold to Gypsies) and with a decision on the application now being imminent I believe that Mr Tidd will carry out the threats made if the application is not supported by the Council. It is my opinion that Mr Tidd does not wish to sell the land to Gypsy travellers and does wish to continue working in agriculture, I do believe that if the outcome is not in favour of support, then Mr Tidd will carry out his threat.
36. Mr Tidd has explained that he is a member of the Gypsy traveller community and has also confirmed that he is aware of the difficulties that exist when Councils try to remove Gypsies from land. He has also explained

that he was aware of an enforcement case at a site in Norfolk (Holly Oaks, London Road, Sutton near Wymondham). He has stated that members of his family have resided on this site and is also aware that the families had been given 1 year to move off the site which is confirmed by a news article in the Eastern Daily Press produced as **Exhibit DEF11**.

37. It is for the above reasons that the Council apply to seek to restrain any further breaches of planning control which is likely to be the sub-division of an agricultural plot of land for the creation of an unauthorised Gypsy traveller site. The creation of an unauthorised Gypsy traveller site is likely to involve the importation of large quantities of aggregate to create hardstanding for the siting of caravans. The erection of sheds and fencing on each of the suggested plots to be created. This does not include the number of individuals that are likely to descend on this peaceful and quite rural part of East Lindsey that would not be suitable in Planning Policy terms for such a use. The site is in a rural part of East Lindsey surrounded by agricultural fields in a small village with no amenities, there are no shops, libraries, schools, bus routes etc. In the 2011 census the population was 286, an unauthorised Gypsy / Traveller site could have the potential to attract at least a quarter of the entire village population with no facilities to cope with such a number of addition people.
38. An unauthorised Gypsy / Traveller site in this location, housing a large number of plastic caravans would be considered alien features. The access to the field would be unsuitable should the number of pedestrians and vehicles increase to anything over that of a single residential dwelling house or agricultural business. The lanes around the land are narrow and winding which would cause a danger to anyone using the highway. (Please refer to the planning policy assessment further down in this statement.)
39. In accordance with the Public Sector Equality Duty under s149 of the Equality Act 2010 I have had due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic

(such as members of the Gypsy and Traveller community) and persons who do not share it (such as the neighbouring settled community); and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In this regard, and in coming to my decision to seek injunctive relief, I acknowledge that it may well have a negative impact on protected persons (the Gypsies and Travellers likely to occupy the Land) but I do not consider that the benefit of allowing them to use the Land as a Gypsy traveller site in the absence of a planning permission will make the use acceptable to neighbouring residents or outweigh the harm that would be caused by preventing them from doing so.

Planning Policy Assessment

40. I have requested a policy assessment from Planning Policy and Research Service Manager Simon Milson who has provided the following statement:
41. Policy SP12 of the East Lindsey District Council Local Plan 2018 relates to the provision of Gypsy, Traveller, and Travelling Show people accommodation. It is broadly supportive under specific circumstances (not dissimilar to housing) including a locational aspect in that the sites should be adjacent to or in reasonable proximity to a town or large village. The Local Plan also allocates 3 sites to address the need identified in our 2016 Gypsy Traveller and Show people Needs Accommodation Assessment (GTNA).
42. The site in question does not form part of one of these allocations and would therefore fail to be considered under the above-mentioned policy and the general thrust of the Local Plan (for example considerations such as appropriateness of the location, flood risk, impact on the character of the area, highway safety considerations etc).
43. The 2016 GTNA identifies a need across the district, 3 sites are allocated in the Local Plan to address this. None of the 3 allocations in the Local Plan have been developed / completed for use yet.

44. However, we have recently had the GTNA updated, and it paints a different picture now. It advises that there is no identified need for permanent pitches and that the majority of our Gypsy, Traveller and Show people population is made up of a few already settled families, a number of over-wintering Show people sites, and a transient summer population that visit the coast for their holidays. As such it recommends that in order to address this the Council could enter into an agreement with a couple of local landowners on the coast to use land as temporary summer sites to accommodate those visiting.
45. The 2016 GTNA is the one that underpins the current policy position. The 2022 GTNA has been produced and will underpin the reviewed Local Plan that we are working on and that is likely to be ready sometime next year.
46. Given the above information provided by Simon Milson it is clearly that a Gypsy traveller site in this location would not be acceptable as it is not in the proximity of a Town or large village. Furthermore, it does not comply with the East Lindsey District Council Local Plan SP12 whereby it is not one of the 3 identified sites under the 2016 GTNA.

Injunction application without notice.

47. It is the opinion of the council that a without notice application is necessary in this case to prevent the owner expediting the sale of the land and creating an unauthorised gypsy / traveller site. Mr Tidd has shown that if he wanted to create a site that he has the resources to do so quickly as this was the case with the siting of the residential caravan, erection of the barn and the fact that he was able call in the assistance of a 360° Excavator when he was carrying out further works on the land under the threat to erect another barn without planning permission.

Injunction if granted.

48. The granting of an injunction would not involve any detrimental impacts to human rights as the First Defendant will be able to continue to live on the Site in the caravan until such a time that a decision is made on the current application. Thereafter the Council would give appropriate compliance periods in any planning enforcement notices such that Mr Tidd could cease the unlawful use of the land. The application is to restrict any further unauthorised development or change of use of the land as threatened by the First Defendant and nothing more.
49. I believe that without injunctive relief there will be further such breaches of planning control should a refusal decision be given for the current retrospective planning permission.
50. I have reached the conclusion that seeking injunctive relief to effectively prevent the uncontrolled use of the Land in breach of planning control is necessary, expedient, and proportionate in the public interest. The Council therefore applies for an injunction to restrain breaches of planning control unless the prior written approval of the Council is obtained.

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 contents of this witness statement are true.

Signed: 

Date: 8th November 2023