

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

BETWEEN:

EAST LINDSEY DISTRICT COUNCIL

Claimant

-and-

(1) MR WILLIAM EDWARD TIDD

**(2) PERSONS UNKNOWN BRINGING CARAVANS TO LIVE IN OR UNDERTAKING
DEVELOPMENT AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 TO THE LAND AT THE REAR OF MEADOWN VIEW, FARM,
LODGE LANE, MINTING**

Defendants

DRAFT 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 DO NOT OBEY THE INSTRUCTIONS CONTAINED IN THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

Before [] sitting as a Judge of the High Court on [] November 2023

UPON hearing from Counsel for the claimant and reading the evidence filed in support of the claim

UPON the Court being satisfied that it is appropriate to deal with the matter in the first instance in the absence of notice to the defendants

UPON the Court being satisfied that it is appropriate to grant relief against an un-named defendant and correspondingly to allow service by an alternative method

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

IT IS ORDERED:

1. 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) The defendants must not materially change the use of the Land or undertake any engineering operation, erect any building/structure, bring on to the Land any further caravans/mobile homes, import or deposit any material or excavate the Land without the grant of planning permission or the written consent of the claimant's solicitor.

- b) Nobody who is not living on the Land at the time of the service of this order may live on the Land after.
 - c) If a caravan/mobile home is removed from the Land, it may not be replaced with another caravan/mobile home.
2. 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 transferred or contracts exchanged;
 - b) Provide the full name and contact details of the new owner/tenant to the claimant's solicitor within 48 hours of the transfer / exchange of contracts.
3. If the 1st Defendant has already sold or leased the Land, he shall provide a copy of this order to the purchaser/tenant and provide the full name and contact details of the purchaser/tenant to the claimant's solicitor as soon as practicable.
4. The Land referred to in this order is land at the rear of Meadow View Farm, Lodge Lane, Minting which is as delineated in red on the attached plan.
5. The claimant shall immediately personally serve the 1st defendant with a copy of this order together with the application, claim form and evidence. Further, to effect service on the 2nd defendant the claimant shall:
- a) Attach a copy of this order together with the application, claim form and evidence in a clear plastic envelope at the entrance to the Land so that it comes to the attention of any visitors.
 - b) Load up on to its website a copy of this order together with the application, claim form and evidence.
 - c) Provide to any planning agent or individual who expresses an interest in the Land a copy of this order together with the application, claim form and evidence.

6. Liberty to the defendants to apply to set aside or vary this order upon 48 hours written notice to the claimant.

7. The matter shall return to Court at 10.30am on **8, 11, 13 or 14** December 2023 with a time estimate of 1 hour. At this hearing, the Court shall reconsider whether the interim order was properly made and whether its terms ought to be varied or discharged. If the defendants wish to rely upon any evidence to contest the claim, they shall file and serve it at least 3 days before the hearing.

8. Costs reserved.