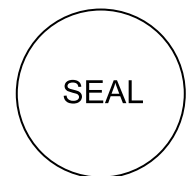




Claim Form (CPR Part 8)

In the High Court of Justice	
Claim no.	
Fee Account no.	PBA0088053
Help with Fees – Ref no. (if applicable)	H W F - <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>

Claimant
 East Lindsey District Council
 The Hub
 Mareham Road
 Horncastle
 Lincolnshire
 LN9 6PH



Defendant(s)
 (1) Mr William Edward Tidd
 Land to the rear of Meadow View Farm
 Lodge Lane
 Minting
 Horncastle

(2) Perons Unknown bringing caravans to live in or undertaking development as defined by section 55 of the Town and Country Plannign Act 1990 at
 Land to the rear of Meadow View Farm
 Lodge Lane
 Minting
 Horncastle

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 **

The Claimant makes an application for an injunction under s.187B of the Town and Country Planning Act 1990 to restrain a breach of planning control. Please see the attached Details of Claim and Draft Order, together with the witness statement of Dean Flower and exhibits.

CPR Part 8 applies to this claim.

In light of the issues as set out in the Details of Claim, the witness statement of Dean Flower and the urgency of this matter, the Claimant respectfully requests that the Court grants an Interim Injunction without notice.

Defendant's name and address

(1) Mr William Tidd
(2) Persons Unknown
Land to the rear of Meadow View Farm
Lodge Lane
Minting
Horncastle

£

Court fee	£569
Legal representative's costs	TBC

Issue date	
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Details of claim (continued)

1. The claimant is the Local Planning Authority. It seeks an injunction to restrain unlawful activity at land at the rear of Meadow View Farm, Lodge Lane, Minting ("the Land"). The 1st defendant holds the legal title of the Land.
2. Recently, the 1st defendant has expressed dissatisfaction with how the claimant has treated him and his aspirations for the Land. He has repeatedly threatened to sell the Land to members of the gypsy traveller community. These threats have been made to planning officers of the claimant. The implication of the threats is that if the 1st defendant does not get his way with obtaining planning permission, he will sell the Land so that an unauthorised gypsy traveller site can be established. These threats do not appear hollow.
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.

For further details of the courts 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.

Claim no.

FORMTEXT

Legal Services Lincolnshire
County Offices
Newland
Lincoln
LN1 1YS

DX 701680 Lincoln 5

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

Month

Year

09

11

2023

Full name

Caroline Nicole Siddiquee

Name of Claimant's legal representative's firm

Legal Services Lincolnshire

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

Senior Lawyer

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Notes for claimant on completing a Part 8 claim form

- Please read all of these guidance notes before you begin completing the claim form. The notes follow the order in which information is required on the form.
- Court staff can help you fill in the claim form and give information about procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example, about the likely success of your claim or the evidence you need to prove it, you should contact a legal representative or a Citizens Advice Bureau.
- If you are filling in the claim form by hand, please use black ink and write in block capitals.
- You must file any written evidence to support your claim either in or with the claim form. Your written evidence must be verified by a statement of truth.
- Copy the completed claim form, the defendant's notes for guidance and your written evidence so that you have one copy for yourself, one copy for the court and one copy for each defendant. Send or take the forms and evidence to the court office with the appropriate fee. The court will tell you how much this is.

Notes on completing the claim form

Heading

You must fill in the heading of the form to indicate whether you want the claim to be issued in a county court or in the High Court (The High Court means either a District Registry (attached to a county court) or the Royal Courts of Justice in London).

Use whichever of the following is appropriate:

'In the County Court at'
(inserting the name of the court)

or

'In the High Court of Justice.....Division'
(inserting eg. 'Queen's Bench' or 'Chancery' as appropriate)
.....District Registry'
(inserting the name of the District Registry)

or

'In the High Court of Justice.....Division,
(inserting eg. 'Queen's Bench' or 'Chancery' as appropriate)
Royal Courts of Justice'

Claimant and defendant details

As the person issuing the claim, you are called the 'claimant'; the person you are suing is called the 'defendant'. Claimants who are under 18 years old (unless otherwise permitted by the court) and patients within the meaning of the Mental Health Act 1983 must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

You must provide the following information about yourself **and** the defendant according to the capacity in which you are suing and in which the defendant is being sued. When suing or being sued as:-

an individual:

All known forenames and surname, whether Mr, Mrs, Miss, Ms or Other (e.g. Dr) and residential address (**including** postcode and telephone and any fax or e-mail number) within the United Kingdom or in any other European Economic Area (EEA) state. Where the defendant is a proprietor of a business, a partner in a firm or an individual sued in the name of a club or other unincorporated association, the address for service should be the usual or last known place of residence **or** principal place of business of the company, firm or club or other unincorporated association.

Where the individual is:

under 18 write '(a child by Mr Joe Bloggs his litigation friend)' after the child's name.

a patient within the meaning of the Mental Health Act 1983 write '(by Mr Joe Bloggs his litigation friend)' after the patient's name.

trading under another name

you must add the words 'trading as' and the trading name e.g. 'Mr John Smith trading as Smith's Groceries'.

suing or being sued in a representative capacity

you must say what that capacity is e.g. 'Mr Joe Bloggs as the representative of Mrs Sharon Bloggs (deceased)'.

suing or being sued in the name of a club or other unincorporated association

add the words 'suing/sued on behalf of' followed by the name of the club or other unincorporated association.

a firm

enter the name of the firm followed by the words 'a firm' e.g. 'Bandbox - a firm' and an address for service which is either a partner's residential address or the principal or last known place of business.

a corporation (other than a company)

enter the full name of the corporation and the address which is either its principal office **or** any other place where the corporation carries on activities and which has a real connection with the claim.

a company registered in England and Wales

enter the name of the company and an address which is either the company's registered office **or** any place of business that has a real, or the most, connection with the claim e.g. the shop where the goods were bought.

an overseas company (defined by s744 of the Companies Act 1985)

enter the name of the company and either the address registered under s691 of the Act **or** the address of the place of business having a real, or the most, connection with the claim.

Details of claim

Under this heading you must set out either

- the question(s) you wish the court to decide; **or**
- the remedy you are seeking and the legal basis for your claim; **and**
- if your claim is being made under a specific CPR Part or practice direction, you must state which.

Defendant's name and address

Enter in this box the full name and address of the defendant to be served with the claim form (i.e. one claim form for each defendant). If the defendant is to be served outside the European Economic Area, you may need to obtain the court's permission.

Address for documents

Insert in this box the address at which you wish to receive documents, if different from the address you have already given under the heading 'Claimant'. The address you give must be either the business address of your legal representative or European Lawyer or your own residential or business address within the UK or in any other EEA state.

Statement of truth

This must be signed by you, by your legal representative or your litigation friend, as appropriate.

Where the claimant is a registered company or a corporation the claim must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

Notes for defendant (Part 8 claim form)

Please read these notes carefully - they will help you to decide what to do about this claim.

- You have 14 days* from the date on which you were served with the claim form to respond to the claim
- If you **do not return** the acknowledgment of service, you will be allowed to attend any hearing of this claim but you will **not** be allowed to take part in the hearing unless the court gives you permission to do so
- Court staff can tell you about procedures but they cannot give legal advice. If you need legal advice, you should contact a solicitor or Citizens Advice Bureau immediately

Time for responding

The completed acknowledgment of service must be returned to the court office within *(14 days) () of the date on which the claim form was served on you.

If the claim form was:

- sent by post, the *(14 days) () begins 2 business days from the date of the postmark on the envelope.
- delivered or left at your address, the *(14 days) () begins the second business day after it was delivered.
- handed to you personally, the *(14 days) () begins on the second business day it was given to you.

Completing the acknowledgment of service

You should complete sections A - E as appropriate. In **all** cases you must complete sections F and G.

Section A - not contesting the claim

If you do **not** wish to contest the remedy sought by the claimant in the claim form, you should complete section A. In some cases the claimant may only be seeking the court's directions as to how to act, rather than seeking a specific order. In these circumstances, if you wish the court to direct the claimant to act in a certain way, give brief details.

Section B - contesting the claim

If you do wish to contest the remedy sought by the claimant in the claim form, you should complete section B. If you seek a remedy different from that sought by the claimant, you should give brief details in the space provided.

Section C - disputing the court's jurisdiction

You should indicate your intention by completing section C and filing an application disputing the court's jurisdiction within 14 days of filing your acknowledgment of service at the court. The court will arrange a hearing date for the application and tell you and the claimant when and where to attend.

Section D - objecting to use of procedure

If you believe that the claimant should not have issued the claim under Part 8 because:

- there **is** a substantial dispute of fact involved; and
- you do not agree that the rule or practice direction stated does provide for the claimant to use this procedure

you should complete section D setting out your reasons in the space provided.

Section E - written evidence

Complete this section if you wish to rely on written evidence. You must send your written evidence to the court with your acknowledgment of service. It must be verified by a statement of truth or the court may disallow it. If you have agreed with the other party(ies)

an extension of time for filing your written evidence, a copy of your written agreement must be filed with your acknowledgment of service. Please note that the agreement can only extend time by 14 days from the date you file your acknowledgment of service.

Claims under section 1 of the Inheritance (Provision for Family and Dependents) Act 1975

A defendant who is a personal representative of the deceased must file and serve written evidence which must state to the best of that person's ability:

- full details of the value of the deceased's net estate, as defined in section 25 of the Act;
- the person or classes of person beneficially interested in the estate, and
 - the names and (unless they are parties to the claim) addresses of all living beneficiaries; and
 - the value of their interests in the estate so far as they are known;
- whether any living beneficiary (and if so, naming him) is a child or protected party within the meaning of Rule 21.1(2); and
- any facts which might affect the exercise of the court's powers under the Act.

Section F - name of defendant

Print your full name, or the full name of the defendant on whose behalf you are completing this form.

Serving other parties

You must send to any other party named on the claim form, copies of both the acknowledgment of service and any written evidence, at the same time as you file them with the court.

What happens next

The claimant may, within 14 days of receiving any written evidence from you, file further evidence in reply. On receipt of your acknowledgment of service, the court file will be referred to the judge for directions for the disposal of the claim. The court will contact you and tell you what to do next.

Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a registered company or a corporation the statement must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

**For claims under the Inheritance (Provision for Family and Dependents) Act 1975 the period is 21 days.*

