



# Claim Form (CPR Part 8)

In the High Court of Justice Kings Bench Division	
Claim no.	
Fee Account no.	PBA0086876
Help with Fees - Ref no. (if appli- cable)	-      - <input type="text"/>

## Claimant

ASHFORD BOROUGH COUNCIL  
Civic Centre,  
Tannery Lane,  
Ashford,  
Kent,  
TN23 1PL



## Defendant(s)

- (1) JOHN MATTHEWS of 14 Wind Hill, Charing Heath, Ashford, Kent, TN27 0BD
- (2) SAILLUS LEE
- (3) EUGENE LEE
- (4) NATHAN LEE
- (5) LEWIS LEE
- (6) PERSONS UNKNOWN (THOSE WITH AN INTEREST IN OR INTENDING TO UNDERTAKE WORKS OR INTENDING TO OCCUPY THE LAND) all of 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)

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

## Details of claim (see also overleaf)

Claim under S187B of the Town and Country Planning Act 1990 (as amended) to prevent breaches of planning control.

The Claimant seeks an Order for alternative service pursuant to CPR6.14, 6.15, 6.26 and 6.27.

The Claimant also seeks its costs

See attached for Details of Claim

Defendant's  
name and  
address

(1) JOHN MATTHEWS, 14 Wind Hill,  
Charing Heath, Ashford, Kent, TN27 0BD  
  
See attached for Details of Defendants (2)-  
(6)

	£
Court fee	569.00
Legal representative's costs	TBA
Issue date	

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When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

**Claim no.**

Details of claim (continued)

Mr Terry Mortimer, Solicitor to Council and Monitoring  
Officer  
Legal Department  
ASHFORD BOROUGH COUNCIL  
Civic Centre,  
Tannery Lane,  
Ashford,  
Kent,  
TN23 1PL


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

30

Month

03

Year

2024

Full name

Mr Terry Mortimer

Name of claimant's legal representative's firm

Ashford Borough Council

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

Solicitor to Council and Monitoring Officer

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## **DETAILS OF CLAIM**

1. The Claimant seeks an injunction pursuant to Section 187B of the Town and Country Planning Act 1990 (as amended) to prevent continuing breaches of planning control.
2. The Claimant is the Local Planning Authority for the area including the Land known “Land on the south side of Rosemary Lane, Smarden, Ashford” registered at HM Land Registry under Title Number K803646 edged blue on the attached plan (“the Land”).
3. Section 187B of the Town and Country Planning Act 1990 provides that:
  - (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.
4. As set out in the witness statement of Ms Joanne Alexander MSc, BA (Hons), Team Leader Planning Enforcement employed by the Claimant, development has taken place in breach of planning control and it is the Claimant’s position that works have been undertaken to prepare the Land for residential occupation.
5. The First Defendant is the registered owner of the Land. The Second – Fifth Defendants are understood to have purchased the Land from the First Defendant although are not yet the registered owners.
6. The Sixth Defendant is identified only as “Persons Unknown” and refers to those persons who are not named Defendants to this Claim who intend to carry out further works to the Land and/or intend to station caravans and/or mobile homes on the Land for the purpose of residential occupation or other purposes in breach of planning control. The Claimant relies upon Paragraph 21.2 of the Practice Direction Part 49E of the CPR. The Claimant is unable to describe the Sixth Defendant with any greater particularity than the description herein.

7. The change of use of the Land for stationing of caravans for residential use is development for the purposes of Section 55 of the Town and Country Planning Act 1990 and requires planning permission.
8. The Land is located within the open countryside, outside of settlement boundaries and is designated as Priority Habitat. Any change of use requires full consideration by the local planning authority.
9. The Claimant considers that it is likely that the Defendants are intending to undertake further works to facilitate the residential use of the Land and to bring mobile homes and residential paraphernalia on to the Land without the benefit of planning permission.
10. In the circumstances set out in the witness statement of Ms Joanne Alexander and having regard to the provisions of section 187B of the Town and Country Planning Act 1990 and having regard to Human Rights issues and the Equality Act 2010 and all the circumstances of this matter, it is considered necessary and expedient in the public interest to seek an injunction to prevent further breaches of planning control on the Land.
11. In accordance with Practice Direction 49E (Alternative Procedure for Claims), CPR Part 8 applies to this Claim.
12. The Claimant seeks its costs for and incidental to the claim and any other relief the court considers appropriate.

## **Details of Defendants (2) – (6)**

(2) SAILLUS LEE - 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)

(3) EUGENE LEE - 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)

(4) NATHAN LEE - 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)

(5) LEWIS LEE - 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)

(6) PERSONS UNKNOWN (THOSE WITH AN INTEREST IN OR INTENDING TO UNDERTAKE WORKS OR INTENDING TO OCCUPY THE LAND) - 'Land known as Land on the south side of Rosemary Lane, Smarden, Ashford, TN27 8PF' (Title Number K803646)