

CLAIM No. 3SB00034

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

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

SALISBURY DISTRICT REGISTRY

Sitting in the Winchester District Registry



BETWEEN

NEW FOREST NATIONAL PARK AUTHORITY Claimant

and

COLIN JAMES SHUTLER Defendant

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ORDER

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Before His Honour Judge Iain Hughes Q.C. sitting as a Deputy Judge of the  
High Court

IMPORTANT:-

NOTICE TO THE DEFENDANT

- 1) This Order prohibits you from doing the acts set out in this Order and requires that you take specified steps. You should read it all carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- 2) If you disobey this Order you may be found guilty of Contempt of Court and may be sent to prison or fined and/or your assets may be seized.

BEFORE His Honour Judge Iain Hughes Q.C. sitting as a Deputy Judge of the High Court

UPON HEARING Counsel for the Claimant and Counsel for the Defendant

**BY CONSENT IT IS ORDERED THAT :-**

**THE INJUNCTION**

- 1) The Defendant shall himself (or by encouraging, causing or permitting any other to) cease the use of the site known land at Avonside Farm, Southampton Road, Fordingbridge, Hampshire as shown on the plan attached and marked C1 attached to the Particulars of Claim and to this Order for:
  - a. The stationing of a mobile home for residential purposes; *and*
  - b. The storage of scrap material, plant and vehicles and the repair and maintenance of plant and vehicles.
- 2) Such above use of the said mobile home and uses of the said land shall cease no later than 2pm on Monday 4<sup>th</sup> April 2016;
- 3) The Defendant shall remove (or cause or permit to be removed):
  - a. The mobile home presently located on the site;
  - b. The conservatory, dwarf brick wall, flight of brick steps and hardstanding the subject of an Enforcement Notice dated 5<sup>th</sup> July 2005 as indicated on the plan marked C1 attached to this Order;
  - c. Any associated residential paraphernalia; *and*
  - d. Any scrap material, plant and vehicles stored on the landno later than 2pm on Monday 4<sup>th</sup> April 2016;

- 4) The Defendant be prohibited from occupying any mobile home as residence on any land located within the administrative area of the New Forest National Park Authority which is in the Claimant's ownership, control or possession unless said land has planning permission for the stationing of said mobile home for residential purposes;
- 5) A penal notice be attached to this Order.

#### **COSTS OF THE APPLICATION**

- 6) The First Defendant shall pay the Claimant's costs of this Application, to be subject to detailed assessment if not agreed.

#### **VARIATION OR DISCHARGE OF THIS ORDER**

The First Defendant may apply to the Court at any time to vary or discharge this Order but if he wishes to do so he must first inform the Claimant's Solicitors in writing at least 48 hours beforehand.

#### **NAME AND ADDRESS OF CLAIMANT'S SOLICITORS**

The Claimant's Solicitors are:

Julia Mutlow  
New Forest National Park Authority  
Lymington Town Hall  
Avenue Road  
Lymington  
SO41 9ZG

#### **INTERPRETATION OF THIS ORDER**

- 1) In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its"

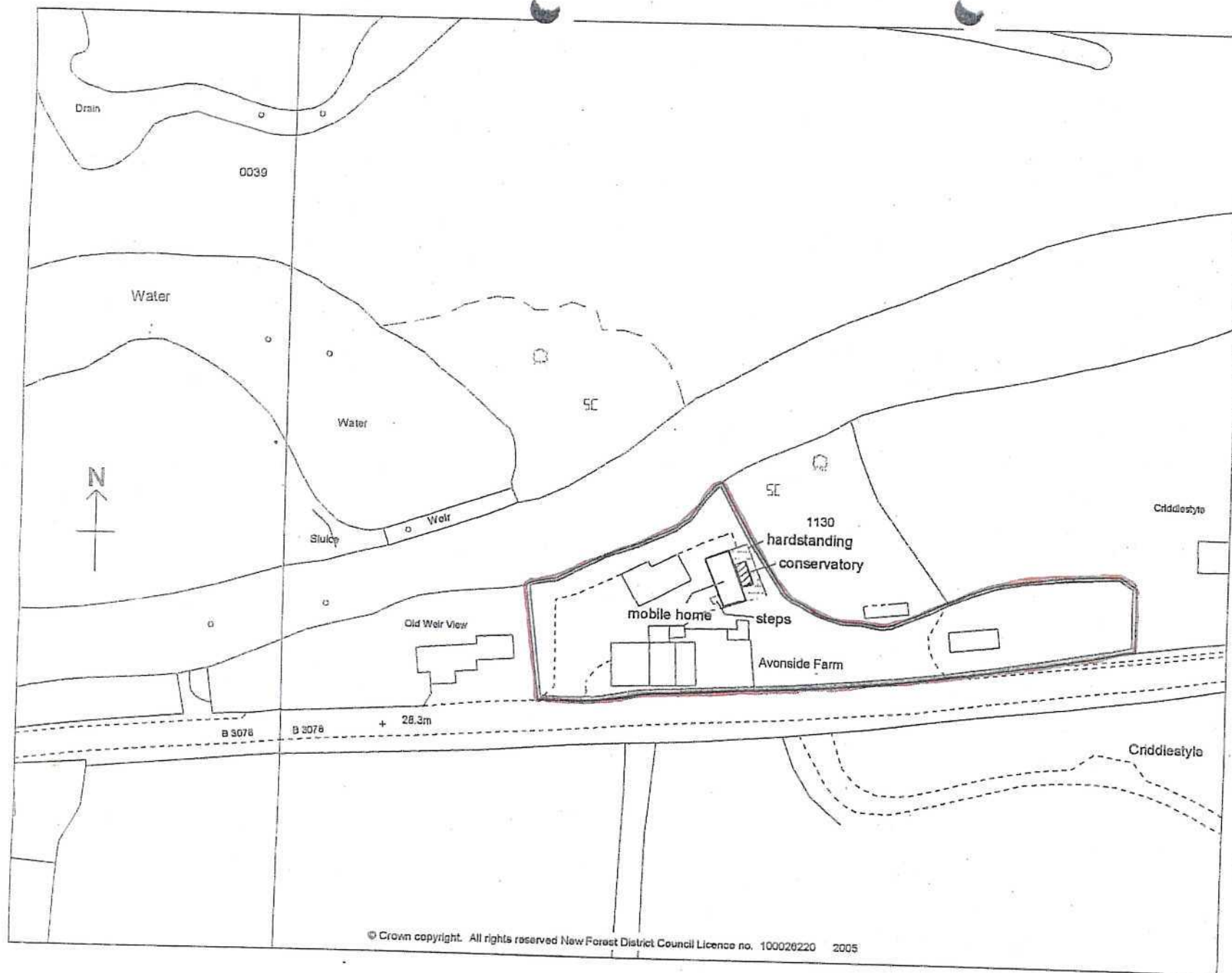
#### **THE EFFECT OF THIS ORDER**

- 1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- 2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

**SERVICE OF THIS ORDER**

This Order shall be personally served by the Claimant on Colin James SHUTLER of the mobile home stationed on land at Avonside Farm, Southampton Road, Fordingbridge, Hampshire.

Colin Hughes



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**New Forest**  
DISTRICT COUNCIL

Community Services  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA




Tel: (023) 80285000

### ENFORCEMENT NOTICE

Avonside Farm  
Southampton Road  
Fordingbridge  
144/486/2001  
SU1614

Scale 1:1250

(C1)

- mobile home 
- conservatory 
- hardstanding 
- steps 