

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

ROBERT WILLIAM WHITCHER Defendant

ORDER

IMPORTANT:-

NOTICE TO THE DEFENDANT

- 1) This Order prohibits you from doing the acts set out in this Order and requires that you take certain 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 QC

UPON HEARING Counsel for the Claimant and Counsel for the Defendant

AND UPON READING the witness statements listed in Schedule 1 below

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 field off Latchmore Drove, Landford, Salisbury, Wiltshire ('the site') as shown on the plan attached and marked C1 attached to the Particulars of Claim and to this Order for the stationing of either or both of a mobile home and touring caravan for residential purposes BY NO LATER THAN 4pm ON FRIDAY 16TH SEPTEMBER 2016;
- 2) The Defendant shall remove the mobile home and touring caravan presently located on the site and any associated residential paraphernalia BY NO LATER THAN 4pm ON FRIDAY 16TH SEPTEMBER 2015.
- 3) A penal notice be attached to this Order.

COSTS OF THE APPLICATION

- 4) No order as to costs.
- 5) There be detailed assessment of the Defendant's legally aided costs.

VARIATION OR DISCHARGE OF THIS ORDER

There be liberty to apply for either party to apply to the Court at any time to vary or discharge this Order.

If the Defendant wishes to so apply he must first inform the Claimant's Solicitors in writing at least 48 hours before filing any such application.

The Claimant will not oppose an application by the Defendant for an extension of time of the operation of this Order in the circumstances of there being an extant appeal pursuant to s78 of the Town and Country Planning Act 1990 (as amended)

pertaining to the refusal of planning permission by the Claimant for the Defendant's temporary use of the site for stationing a mobile home for residential purposes.

NAME AND ADDRESS OF CLAIMANT'S SOLICITORS

The Claimant's Solicitors are:

Julia Mutlow
Legal Services
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 Robert William WHITCHER of the mobile home stationed on land at field off Latchmore Drove, Landford, Salisbury, Wiltshire.

SCHEDULE 1

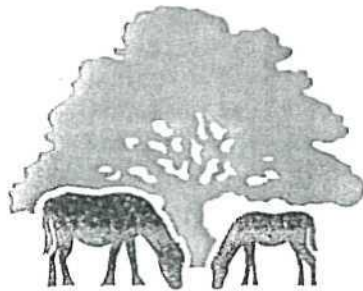
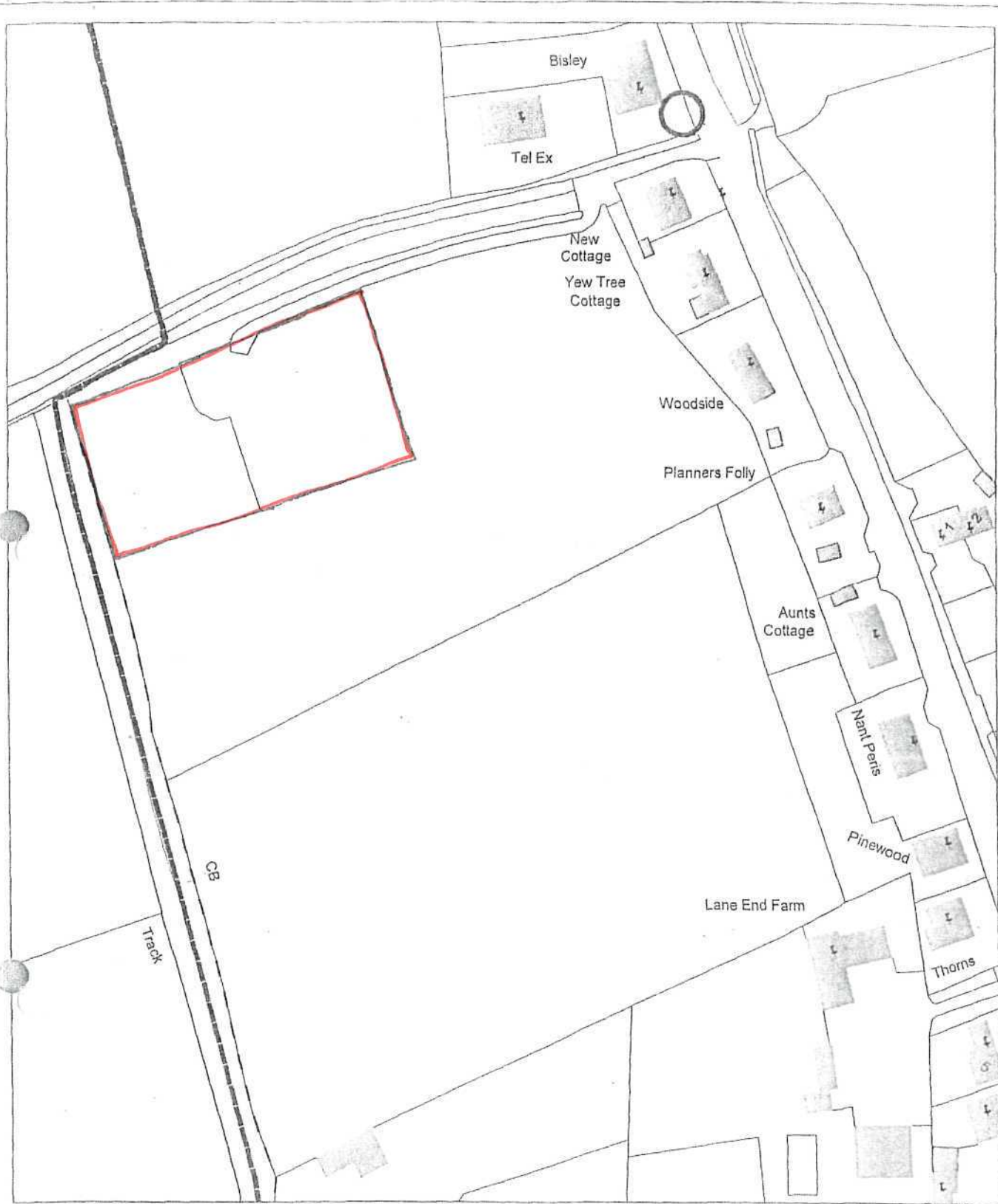
Witness Statements

The Judge read the following Witness Statements before making this Order:

- 1) Paul Thomas HOCKING dated 16th October 2012, 25th March 2015 and 5th November 2015;
- 2) Robert ALDRED dated 17th October 2012;

- 3) Stephen AVERY dated 7th November 2012;
- 4) Robert WHITCHER dated 24th November 2012, 27th October 2015 and 13th November 2015;
- 5) Kim ESKE dated 27th October 2015;
- 6) Social Welfare Report by Samantha ASHLEY dated 9th October 2015

Lain Hughes



**NEW FOREST
NATIONAL PARK**

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

Tel: 01590 646600
 Fax: 01590 646666

Date: 24/10/2012

(C1)



SCALE: 1:1250