



Claim Form (CPR Part 8)

In the High Court of Justice Kings Bench Division	
Claim no.	KB-2023-004501
Fee Account no.	
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

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD



KB-2023-004501

Defendant(s)

- (1) Mr Thomas Stokes, Ermin Street Stables, Ermin Street, Lambourn Woodlands, Hungerford RG17 7BL and Mayfair, Bath Road, Beenham, Reading RG7 5QE
- (2) PCS Homebuild Ltd, Manley Bungalow, Pirton Road, Hitchin SG5 2ES and 173 Station road, Lower Stondon, Hendon, SG16 6JQ
- (3) Mr Paul Christopher Smith, 173 Station Road, Lower Stondon, Henlow, SG16 6JQ
- (4) Persons Unknown, Ermin Street Stables, Ermin Street, Lambourn Woodlands, Hungerford RG17 7BL

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

Details of claim (see also overleaf)

Claim under Section 187B of the Town and Country Planning Act 1990 (as amended) to prevent continuing breaches of planning control.

The Claimant seeks an Order for alternative service pursuant to CPR 6.14, 6.15, 6.26 and 6.27.

The Claimant also seeks its costs.

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 as "Ermin Street Stables, Ermin Street, Lambourn Woodlands, Hungerford, RG17 7BL" registered at HM Land Registry under Title Number BK143882 ("the Land").
3. Section 187B of the Town and Country Planning Act 1990 provides that:

Defendant's
name and
address

(1) Thomas Stokes, Ermin Street Stables,
Ermin Street, Lambourn Woodlands,
Hungerford RG17 7BL and Mayfair, Bath
Road, Beenham, Reading RG7 5QE
(2) PCS Homebuild Ltd, Manley Bungalow,
Pirton Road, Hitchin WG5 2ES and 173
Station Road, Lower Stondon, Hendon
SG16 6JQ
See attached continued

	£
Court fee	569.00
Legal representative's costs	
Issue date	

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Details of claim (continued)

- (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.
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4. As set out in the witness statement of Neill Whittaker, Planning Associate instructed by the Claimant, works have taken place and it is the Council's position that works have been undertaken to prepare the Land for residential occupation.
 5. The First Defendant has an interest in the Land as is understood to be the owner of the Land despite not being registered at HM Land Registry.
 6. The Second Defendant is the registered owner of the Land at HM Land Registry.
 7. The Third Defendant is the director of the Second Defendant.
 8. The Fourth Defendant is identified only as "Persons Unknown" and refers to those persons who are not named Defendants to this Claim who may have an interest in the Land or undertaking or intending to undertake works or entering onto the Land intending to occupy the Land in breach of planning control. The Claimant relies upon Paragraph 20.2 of the Practice Direction Part 8A of the CPR. The Claimant is unable to describe the Fourth Defendant with any greater particularity than the description herein.
 9. The change of use of the Land is development for the purposes of Section 55 of the Town and Country Planning Act 1990 and requires planning permission. Works have already been undertaken to the Land.
 10. The Land is located within the open countryside, outside of settlement boundaries, within an Area of Outstanding Natural Beauty and any change of use requires full consideration by the local planning authority.
 11. The Claimant considers that it is likely that the Defendants are intending to undertake further works to facilitate the residential use of the Land.
 12. In the circumstances set out in the witness statement of Mr Whittaker 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.
 13. CPR Part 8 applies to this Claim.
 14. The Claimant seeks its costs for and incidental to the claim and any other relief the court considers appropriate.

Ivy Legal Limited
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London EC4M 5SB
Email: izindi@ivylegal.co.uk
Ref: West Berks/Ermin

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

28

Month

11

Year

2023

Full name

Izindi Visagie

Name of claimant's legal representative's firm

Ivy Legal Limited

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

Partner

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Addresses of Defendants (3)- (4)

(3) Mr Paul Christopher Smith, 173 Station Road, Lower Stondon, Henlow, SG16 6JQ

(4) Persons Unknown, Ermin Street Stables, Ermin Street, Lambourn Woodlands, Hungerford RG17
7BL

H.M. LAND REGISTRY

TITLE NUMBER

BK 143882

ORDNANCE SURVEY
PLAN REFERENCE

SU 2877/2977

Scale
1/2500

COUNTY BERKSHIRE

DISTRICT NEWBURY

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NOTE: AREAS ON THIS PLAN ARE EXPRESSED
IN ACRES AND HECTARES.

ADMINISTRATIVE AREA WEST BERKSHIRE

BERKSHIRE
NEWBURY DISTRICT
LAMBOURN PARISH

WILTSHIRE
KENNET DISTRICT
BAYDON PARISH



2165
5.449ha
13.47

3956
454ha
1.12
Pit (disused)

3444
8.636ha
21.34

Settlement
(site of)

1143
117ha
29

1738
470ha
1.16

2333
012ha
03

2534
1.006ha
2.49

1934
032ha
08

2730
057ha
14

2528
398ha
98

2524
377ha
93

2323
551ha
1.36

3022
186ha
46

3625
1.216ha
3.01

3220
032ha
08

3619
012ha
03

4219
113ha
28

3618
045ha
11

3715
398ha
98

3114
446ha
1.10

4311
398ha
98

3508
527ha
1.30

1800
6.811ha
16.83

4900
1.719ha
4.25

