

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

CLAIM NO: KB-2025-BHM-000248



KB-2025-BHM-000248

BETWEEN:

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

-and-

Site 1 (WK487422)

- (1) DAVID JOHN PITT
- (2) KAYE LINDA PITT
- (3) CHRISTOPHER TORRENS

-and-

Site 2 (WK397261)

- (4) THOMAS CORCORAN
- (5) MARTIN TORRENS
- (6) TERESA TORRENS
- (7) HELEN ROCHFORD

-and-

(8) PERSONS UNKNOWN BRINGING CARAVANS/MOBILE HOMES ON TO THE LANDS KNOWN AS LAND ON THE EAST SIDE OF STONELEIGH GLEBE FARM, ATHERSTONE ROAD, HARTSHILL, NUNEATON CV10 0TB (WK487422 - "SITE 1") **AND** LAND LYING TO THE NORTH-WEST OF ATHERSTONE ROAD, MANCETTER, ATHERSTONE (WK397261 - "SITE 2") ("THE LANDS") TO LIVE IN, OR UNDERTAKING ANY FURTHER DEVELOPMENT (INCLUDING RESIDENTIAL OCCUPATION) AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 ON THE LANDS.

Defendants

ORDER

IMPORTANT NOTICE TO THE 3rd to 8th DEFENDANTS

YOU MUST OBEY THIS ORDER OF THE COURT. YOU SHOULD READ IT CAREFULLY. IF YOU DO NOT UNDERSTAND ANYTHING IN THIS ORDER YOU SHOULD GO TO A SOLICITOR, LEGAL ADVICE CENTRE OR CITIZENS ADVICE CENTRE.

IF YOU DO NOT OBEY THE INSTRUCTIONS CONTAINED AT PARAS 3, 4 AND 5 OF THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

BEFORE Her Honour Judge Emma Kelly sitting as a Judge of the High Court on 18 September 2025.

UPON hearing from counsel for the claimant and no defendant attending the hearing

AND UPON the matter being listed for an on-notice hearing of the claimant's application for an interim injunction

AND UPON reading the evidence filed in support of the application and it being noted that no defendant has filed an acknowledgment of service or evidence in response to the claim or application

AND UPON the Court being satisfied that it is appropriate to grant interim relief against un-named defendants and to allow service by alternative methods on the 3rd, 5th, and 8th defendants

AND UPON the claimant informing the Court that the 1st and 2nd defendants have passed away and that the claimant does not therefore intend to proceed against them

AND UPON the claimant undertaking to provide a typed copy of its solicitor's note of the hearing to the defendants and anyone else who requests it as soon as practicable.

IT IS ORDERED THAT:

The Lands

1. The Land referred to in this order are land on the east side of Stoneleigh Glebe Farm, Atherstone Road, Hartshill, Nuneaton, CV10 0TB (WK487422 referred to as "Site 1") and land lying to the north west of Atherstone Road, Mancetter, Atherstone (WK397261 referred to as "Site 2"). The Land is delineated in red on the attached plans.

Injunction

2. The without notice interim injunction granted by order of HHJ Emma Kelly on 18 August 2025 is discharged and replaced by this order.
3. Until final determination of the claim or further order of the Court, the 3rd to 8th defendants inclusive shall not whether by themselves or encouraging, instructing or allowing another bring any further caravans or undertake any development (as defined by section 55 of the Town and Country Planning Act 1990) on the Land or any part thereof without the grant of planning permission or the written consent of the claimant's solicitor. Nothing in this order requires the removal of any development that has already occurred or of a person already living on either Site 1 or Site 2. For the avoidance of doubt nobody may live on either Site 1 or Site 2 who does not currently do so.
4. If any defendant sells or leases the Land or part thereof, they shall:
 - a) Provide a copy of this order to the prospective purchaser/tenant before the Land (or any part therein) is transferred or contracts exchanged;
 - b) Provide the full name and contact details of the new owner/tenant to the claimant's solicitor within 48 hours of the transfer / exchange of contracts.

5. If any defendant has already sold or leased the Land or part thereof, they shall provide a copy of this order to the purchaser/tenant and provide the full name and contact details of the purchaser/tenant to the claimant's solicitor within 48 hours of service of this order.

Defendants

6. The claim is dismissed against the 1st and 2nd Defendants. For the avoidance of doubt, paragraphs 3, 4, and 5 of this Order do not apply against them.

Service

7. Permission is granted retrospectively to permit service of documents required by the Order of HHJ Kelly dated 18 August 2025 on the 3rd and 5th defendants by an alternative method, namely the method permitted for service on the 8th defendants.
8. The claimant shall personally serve the 5th, 6th, and 7th defendants with a copy of this Order and the Second Witness Statement of Mr Lee-Wilkes dated 15 September 2025 and any further documents in the claim.
9. Permission to the claimant to effect service of this order and any other document required to be served in this claim on the 4th defendant by an alternative method namely the claimant shall serve by:

- a. [REDACTED]; and
- b. first class post to [REDACTED].

The deemed date of service shall be the date of completion of the last of the aforementioned steps.

10. Permission to the claimant to effect service of this order and any other document required to be served in this claim on the 3rd and 8th defendants by an alternative method, namely the claimant shall:

- a) Attach copies of this order together with the application, claim form and evidence in clear plastic envelopes conspicuously at the entrances to Sites 1 and 2 on fencing and on the nearest building to those entrances so that they come to the attention of any visitors; and
- b) Load up on to its website a copy of this order together with the application, the claim form and evidence so that it is readily and easily accessible by any member of the public including a link to the aforementioned documents from the claimant's main web page.

The deemed date of service shall be the date of completion of the last of the aforementioned steps.

Liberty to apply to vary this order

11. Liberty to the defendants to apply to set aside or vary this order upon 48 written notice to the claimant.

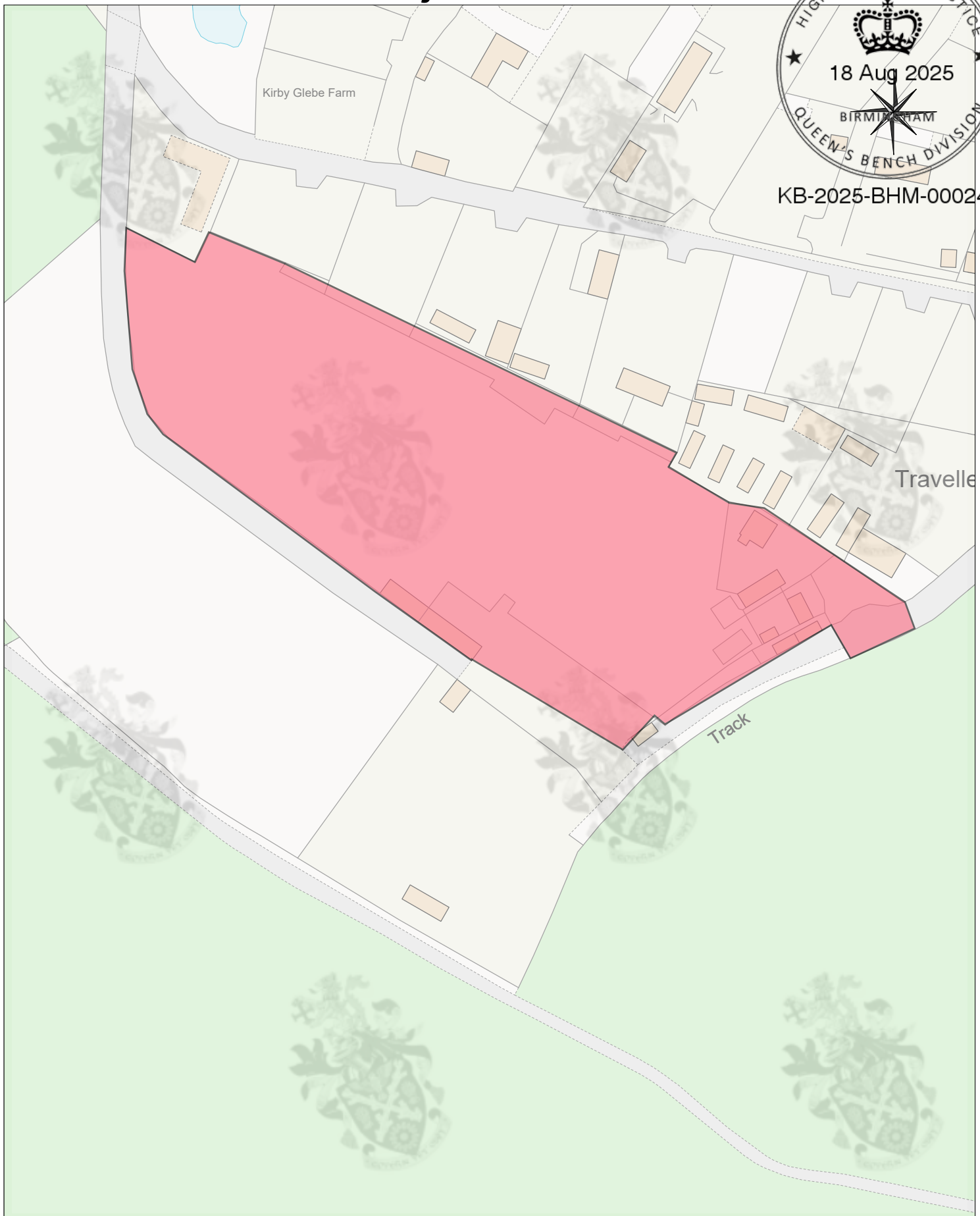
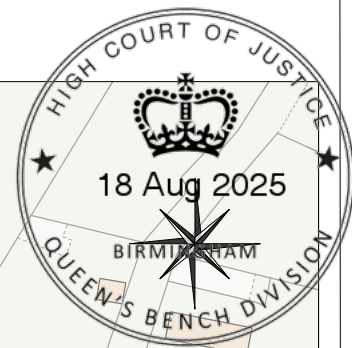
Next hearing

12. The matter shall return for a hearing of the final determination of the claim at **10.30am on Friday 31 October 2025** with a time estimate of half a day. To be listed before a s.9 KB authorised Circuit Judge.

13. If the defendants wish to contest the claim, they must, within 14 days of service of this order on them, file and serve (a) an acknowledgment of service and (b) any evidence in response to the claim.

14. The claimant has permission to file and serve any updating evidence by no later than 4pm on 24 October 2025.
15. The claimant's solicitor shall by 4pm on 25 September 2025 contact Brilliant Solicitors, reported by Mr Philip Brown as acting for unidentified defendants, to inform them of these proceedings.
16. The claimant shall file a hearing bundle in electronic form no later than 4pm on 24 October 2025. If any defendant requires a copy of the hearing bundle they shall notify the Council by email at legalservices@northwarks.gov.uk or by telephone on 01827 715341 by 4pm on Monday 27 October 2025 that (a) they require a copy of the hearing bundle and (b) provide a postal address or email address to which a hard copy or electronic copy as appropriate can be sent.
17. Costs reserved.

Site 1 Injunction Plan



North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE

Date: 30 July 2025

Scale: 1:1250

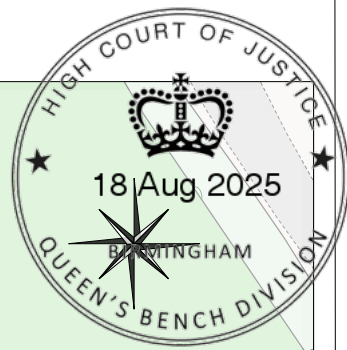
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Metres

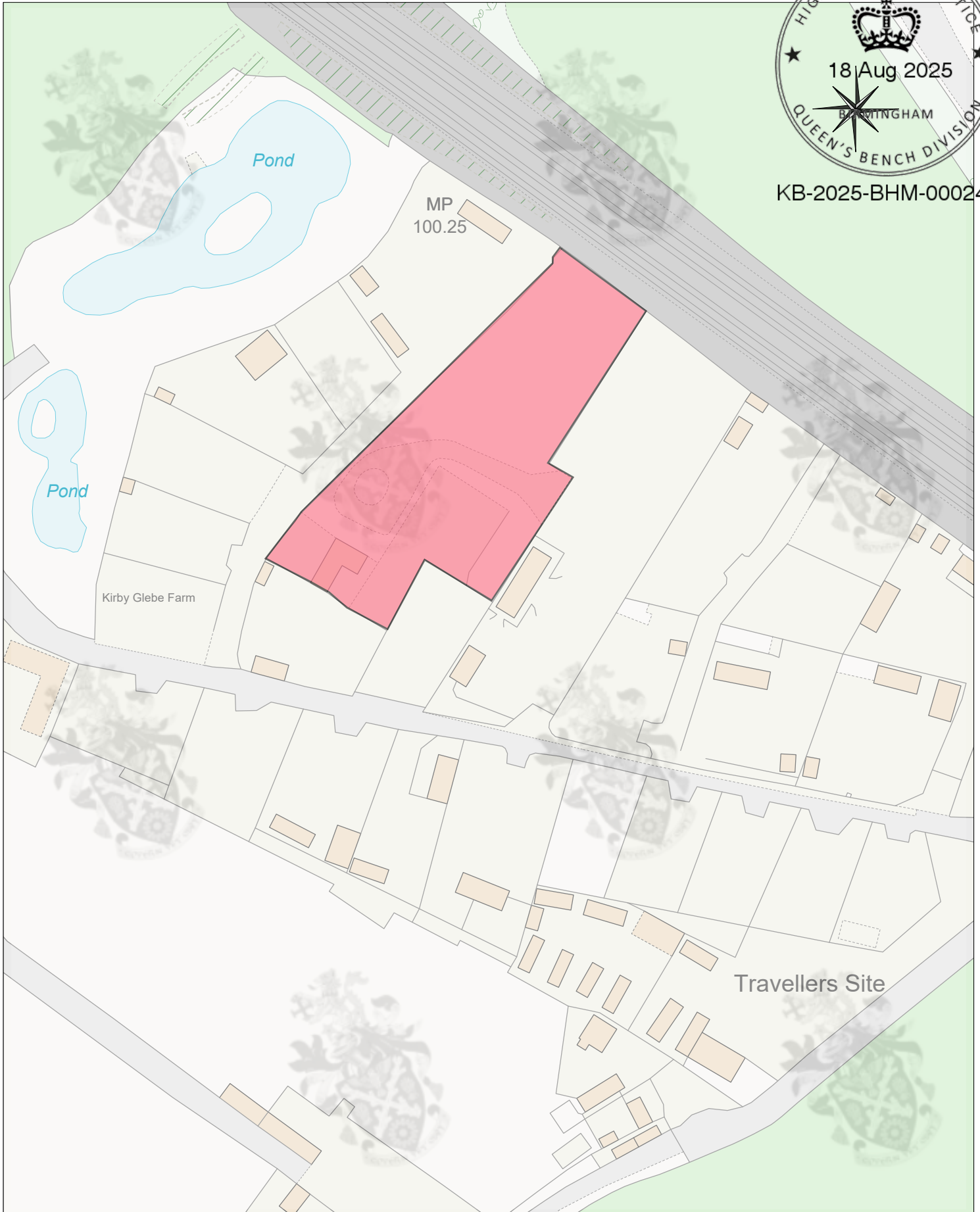


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Site 2 - Injunction Plan



KB-2025-BHM-000248

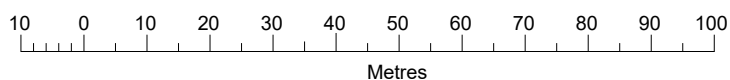


North Warwickshire Borough Council

The Council House
South Street
Atherstone
CV9 1DE

Date: 30 July 2025

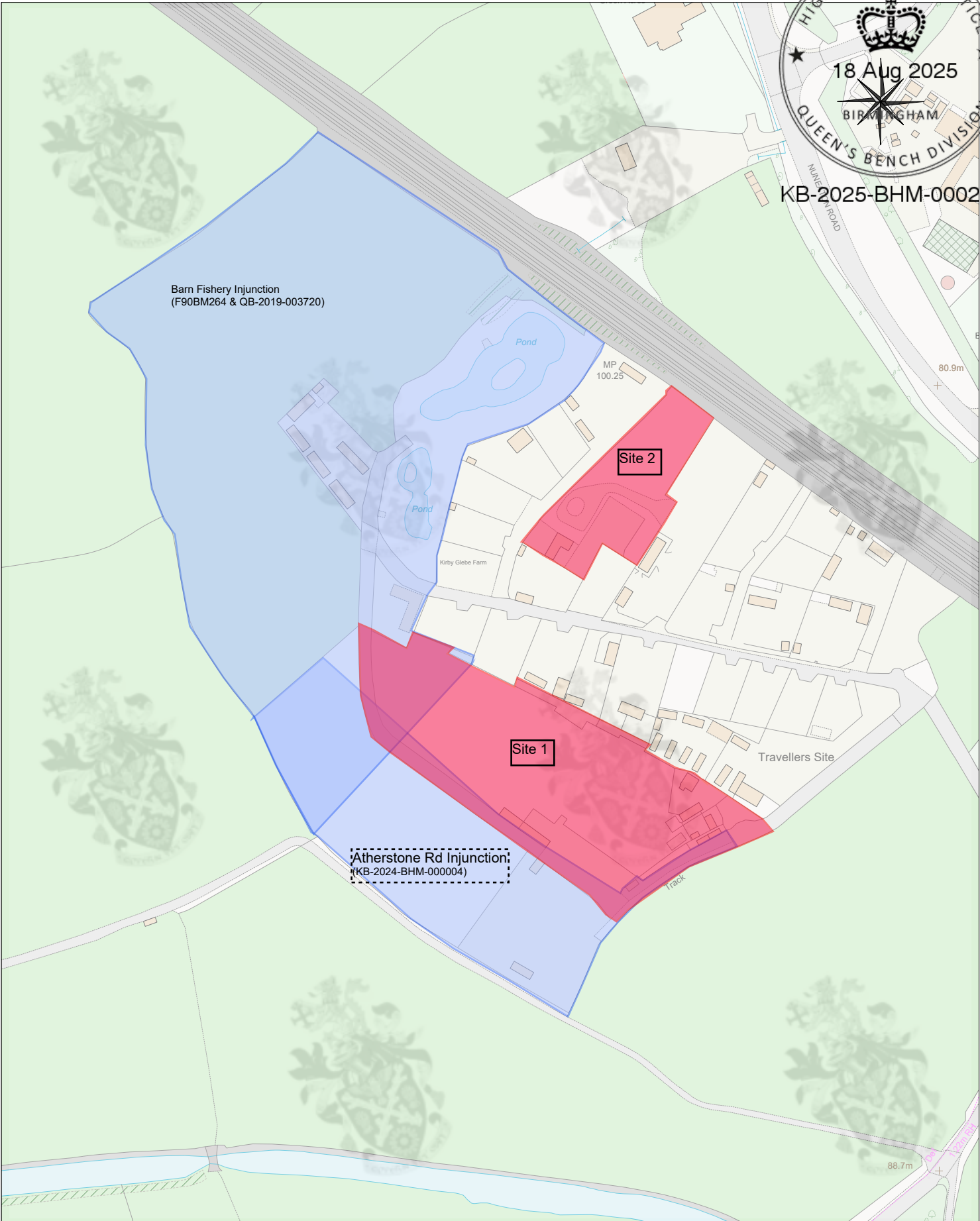
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