

IN THE CANTERBURY COUNTY COURT

Claim No.

BETWEEN:

THE DISTRICT COUNCIL FOLKESTONE & HYTHE

Claimant

-and-

(1) RICHARD WOOD
(2) ALBERT AMOS MOBEY
(3) AMOS BILL MOBEY
(4) PERSONS UNKNOWN BRINGING CARAVANS ONTO AND OCCUPYING LAND

Defendants

DRAFT ORDER

PENAL NOTICE

IF YOU DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS PERSONS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

Before xxxxxxxxxxxx sitting on xxxxxxxxxxxxxxxx 2022

UPON hearing Counsel for the claimant and reading the evidence in support of the application

IT IS ORDERED:

1. Until further order, the Defendants shall not (whether by themselves or encouraging or allowing another) undertake any further development on the Land as defined by section 55 of the Town and Country Planning Act without the grant of planning permission or the written consent of the Claimant's solicitor. The Defendants are

forbidden from stationing any more caravans/mobile homes on the Land, erecting any structure/building, importing or depositing any material (including hardcore) or excavating/digging up the Land or undertaking any engineering works. For the avoidance of doubt, if a caravan is removed from the Land it cannot be replaced with a different one.

2. For the avoidance of doubt, if a person claims that they were unaware of the terms of this order when they breached it, they must remove the caravans/mobile homes and vacate the Land within 4 hours of being informed of the terms of the order. Otherwise, they shall be in contempt of Court.
3. The Land referred to in this order is the Land adjoining the Cottage, Canterbury Road, Selsted, Dover, Kent CT15 7HL as delineated in red on the attached plan.
4. To effect service the Claimant shall:
 - a) Personally serve each of the named Defendants with a copy of this order together with the claim form and evidence in support;
 - b) Attach a copy of the order to each of the caravans presently on the Land;
 - c) Display a copy of the order on its website; and
 - d) Affix a copy of it contained in a transparent waterproof envelope in a prominent position at the entrance to the Land so that it comes to the attention of any visitors.
5. Liberty to apply upon 48 hours written notice.
6. Any person who is presently living on the Land and who wishes to identify him or herself to join as a named Defendant to the proceedings may apply to the Court on 72 hours written notice to the Court and the Claimant.
7. In the event that the Defendants sell or lease the Land, they shall provide a legible copy of this order to the prospective buyer/tenant prior to the exchange of contracts. Further, they shall provide the full name and contact details of any new owner/tenant to the claimant's solicitor within 48 hours of the exchange of contracts.
8. The matter shall return to Court at ***** with a time estimate of 1 hour. At this hearing the Court shall reconsider whether this interim order was properly made and decide what further orders are appropriate.
9. If the Defendants wish to rely upon any evidence to resist the claim, this must be filed and served by 4pm on xxxxxxxxxxxxxxxx.
10. Costs reserved.