

**IN THE HIGH COURT OF JUSTICE**

**Claim No. KB-2023-004186**

**KING'S BENCH DIVISION**

**BEFORE HHJ PARFITT (SITTING AS A JUDGE OF THE HIGH COURT)**

**DATED 6 DECEMBER 2023**

**IN THE MATTER**

**B E T W E E N : -**



**SOUTH OXFORDSHIRE DISTRICT COUNCIL**

**Claimant**

**and**

**(1) ~~DANIEL MARC PROBETS~~  
(2) ~~BRIAN JOHN PROBETS~~  
(3) ~~GILLIAN LOUISE PROBETS~~  
(4) ~~JOSEPH WILLIAM PROBETS~~  
(5) DARREN SMITH  
(6) MILO LEE  
(7) DARREN LEE**

**(8) ~~PERSONS UNKNOWN (OTHER THAN THE NAMED DEFENDANTS) CAUSING  
OR PERMITTING THE DEVELOPMENT OR OCCUPATION IN BREACH OF  
PLANNING CONTROL OF LAND KNOWN AS WINDMILL MEADOW,  
WINDMILL ROAD, TOWERSEY, OXFORDSHIRE, OX9 3QQ~~**

**Defendants**

---

**INJUNCTION ORDER**

---

**PENAL NOTICE**

**IF YOU THE WITHIN NAMED: DARREN SMITH; MILO LEE AND DARREN LEE**

**DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND  
LIABLE TO IMPRISONMENT OR FINED OR YOUR ASSETS SEIZED. ANY OTHER  
PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR  
PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO**

**BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

### **IMPORTANT**

1. This Order prohibits you from doing the acts set out in this Order. You should read terms of the Order and the guidance notes very carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge the Order.
2. If you disobey this order you may be found guilty of Contempt of Court and may be sent to prison or fined. In the case of a Corporate Defendant, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

On the 6<sup>th</sup> December 2023 His Honour Judge Parfitt (Sitting as a Judge of the High Court) considered the Application brought by South Oxfordshire District Council (“the Claimant”) for the continuation of an injunction supported by the Witness Statements listed in Schedule A.

**UPON** hearing Counsel for the Claimant, upon reading the Claimant’s skeleton argument and upon reading the witness statements listed in Schedule A.

**AND UPON** being satisfied that it is just and proportionate in all the circumstances to make an order in the terms set out below.

### **IT IS ORDERED THAT:**

1. The First, Second, Third, Fourth and Eighth Defendants are removed as parties to this claim.

### **THE INJUNCTION**

2. In relation to the Land known as “Windmill Meadow, Windmill Road, Towersey, Oxfordshire, OX9 3QQ” registered at HM Land Registry under Title Number ON99675 (“the Land”) as shown edged red on the attached plan, the Defendants, whether by themselves or by instructing, encouraging or permitting any other person, must not bring onto the Land any caravan and/or mobile home without the written permission of the Claimant.
3. The written permission of the Claimant referred to in paragraph 2 above is not to be refused if the proposed use and siting of the caravan and/or mobile home would be lawful by reason of Class A of Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 read with paragraph 9 of Schedule 1 to

the Caravan Sites and Control of Development Act 1960. The Defendants have liberty to apply to the court to vary the terms of this order, as set out in paragraph 7 below, and specifically in relation to paragraphs 2 and 3 of this order.

4. Further, in relation to the Land the Defendants, whether by themselves or by instructing, encouraging or permitting any other person, use the Land or carry out works on or to the Land in breach of planning control and, in particular, must not:
  - a. bring onto the Land any portable structures including portable toilets and any other items and paraphernalia for purposes associated with human habitation or residential occupation or any other purpose in breach of planning control;
  - b. bring onto the Land any waste materials and/or hardcore and/or like materials for any purpose, including the creation/laying of hardstandings or hard surfaces, in association with the use of Land for the stationing of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
  - c. carry out any works in relation to the formation of paths, roadways or any works including the provision of sewerage, water and electricity infrastructure associated with the use of caravans and/or mobile homes for the purpose of human habitation or residential occupation or any other purpose in breach of planning control;
  - d. carry out any works to the Land associated with or in preparation for its use for stationing caravans and/or mobile homes for human habitation or residential occupation or any other purpose in breach of planning control;
  - e. undertake any further development on the Land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning permission.
5. For the avoidance of doubt, nothing in paragraphs 2 to 4 of this order prevents the Defendants from undertaking development of the Land in accordance with planning permission P22/S3712/FUL granted by the Claimant on 21 November 2022.

**IT IS FURTHER ORDERED THAT:**

**ALTERNATIVE SERVICE**

6. Service of this Order and related documentation may be effected by the posting of sealed copies of the said Order in a transparent waterproof envelope in a prominent position on the Land and such posting shall be deemed to be good and sufficient service on the

Defendants of the said Order on the date it was so affixed.

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

7. All parties have liberty to apply to discharge or vary this order. The Defendants may each of them (or anyone notified of this Order) apply to the Court on 48 hours written notice to the Claimant's legal representatives to vary or discharge this Order (or so much of it as affects that person). Except that the hours between 5pm on any Friday and 9am on any Monday cannot be counted as part of the 48 hours' notice period.

### **COSTS OF THE APPLICATION**

8. The Claimant's cost of the Application be reserved with permission for the Claimant to make an application for costs including upon any application to enforce the terms of this Order.

### **GUIDANCE NOTES**

#### **Effect of this Order – The Defendants**

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.

#### **Effect of this Order - Parties other than the Claimant and Defendants**

It is a Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

#### **Interpretation of this Order**

1. In this Order, the words "the Land" means land known as "Windmill Meadow, Windmill Road, Towersey, Oxfordshire, OX9 3QQ" registered at HM Land Registry under Title Number ON99675, edged red on the attached plan.
2. In this Order, where there is more than one Defendant (unless otherwise stated) references to "the Defendants" means each or all of them.
3. A requirement to serve on "the Defendants" means on each of them. However, the Order is effective against any Defendant on whom it is served.

4. An Order requiring “the Defendants” not to do anything applies to all Defendants.

### **Communications with the Court**

All communications to the Court about this Order should be sent to Room WG08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday except holidays.

## **SCHEDULE A**

### **Evidence**

The Judge read the following written evidence before making this Order:-

1. First Witness Statement of Robert Cramp dated 31<sup>st</sup> October 2023
2. Second Witness Statement of Robert Cramp dated 1<sup>st</sup> November 2023
3. Third Witness Statement of Robert Cramp dated 21<sup>st</sup> November 2023
4. Fourth Witness Statement of Robert Cramp dated 27<sup>th</sup> November 2023
5. First Witness Statement of Dani Rogers dated 31<sup>st</sup> October 2023
6. Second Witness Statement of Dani Rogers dated 13<sup>th</sup> November 2023
7. Third Witness Statement of Dani Rogers dated 27<sup>th</sup> November 2023
8. Witness Statement of Stuart Carruthers dated 4<sup>th</sup> December 2023

### **Name and Address of Claimant’s Legal Representatives:-**

**Vivien Williams**, Solicitor

Head of Legal and Democratic Services & Monitoring Officer (Interim)

South Oxfordshire and Vale of White Horse District Councils

Postal Address:

South Oxfordshire and Vale of White Horse District Councils

Abbey House

Abbey Close

Abingdon

OX14 3JE

Email: [vivien.williams@southandvale.gov.uk](mailto:vivien.williams@southandvale.gov.uk)



South and Vale GIS  
Printed on 31 October 2023  
at a scale of 1:2,500



South Oxfordshire District Council is licensed to use Ordnance Survey mapping for its own business use as a member of the Public Sector Mapping Agreement.

Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to use Ordnance Survey mapping for their own use.