

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

CLAIM: TBC

IN THE MATTER OF AN INJUNCTION PURSUANT TO SECTION 187B OF THE
TOWN AND COUNTRY PLANNING ACT 1990

BEFORE THE HONOURABLE MR JUSTICE COPPEL
30 AUGUST 2026

BETWEEN:

EAST HERTFORDSHIRE DISTRICT COUNCIL

Claimant

-and-

- (1) PERSONS UNKNOWN CARRYING OUT, ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO
UNDERTAKE DEVELOPMENT ON, THE LAND ON SOUTH WEST SIDE
OF SHEERING MILL LANE, SAWBRIDGEWORTH AS SHOWN EDGED IN
RED ON THE MAP ATTACHED TO THIS ORDER
- (2) PERSONS UNKNOWN OCCUPYING OR INTENDING TO OCCUPY THE
LAND ON SOUTH WEST SIDE OF SHEERING MILL LANE,
SAWBRIDGEWORTH AS SHOWN EDGED IN RED ON THE MAP
ATTACHED TO THIS ORDER
- (3) LEONARD RICHARDS
(4) DARREN GLOVER

Defendants

AMENDED INTERIM INJUNCTION ORDER

PENAL NOTICE

**IF YOU THE WITHIN NAMED DEFENDANTS DO NOT COMPLY WITH THIS
ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY
BE IMPRISONED OR FINED OR YOUR ASSETS MAY BE 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 IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED, OR HAVE THEIR ASSETS SEIZED.**

POWER OF ARREST

THIS ORDER CONTAINS A POWER OF ARREST FOR BREACH OF PARAGRAPH 2 OF THIS ORDER PURSUANT TO SECTION 27 OF THE POLICE AND JUSTICE ACT 2006. ANY PERSON WHO BREACHES PARAGRAPH 2 OF THIS ORDER MAY BE ARRESTED AND BROUGHT BEFORE THE COURT.

Note to Arresting Officer: Where the defendant is arrested under the power given by section 27 of the Police and Justice Act 2006 (“the 2006 Act”):

- i. The defendant shall be brought before the judge within a period of 24 hours beginning at the time of their arrest**
- ii. You should inform East Hertfordshire District Council of the arrest as soon as reasonably practicable.**

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing the acts set out in this Order. 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.

If you are in any doubt about whether an action or activity on the Land is prohibited by the Order you should seek written permission from the Claimant before carrying out that action or activity.

If you disobey this Order you may be found guilty of Contempt of Court and you may be sent to prison or fined or your assets may be seized.

UPON the Claimant’s urgent application without notice for an injunction pursuant to s. 187B of the Town and Country Planning Act 1990, dated 29 August 2026

AND UPON the Claimant’s further urgent application without notice dated 30 August 2026 pursuant to that section and to s. 222 of the Local Government Act 1972

AND UPON HEARING from counsel for the Claimant

AND UPON READING the Written Submission and the Witness Statement of Ms Nina Marshall (and the Exhibits to that Witness Statement) dated 29 August 2026 (appended at

Schedule B to this Order) and the Witness Statement of Mr Jon Wragg (and the Exhibits to that Witness Statement) dated 30 August 2026

AND UPON the Claimant undertaking to file a Claim Form for its claim under s.187B of the Town and Country Planning Act 1990 and s.222 of the Local Government Act 1972 as soon as possible and at the latest by 4pm on 11 September 2026

IT IS ORDERED THAT:

DEFINITIONS

1. In this Order:
 - a. “the Land” means the land registered under title HD418207 as more particularly shown on the plan attached to this Order edged red at Schedule A. The address of the Land is Land on the south west side of Sheering Mill Lane, Sawbridgeworth.
 - b. “development” means building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of buildings or other land.

INJUNCTION IN FORCE

2. With immediate effect and until the conclusion of return date hearing on 15 September 2026, or further order in the meantime, the Defendants and each of them, whether by themselves or by instructing, encouraging or permitting any other person, **must not carry out development on the Land in breach of planning control or carry out any works or activities which are or could serve as being preparatory works or activities to enable or support development of the Land.** In particular, but not exclusively, the Defendants must not on the Land, without written permission from the Claimant:
 - a. carry out any further development;
 - b. clear any further land;
 - c. lay hardstanding;
 - d. lay bitumen;
 - e. lay gravel;
 - f. erect any fencing;
 - g. erect any gates;

- h. construct any road on the Land;
- i. create any further access to the Land;
- j. remove or damage any hedgerow on the Land;
- k. install any camera or CCTV equipment;
- l. bring onto the Land or any part thereof or keep on the Land any plant or machinery used or capable of being used for the development of the Land;
- m. use any plant or machinery capable of being used for the development of the Land on the Land;
- n. bring onto the Land, or station on the Land, any caravans, vehicles or mobile homes;
- o. permit occupation of any caravan or mobile home already on the Land;
- p. continue to occupy any caravan or mobile home already on the Land;
- q. install any septic tank or carry out any associated works on the Land; or
- r. install or lay on the Land any electric cable, water pipe or any other infrastructure or carry out any associated works on the Land.

POWER OF ARREST

- 3. Any person breaching paragraph 2 of this Order may be arrested pursuant to s. 27 of the 2006 Act.

SERVICE BY ALTERNATIVE METHOD

- 4. The Court will provide sealed copies of this Order to the Claimant's solicitors for service. In order that the sealing of the Order does not delay its service, the Claimant is permitted to serve the Order made by the Court immediately after it is so made, but must exchange the Order served on the Land with the sealed version without 24 hours of receipt of the sealed Order.
- 5. Pursuant to CPR 6.27 and 81.4:
 - a. the Claimant shall serve this Order upon the Defendants by affixing sealed copies of this Order in a transparent waterproof document wallet in prominent positions on or at the boundary of the Land, and by placing it on any caravan or mobile home which has been stationed on the Land.
 - b. Such affixing or placing shall be deemed to be good and sufficient service on the Defendants of the Order.

- c. Any future documentation may be served on the Defendants in the same manner.
6. Service in accordance with paragraph 4 above shall be verified by a certificate of service filed with the Court.

THE RETURN DATE

7. There shall be a hearing on Tuesday 15 September 2026 at 10.30am in person at the Royal Courts of Justice. At that hearing, the Defendants can make, if so advised, representations in relation to the continuation, variation or discharge of this Order.

FURTHER DIRECTIONS

8. The Defendants or any other person affected by this Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the Claimant's solicitors immediately by email at the details set out below providing at least 48 hours' written notice of any hearing. If any evidence is to be relied upon in support of such an application the substance of it must be communicated in writing to the Claimant's solicitor at least 24 hours in advance of the hearing. The hours between 5pm on any Friday and 9am on any Monday cannot be counted as part of the relevant notice period.
9. Any person applying to vary or discharge this Order, or to appear at the Return Date hearing must provide their full name and address, an address for service, and must also apply to be joined as a named defendant to the proceedings.
10. The Claimant has liberty to apply to extend or vary this Order or for further directions.
11. Costs reserved.
12. Should the Claimant become aware of the identity of any of the persons currently encompassed within Persons Unknown it shall apply, as soon as reasonably practicable thereafter, to join that individual to these proceedings as a named defendant.

COMMUNICATIONS WITH THE CLAIMANT

13. The Claimant's solicitors and their contact details are: FAO: Simon Kiely, Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ, skiely@sharpepritchard.co.uk, 020 7405 4600, Ref. SK/2801/137

BY THE COURT

MADE ON 30 AUGUST 2026

Reasons for Amended Order

1. Following a further hearing on 30 August 2026, I have made an Amended Order so as to include a power of arrest of anyone breaching §2 of the Order, pursuant to s. 27 of the 2006 Act. The reason I was asked to add a power of arrest is that, according to the Claimant, there have been flagrant breaches of my Order of yesterday and the police have advised that the only effective means of enhancing their power to stop such breaches continuing is to give them the power to arrest anyone who is in breach of the Order.

2. I have decided that the criteria set out in s. 27 are satisfied in this case and that I should exercise my discretion in favour of granting a power of arrest. Before so deciding, my attention was drawn to the recent judgment of Eyre J in *London Borough of Havering v Stokes* [2024] EWHC 2496 (KB), §§27-32.

3. First, these are proceedings to which the Claimant is party by virtue of s. 222 of the Local Government Act 1972 (“the 1972 Act”) (see s. 27(1)). There is no claim on foot yet – the applications made yesterday and today are pre-issue applications, and my Orders make provision for a Claim Form to be filed. But pre-issue application is “proceedings” in my view. The Claimant is party to these proceedings by virtue of s. 222 either because seeking an injunction pursuant to s. 187B of the Town and Country Planning Act 1990 is done in exercise of s. 222 as well or because – I have been informed today – the Claimant intends to issue proceedings which cover not only breach of planning control, as stipulated in s. 187B, but also other claims, including public nuisance, which would be brought pursuant to s. 222, and the pre-issue application for an amended injunction made today is made in support of claims under both of those sections.

4. The Council will claim that recent activities on the Land are inflicting damage, injury and inconvenience on local residents as a class of the public in the neighbourhood of the Land. This is evidenced by the volume of complaints received by the Council, the scale of community disturbance, and the safety concerns described in the evidence of the Council and Hertfordshire Constabulary (as referred to further below). These matters are properly characterised as public nuisance, as they go beyond the breach of planning control alone. In my judgment, the criteria for grant of an injunction to restrain this public nuisance are satisfied (see *City of London Corporation v Bovis Construction Ltd* [1992] 3 All ER 697, 714). There is at least an arguable claim for public nuisance, it is appropriate to draw the inference that the Defendants’ apparently unlawful operations will continue unless and until restrained by injunction, and for that and other reasons the balance of convenience favours the grant of an injunction.

5. Accordingly, I have granted an injunction in proceedings which are pre-issue proceedings in support of claims under s. 187B and s. 222 (and I remake that Order today with reference to s. 222 expressly). That injunction prohibits conduct which is capable of causing nuisance or annoyance to a person, who in this case is residents of homes in immediate proximity to the Land (see s. 27(2)). There has been nuisance in terms of the large-scale movement of vehicles onto the Land (which is in a residential area) and the carrying out of works on the Land which will have been noisy. There has been clearance of land which is on the

floodplain, which increases, at least to some extent, the risk of flooding of other properties in the area. There has also been annoyance in terms of other damage to the environment, including animal species, and to the amenity value of the area as a result of loss of green space.

6. The requirements of s. 27(3) must also be satisfied before a power of arrest can be added to an injunction. The conduct which is prohibited by the injunction does not consist of or include the use or threatened use of violence (s. 27(3)(a)). However, s. 27(3)(b) – significant risk of harm to residents of homes in immediate proximity to the Land - is satisfied. Harm includes serious abuse whether physical or verbal (s. 27(12)(a)). There is, in my judgment, significant risk of the following types of harm:

a. The land is accessed by a narrow road, and other narrow roads leading to it. Local residents have been gathering near the land, in order (legitimately) to see what is going on and also to exercise their lawful rights of protest against what is happening. The Claimant and the police take the view that anyone on the road(s) near the land, including on the pavements, is at risk of harm from multiple heavy vehicles which have been moving to and from the land and will apparently continue to do so notwithstanding the injunction.

b. The expectation is that multiple further heavy vehicles will be arriving to lay tarmac on the Land, which is a time-sensitive operation, as tarmac will “spoil” if there is significant delay in it being laid. There are also reliable reports of large caravans/mobile homes queueing in neighbouring areas awaiting the completion of the site. There will be a further significant risk of harm to persons in the vicinity of the Land should these vehicles attempt to gain access.

c. There has been serious verbal abuse of one local resident who went onto the Land to observe what was occurring (“What has it got to do with you, you Jewish cunt, I am going to follow you home and burn your house down”). Those working on the site have also threatened local residents with a “brigade” of 200 people from the traveller community who are ready to come to the Land to secure access for the further vehicles which are necessary to complete the site. Should this occur, the Claimant and the police fear public disorder and significant risk of harm to local residents.

7. Eyre J in *Havering* apparently took the view (§71) that “harm” in s. 27(3) could extend to non-physical harms such as environmental harm or harm to economic interests although these were not the primary focus of the subsection. There would be a significant risk of such harms in the present case, but this is much less serious than the risk of harm from potential physical harm, and harm from serious verbal abuse, which I have detailed above.

8. Being satisfied that the criteria in s. 27(3) are met, it falls to be to exercise my discretion whether or not to add a power of arrest. The principal factor is that flagrant breaches of the injunction have occurred today, are likely to continue to occur tomorrow and the only possibly effective means of limiting those breaches is to give the police the power to arrest

persons breaching the Order. Informing them of the power of arrest may be sufficient to dissuade them from breaching the Order but if it does not then the arrest of one or some of the offenders may, one would hope, change the position on the ground.

9. I was also asked to add to the Order a provision which required the police to disclose (*inter alia*) the names of anyone breaching the Order. I am not prepared to do that in advance of any arrests being made, not least because the latest authorities on this type of Order suggest that the legal basis for it is CPR 37.17. That provision seems to me not to apply where the third party against whom disclosure is sought does not at the time of the application for the Order have any relevant information and may never do so.

Mr Justice Coppel, 30 August 2026

GUIDANCE NOTES

Effect of this Order

1. A Defendant who is an individual who is ordered not to do something must not do it personally or in any other way. They must not do it through others acting on their behalf or on their instructions or with their 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.

Effect of this Order on Parties other than the Defendants

3. It is a contempt of court for any 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.

Communications with the Court

4. All communications to the Court about this Order should be sent to Room WG 08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 am and 4:30pm Monday to Friday.

Pursuant to CPR Part 40.7(1) this order takes effect from the date it was made, i.e. the date on the face of the Order.

SCHEDULE A – PLAN OF THE LAND

