

**IN THE HIGH COURT OF JUSTICE**  
**003299**

**Claim No: QB-2021-**

**QUEEN'S BENCH DIVISION**

**DATED:3<sup>rd</sup> September 2021**

**THE HON MR JUSTICE CHAMBERLAIN**

**BETWEEN:-**

**DACORUM BOROUGH COUNCIL**

**-and-**

- (1) MR MOHAMEH AHMED**
- (2) MR SHAHID IBRAR**



**QB-2021-003299**

**Sub Event ID: 10**

**Defendants**

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**INJUNCTION ORDER**

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**PENAL NOTICE**

**IF YOU THE WITHIN NAMED:**

**MR MOHAMED AHMED, MR SHAHID IBRAR**

***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**

**NOTICE TO THE DEFENDANTS**

1. This Order prohibits you from carrying out the activities set out in this Order. You should read the 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 3<sup>rd</sup> September 2021 Mr Justice Chamberlain considered the Application brought by Dacorum Borough Council ("the Claimant") for continuation of an injunction supported by the Witness Statements listed in Schedule A and accepted the undertakings listed in Schedule B at the end of this Order.

**UPON** hearing Counsel for the Claimant, and hearing the First and Second Defendants, and upon reading the witness statements listed in Schedule A and upon accepting the undertaking listed in Schedule B

**IT IS ORDERED THAT UNTIL TRIAL OR FURTHER ORDER**

**THE INJUNCTION**

1. In relation to the Land known as 'Land on the south-east side of Church Road, Little Gaddesden, Berkhamsted' (Title number HD585617) ("the Land") as shown edged red on the attached plan (Plan 1), the Defendants whether by themselves or by instructing, encouraging or permitting any other person must not use the Land or carry out works to the Land in breach of planning control and, in particular, must **not**:

- (a) Erect, construct, improve or alter any further gate, fence, wall or other means of enclosure.
- (b) Form, lay out or construct any further means of access to a highway which is not a trunk road or classified road.
- (c) Erect, construct or build any further shed, animal shelter, building, or structure
- (d) Undertake any further development on the Land as defined in s.55 of the Town and Country Planning Act 1990 unless it is permitted development pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to the Article 4 Direction that applies to the Land known as 'Article 4 Direction (Land south-east of Church Road, Little Gaddesden) confirmed on 6<sup>th</sup> May 2020, contrary to planning control

**AND IT IS FURTHER ORDERED**

**ALTERNATIVE SERVICE**

2. Service of this Order and related documentation be effected by the posting of sealed copies of the said Order, the Application Notice, the Claim Form and evidence in support of the Application and any future documentation 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, the Application Notice, Claim Form and evidence in support of the Application and any future documentation on the date it was so affixed.

**DIRECTIONS**

3. The Defendants do serve any evidence by 17 September 2021;
4. The Claimant do serve any evidence in reply, if so advised, by 1 October 2021;
5. The hearing, to be in open court in the RCJ, be listed on the first open date after 10 October 2021 for a time estimate of half a day to determine whether the application for the injunction should be made final;

6. Costs reserved.

## **GUIDANCE NOTES**

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

7. 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.
8. 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.

### **Variation or discharge of this Order**

9. 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.

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

10. 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**

8. (i) In this Order, the words "the Land" means 'Land on the south-east side of Church Road, Little Gaddesden, Berkhamsted' (Title number HD585617) as shown edged red on the attached plan.
- (ii) In this Order, where there is more than one Defendant (unless otherwise stated) references to "the Defendants" means each or all of them.
- (iii) 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.
- (iv) An Order requiring "the Defendants" not to do anything applies to all Defendants.
- (vi) In this order the word 'further' at paragraph 1 (a), (b), (c) and (d) means in addition to the development shown on Plan 2 attached.

#### **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. Witness Statement of Olivia Stapleford dated 27<sup>th</sup> August 2021
2. Second WS of Olivia Stapleford dated 31<sup>st</sup> August 2021
3. Witness Statement of the First Defendant dated 2<sup>nd</sup> September 2021

## **SCHEDULE B**

### **Undertakings given to the Court by the Claimant:-**

1. As soon as practicable the Claimant will serve on the named Defendants a sealed copy of this Order and evidence in support pursuant to the Order for alternative service herein.
2. To use the Claimant's best endeavours to effect personal service on the named Defendants.

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

Mr William Rose  
Sharpe Pritchard  
Elizabeth House  
Fulwood Place  
London WC1V 6HG

Tel: 020 7405 4600  
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DX:353 London/Chancery Lane



Scale: 1:1250  
Date: 11/08/2021

Enforcement  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1DN

