

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Before HHJ McKenna sitting as a Deputy High court Judge:

Case ref: E90BM026

B E T W E E N :-

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Claimant

-and-

- (1) JOHN CASSIDY (date of birth 30 November 1972)
- (2) JOHN CASSIDY (date of birth 21 September 1968)
- (3) MARY CASSIDY
- (4) PATRICK CASSIDY (date of birth 26 June 1977)
- (5) MARGARET CASSIDY
- (6) ANDREW CASSIDY
- (7) EILEEN CASSIDY
- (8) ELIZABETH CASSIDY
- (9) CHARLOTTE CASSIDY
- (10) WILLIAM CASSIDY (date of birth 2 July 1971)
- (11) WILLIAM CASSIDY (date of birth 22 October 1946)
- (12) MICHAEL CASSIDY
- (13) KATHLEEN CASSIDY
- (14) SARAH CASSIDY
- (15) PERSONS UNKNOWN



Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED FIRST TO FOURTEENTH DEFENDANTS OR PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE IMPRISONED, FINED OR HAVE 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 IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING Counsel for the Claimant and the Defendants being given notice of this application and not attending

AND UPON reading the witness statements of Inspector Emma Thompson and Alan Brown and the papers filed herein and considering the provisions of section 222 of the Local Government Act 1972 and section 187 of the Town and Country Planning Act 1990

IT IS ORDERED THAT:

1. The Defendants are forbidden whether by themselves or by instructing or encouraging or permitting any other person from:
 - a. Engaging in conduct causing or likely to cause a nuisance or annoyance to any person within Solihull;
 - b. Removing or damaging any fence, padlock, lock, bolt or other means of securing any location within Solihull;
 - c. Entering with a view to setting up an encampment on any of the land identified on the attached map at Appendix A, sites numbered 1-37;
 - d. Entering or occupying any of the identified sites at Appendix A numbered 1-37 for residential purposes whether temporary or otherwise including occupying the land with caravans, mobile homes, or other residential structures;
 - e. Entering or occupying any of the land identified on the attached map at Appendix A, sites 1-37;
 - f. Depositing, leaving or dumping any rubbish, building materials, waste products or other refuse anywhere in Solihull except in a receptacle designed for waste disposal.
2. This order will remain in force until 13 March 2021.
3. This order may be served by
 - a. affixing a copy of it in a transparent waterproof envelope in a prominent position on the land on each of the 37 sites at Appendix A
 - b. publishing it in a newspaper such as Solihull News
 - c. Publishing it on the Claimant's website, Facebook and Twitter accounts.
4. The Claimant undertakes to use reasonable endeavours to serve the named Defendants personally.
5. The Defendants or any of them or any person notified of this order may apply to the Court on 48 hours' notice in writing to the Claimant to vary or discharge this order.
6. Costs reserved.

Definitions

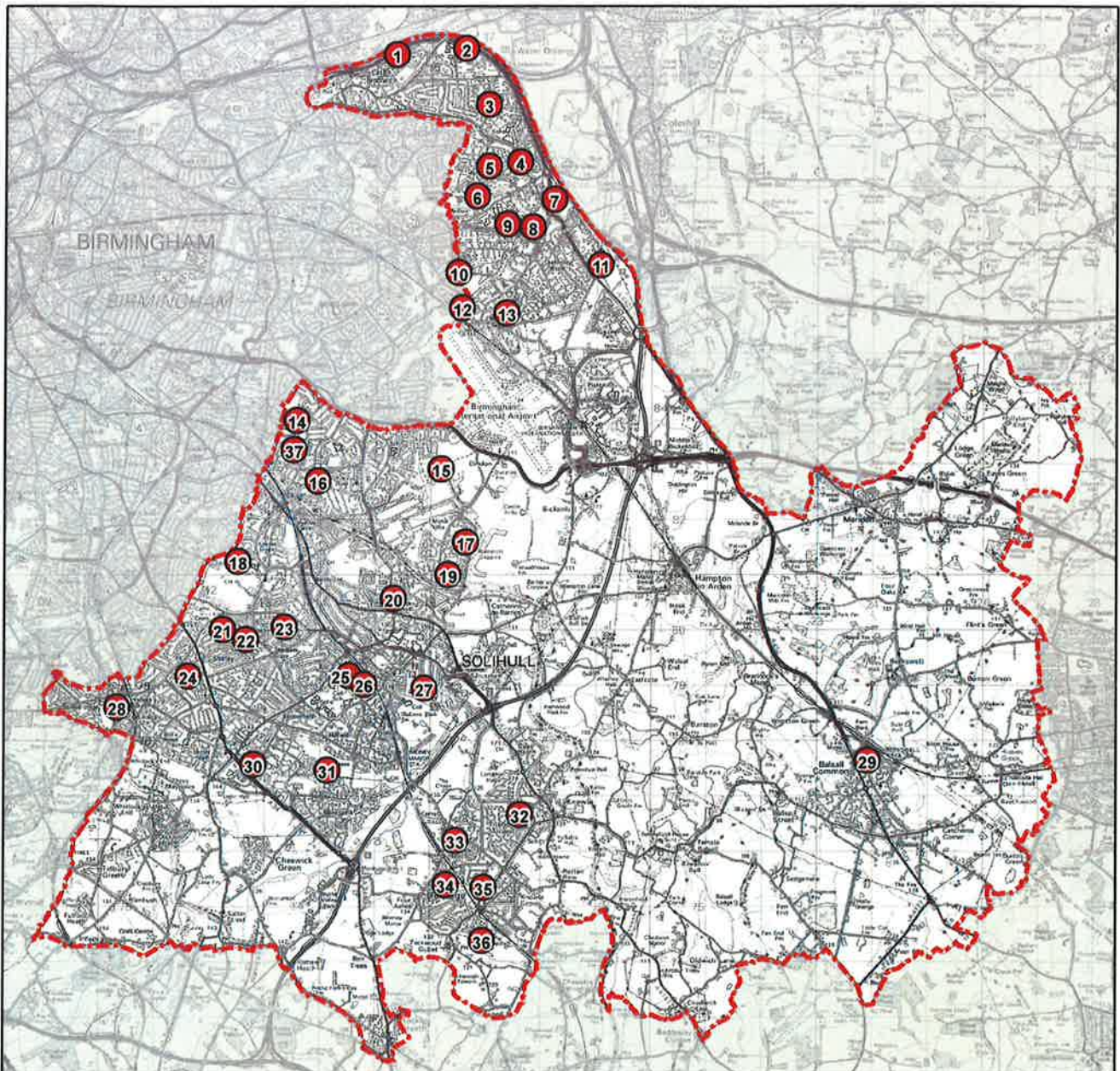
7. In this order:
 - a. "Solihull" means the area outlined in red on the map annexed hereto;
 - b. "Encampment" means using land for residential purposes, whether temporary or otherwise, including the occupation of caravans, mobile homes, or other vehicles,

the use of furniture or the storage of vehicles, caravans or other items.

- c. A person who is ordered not to do something must not do it by himself or in any other way such as by others acting on his behalf, on his instructions or with his encouragement.
 - d. Reference to “the Defendants” means each or all of them save as otherwise stated.
8. It is a contempt of court for any person notified of this order knowing 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.
 9. Any communications to the Court about this order should be sent to High Court of Justice, Queens Bench Division, Birmingham Civil Justice Centre, 33 Bull Street, Birmingham, B4 6DS. (tel 0121 681 4441).

Prohibited Site Locations

Appendix A



Sites

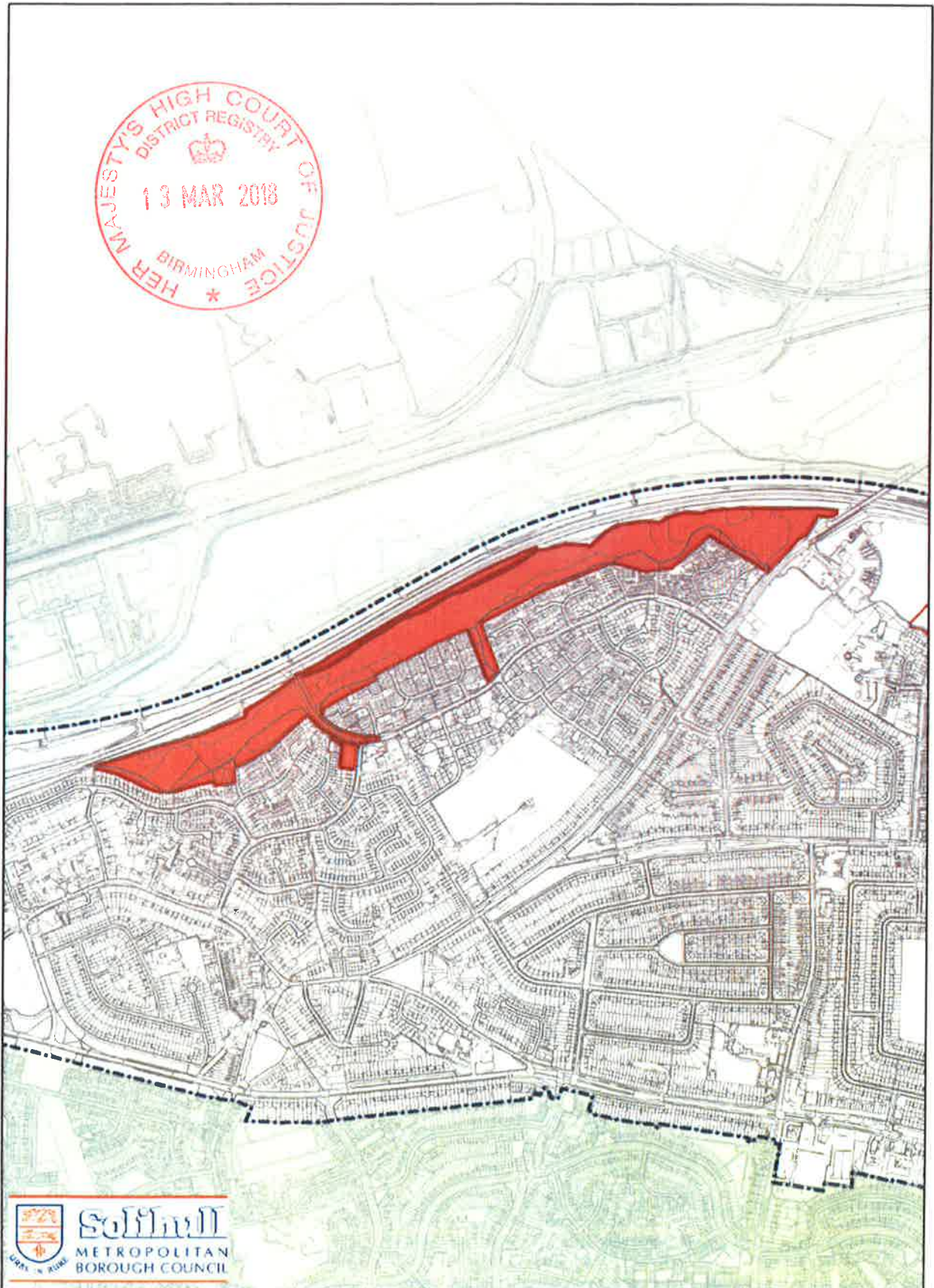
- | | | |
|---|---|---|
| 1. Beachcroft Open Space, Various | 13. Marston Green Park, Brooklands Way | 26. Monkspath Hall Car Park, Monkspath Hall Road |
| 2. Lanchester Park, Lanchester Way | 14. Wagon Lane Open Space, Wagon Lane | 27. Malvern and Brueton Park, Warwick Road (Brueton) |
| 3. Burtons Farm Park, Burtons Farm Road | 15. Elmdon Heath Nature Park, Tanhouse Farm Road | 28. Colebrook Open Space, Green Lane |
| 4. Woodlands Green Park, Windward Way | 16. Olton Jubilee Park, Lyndon Road | 29. Lavender Hall Park, Hallmeadow Road |
| 5. Kingshurst Park, Marston Drive | 17. Elmdon Coppice, Luddington Road | 30. Swallows Meadow, Swallows Meadow |
| 6. Babbs Mill Local Nature Reserve, Fordbridge Road | 18. Langley Hall Park, Swanswell Road | 31. Hillfield Park, Monkspath Hall Road |
| 7. Cole Bank Park, Bushbury Croft | 19. Elmdon Heath Recreation Ground, Damsen Lane | 32. Knowle Park, Longdon Road (cars) |
| 8. Meriden Park, Conway Road | 20. Hermitage Park, Lode Lane | 33. Bentley Heath Recreation Ground, Widney Road |
| 9. North Solihull Sports Centre, Moorend Avenue | 21. Palmers Rough Recreation Ground, Jacey Road | 34. Four Ashes / Conker Lane Open Space, Chartley Close - various |
| 10. Chapelhouse Open Space, Chapelhouse Road | 22. Rothwell Drive Open Space, Rothwell Drive | 35. Hanbury Park, Hanbury Road |
| 11. Bluebell Recreation Ground, Bluebell Drive | 23. Streetsbrook Open Space, Woodside Way | 36. Dorridge Park and Dorridge Wood Local Nature Reserve, Grange Road |
| 12. Brookside Open Space, Moseley Drive | 24. Shirley Park, Stratford Road | 37. Barn Lane Recreation Ground, Barn Lane |
| | 25. Tudor Grange Park and Leisure Centre, Monkspath Hall Road | |



Prohibition of Unauthorised Encampments Order

Area Ref N°: 1

Beachcroft Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 2

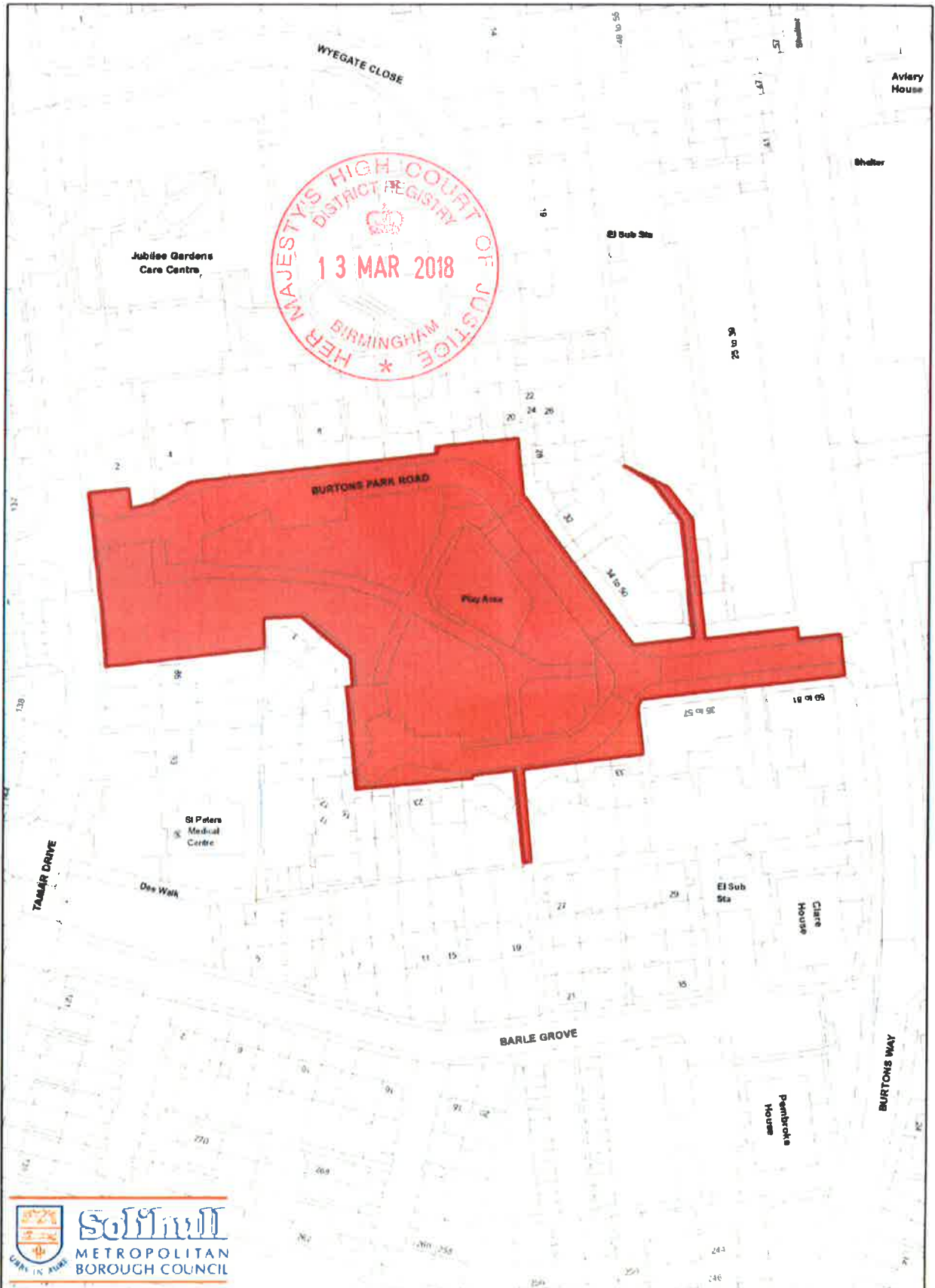
Lanchester Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 3

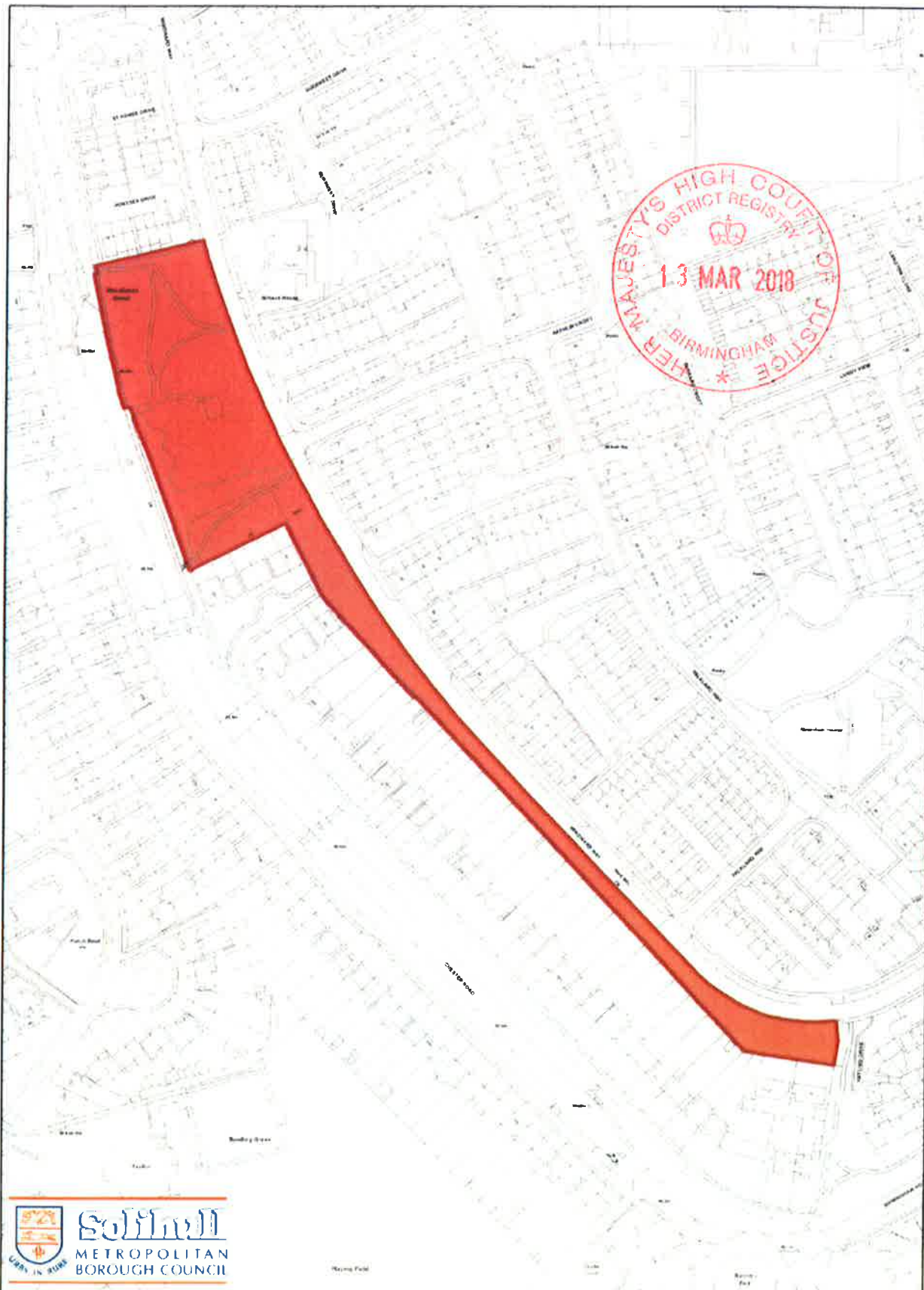
Burtens Farm Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 4

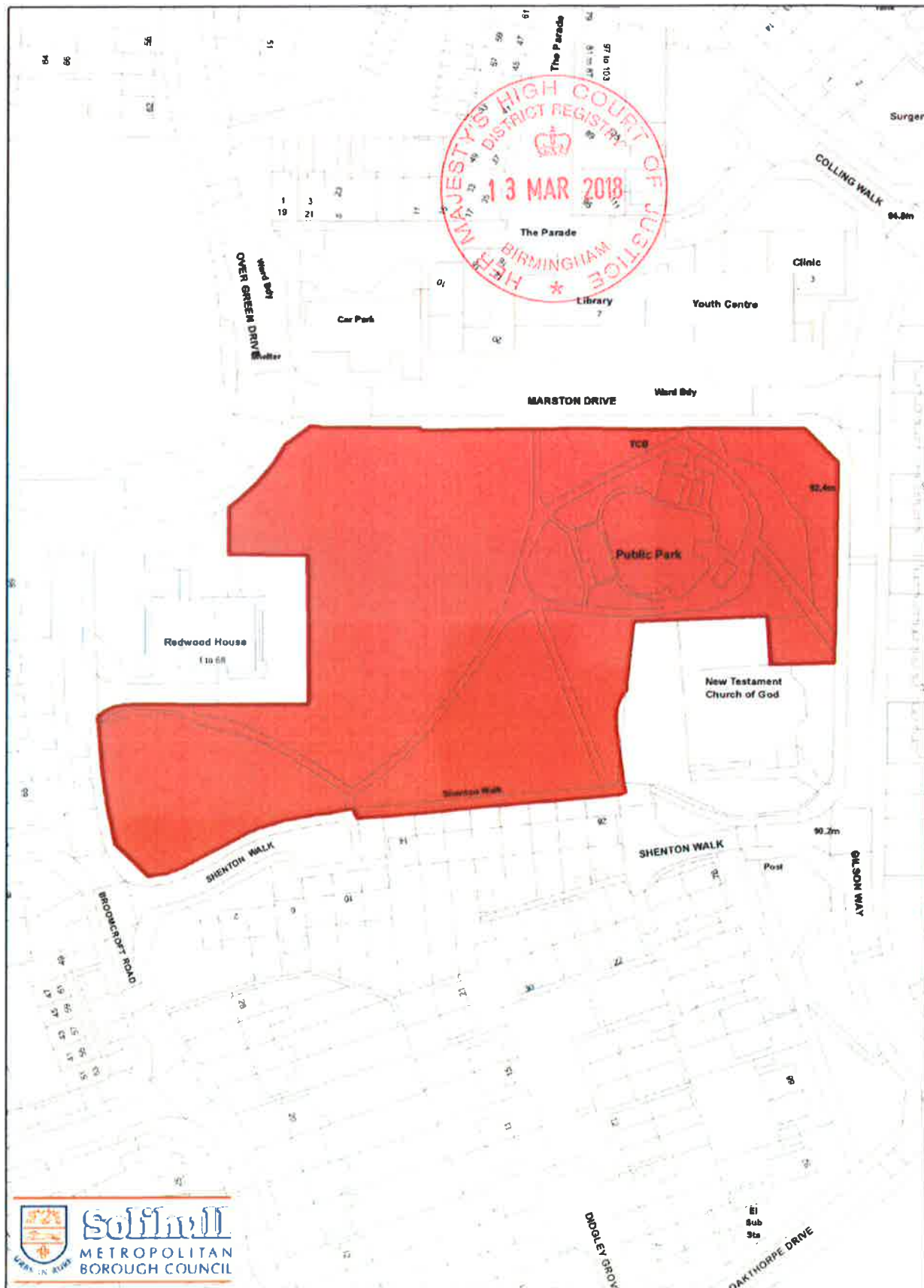
Woodlands Green Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 5

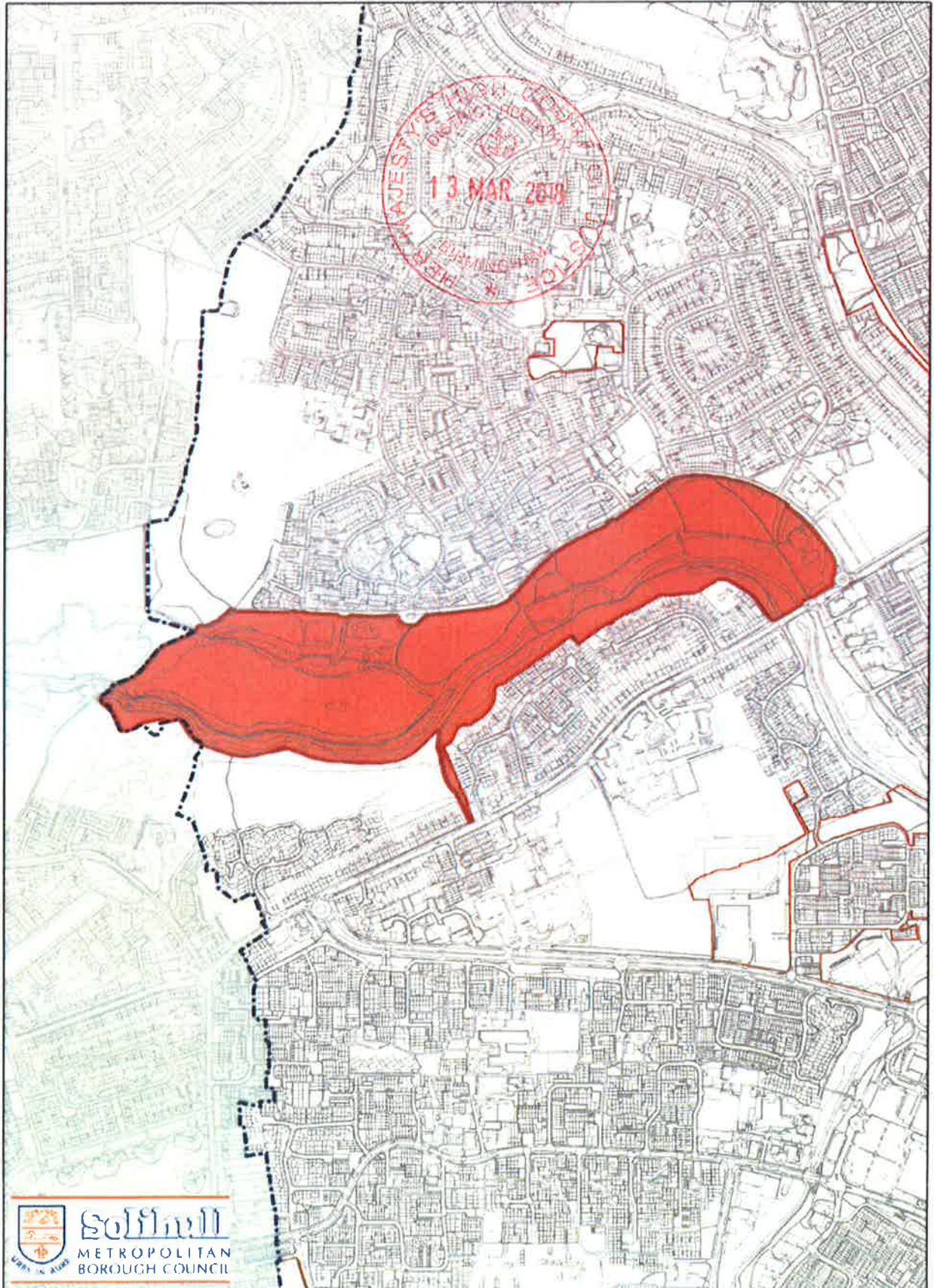
Kingshurst Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 6

Babbs Mill Local Nature Reserve



Prohibition of Unauthorised Encampments Order

Area Ref N°: 7

Cole Bank Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 8

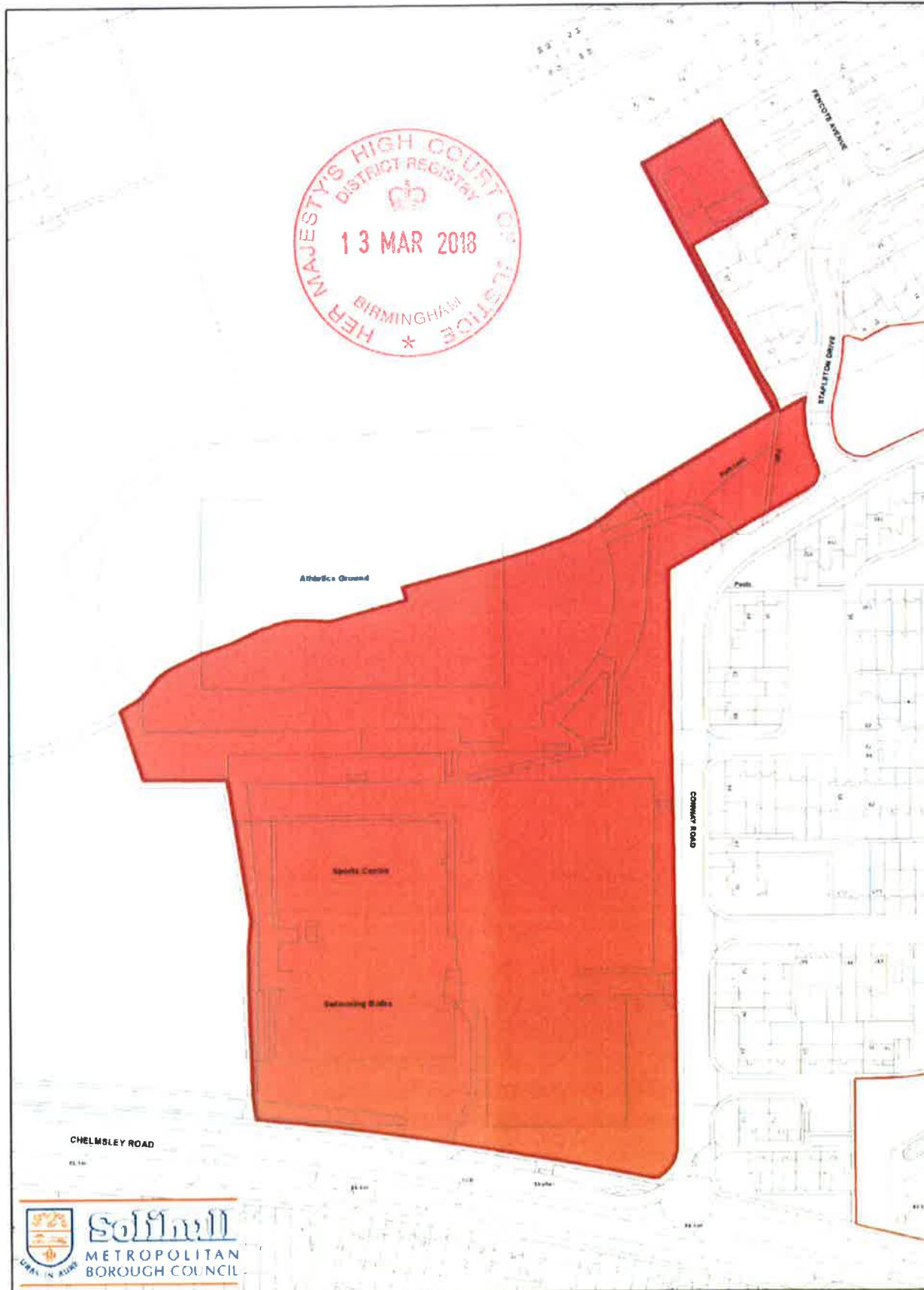
Meriden Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 8

North Solihull Sports Centre



Prohibition of Unauthorised Encampments Order

Area Ref N°: 10

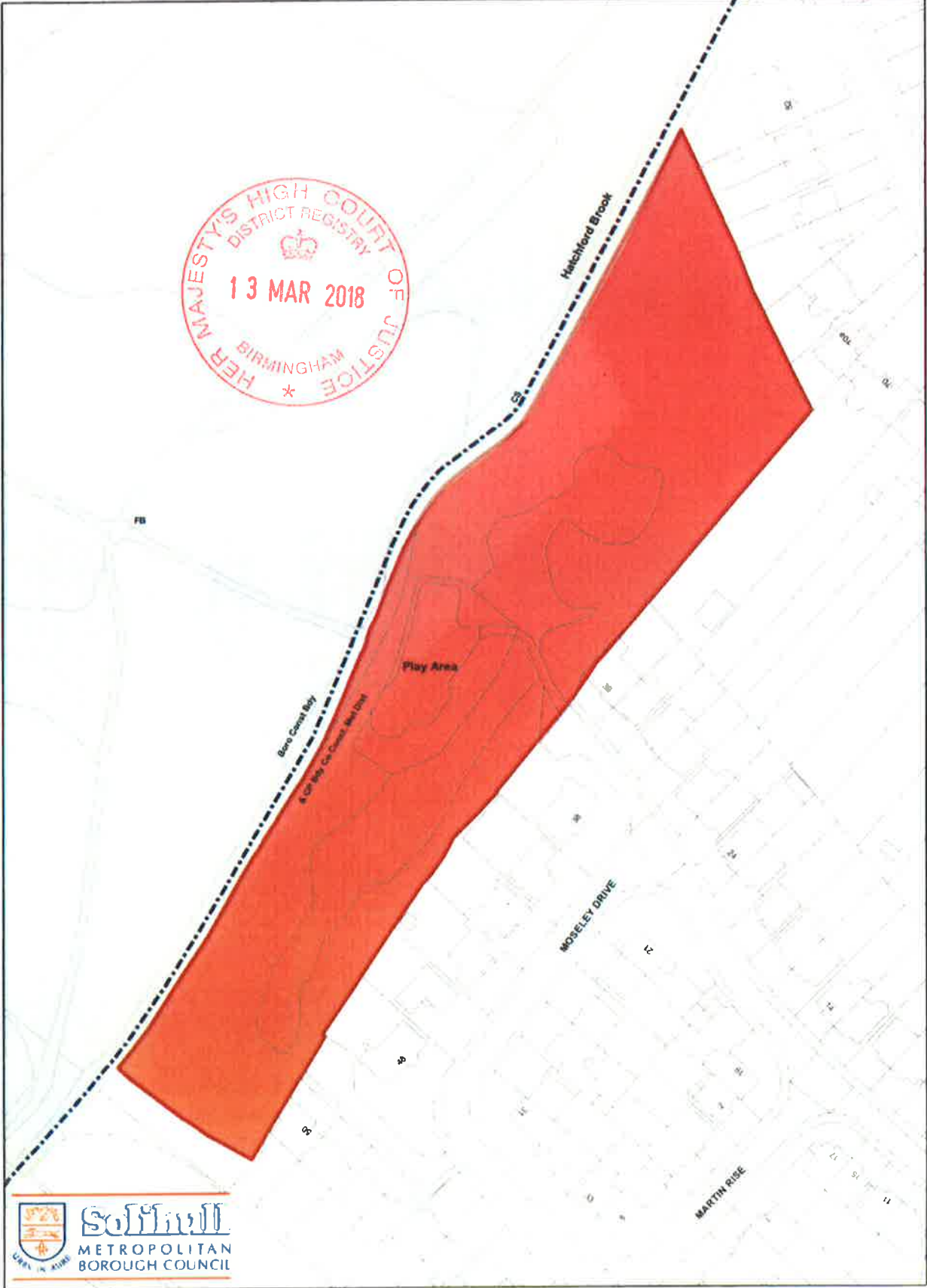
Bluebell Recreation Ground



Prohibition of Unauthorised Encampments Order

Area Ref N°: 11

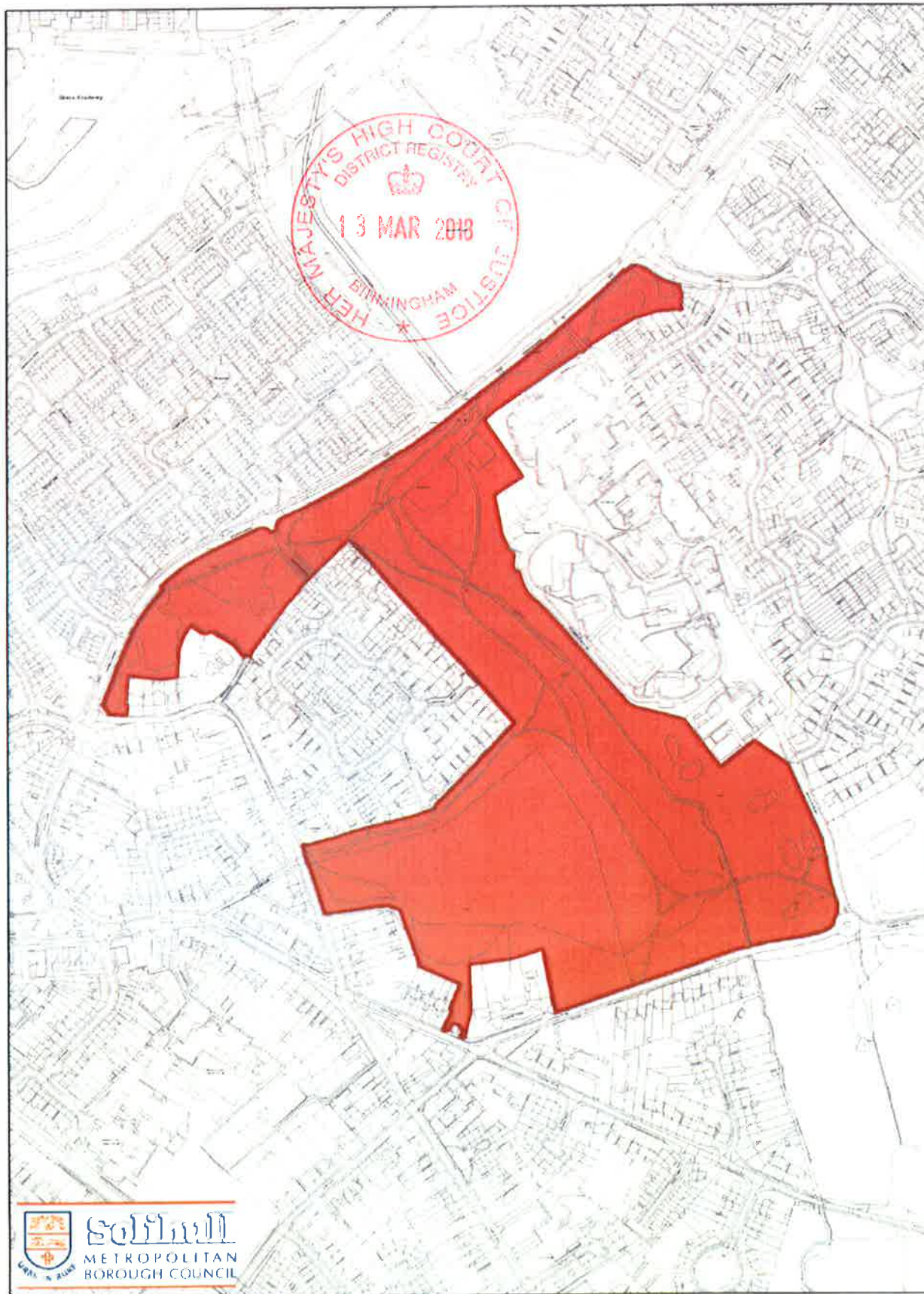
Brookside Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 12

Marston Green Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 13

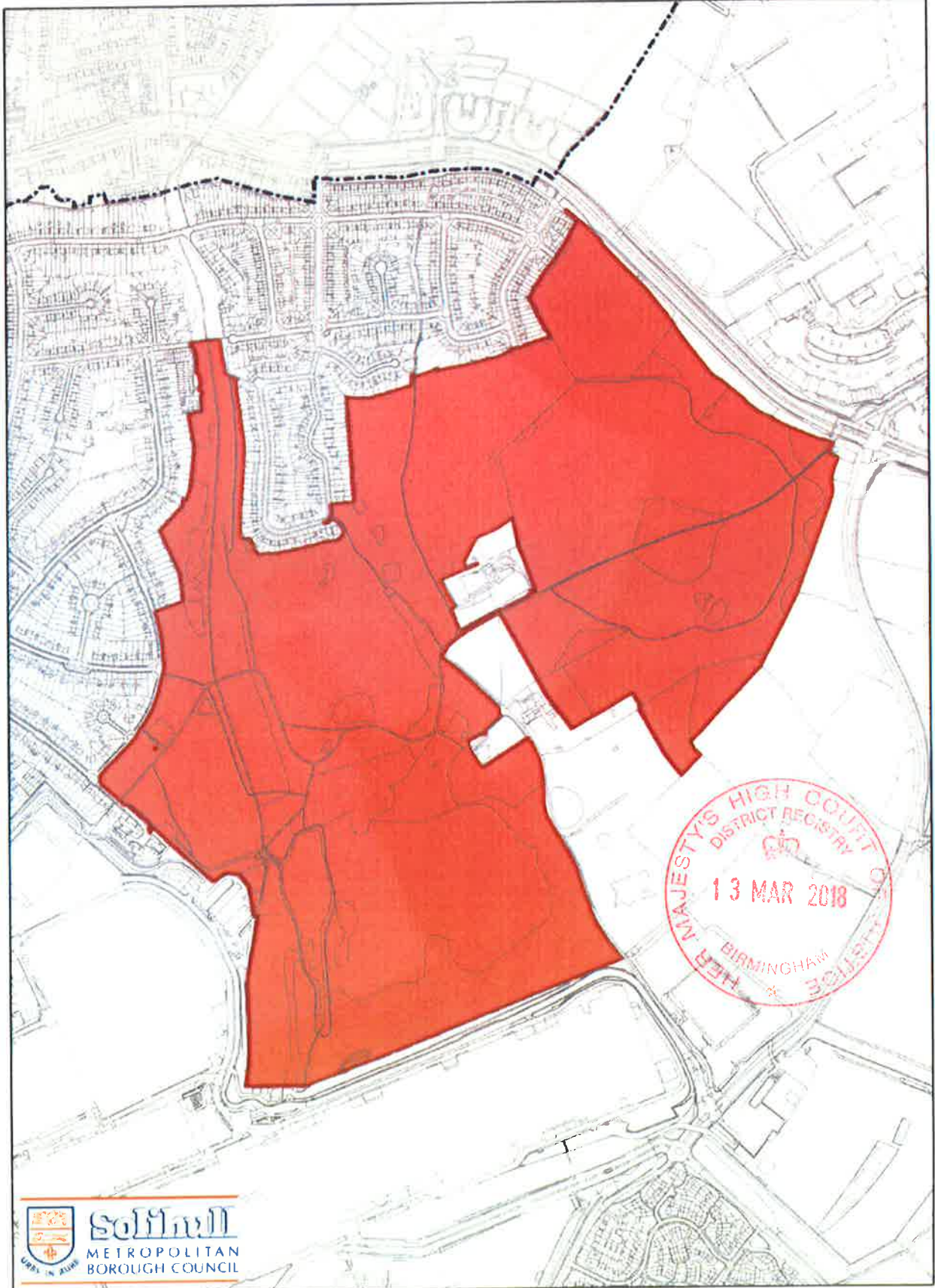
Wagon Lane Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 14

Elmdon Heath Nature Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 15

Olton Jubilee Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 16

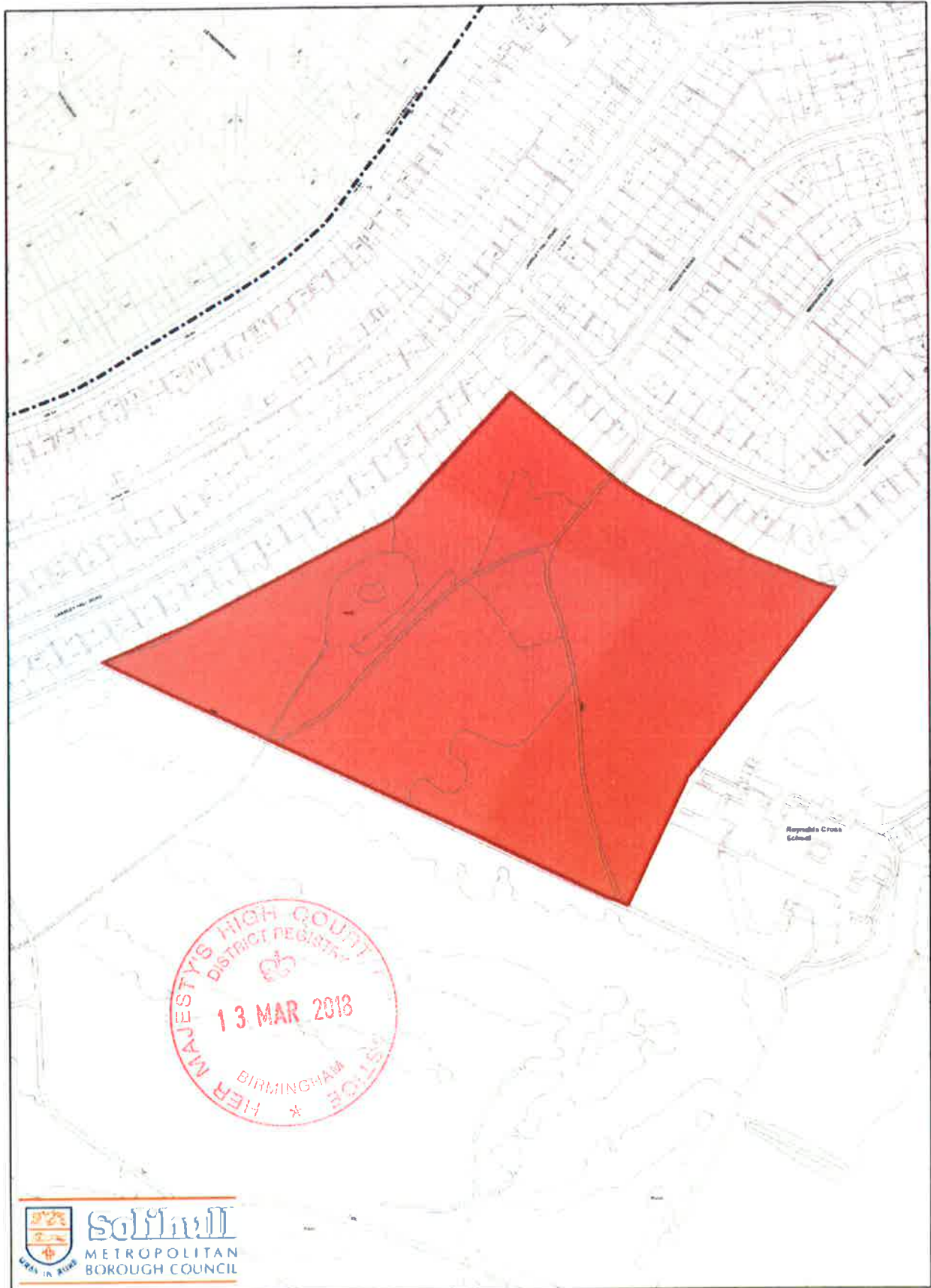
Elmdon Coppice



Prohibition of Unauthorised Encampments Order

Area Ref N°: 17

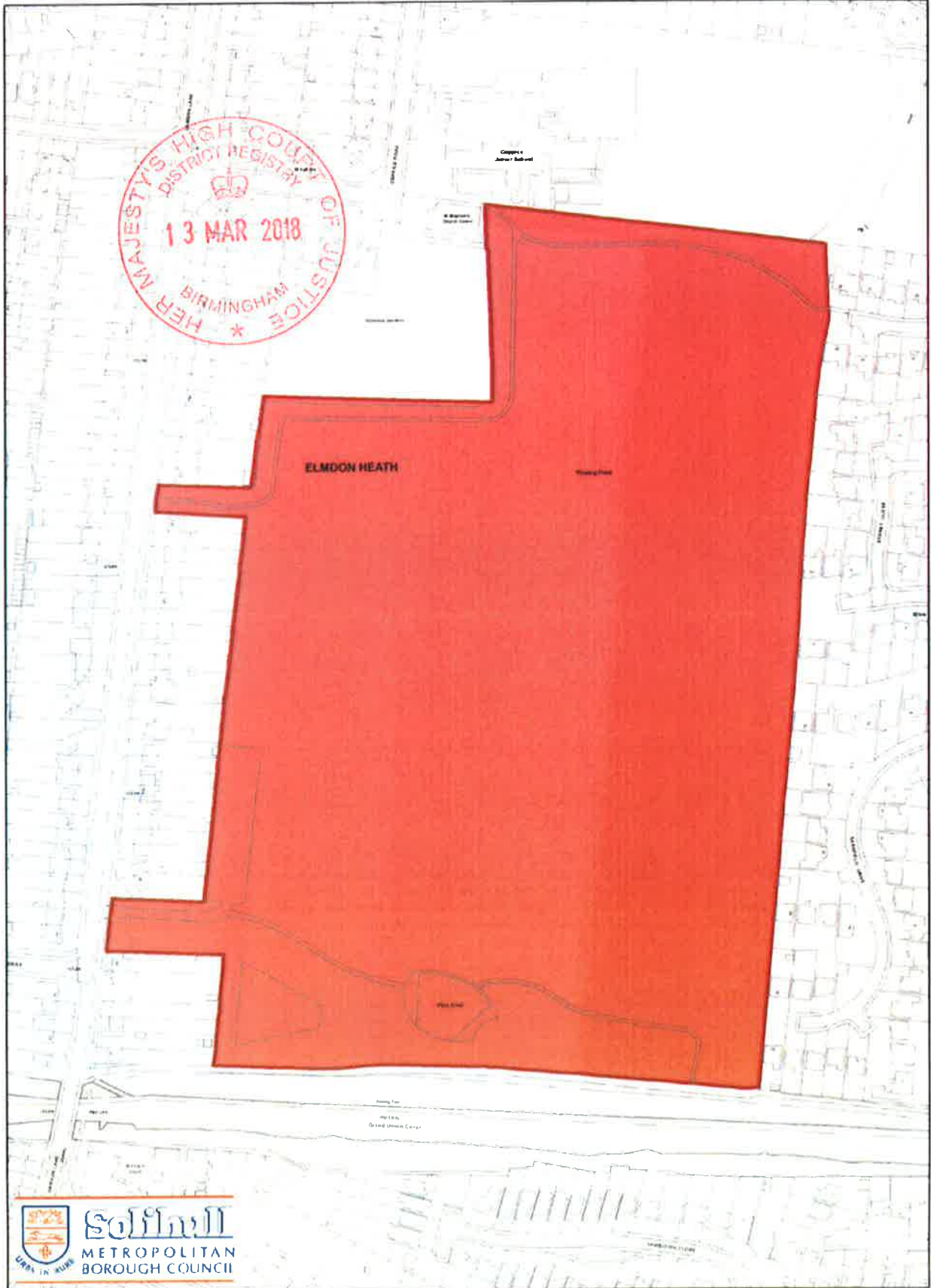
Langley Hall Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 18

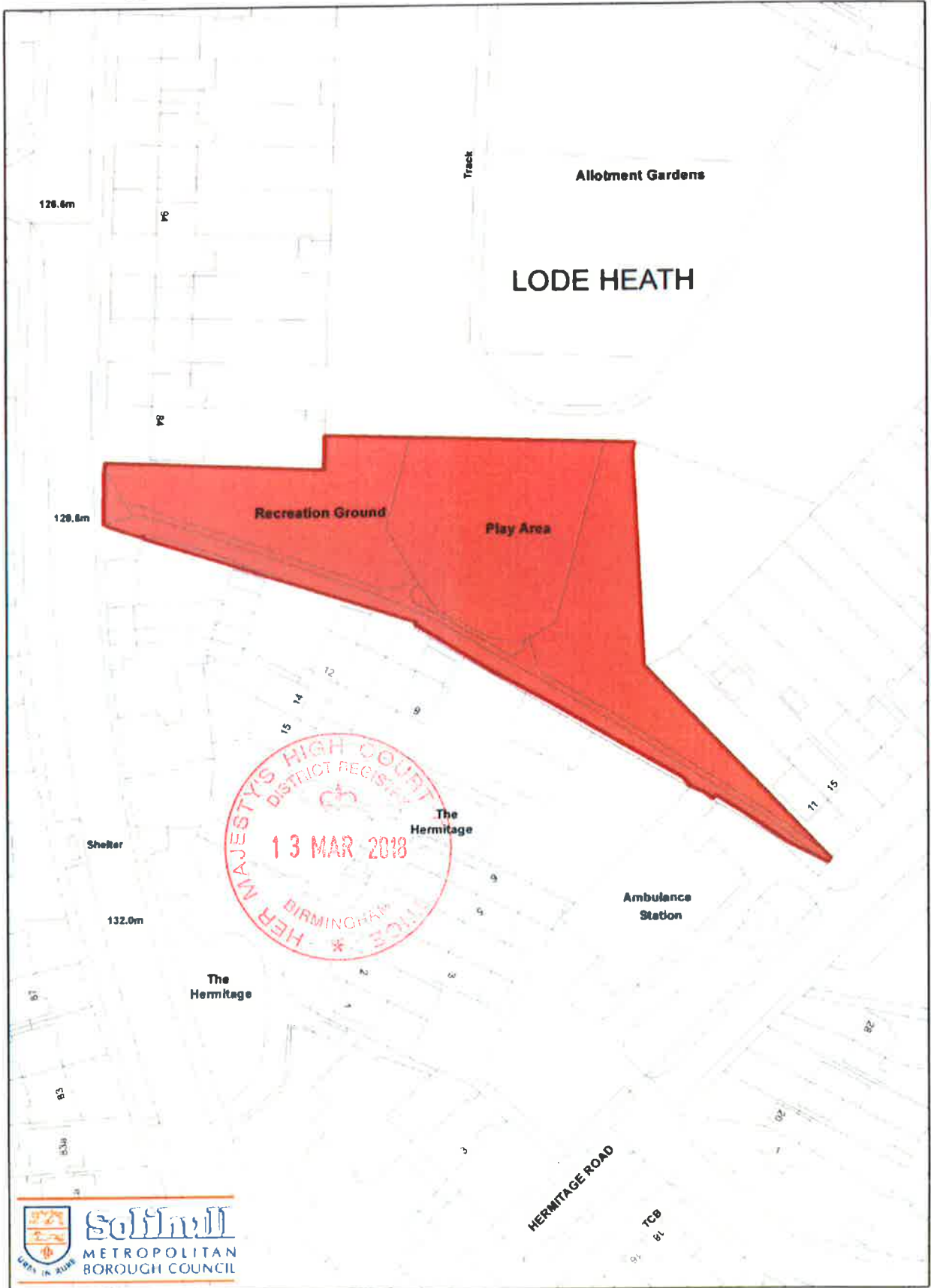
Elmdon Heath Recreation Ground



Prohibition of Unauthorised Encampments Order

Area Ref N°: 19

Hermitage Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 20

Palmers Rough Recreation Ground



Prohibition of Unauthorised Encampments Order

Area Ref N°: 21

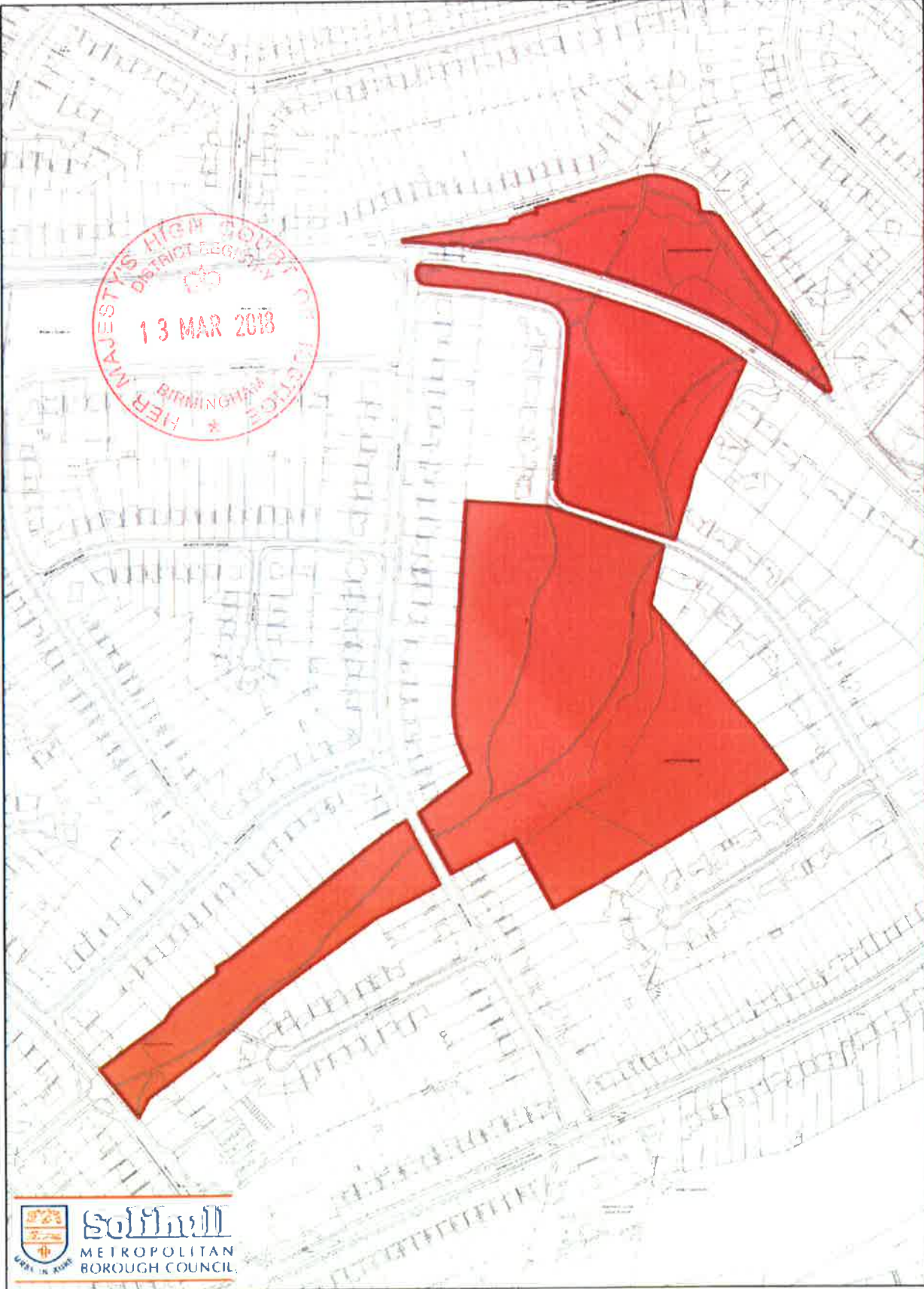
Rothwell Drive Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 22

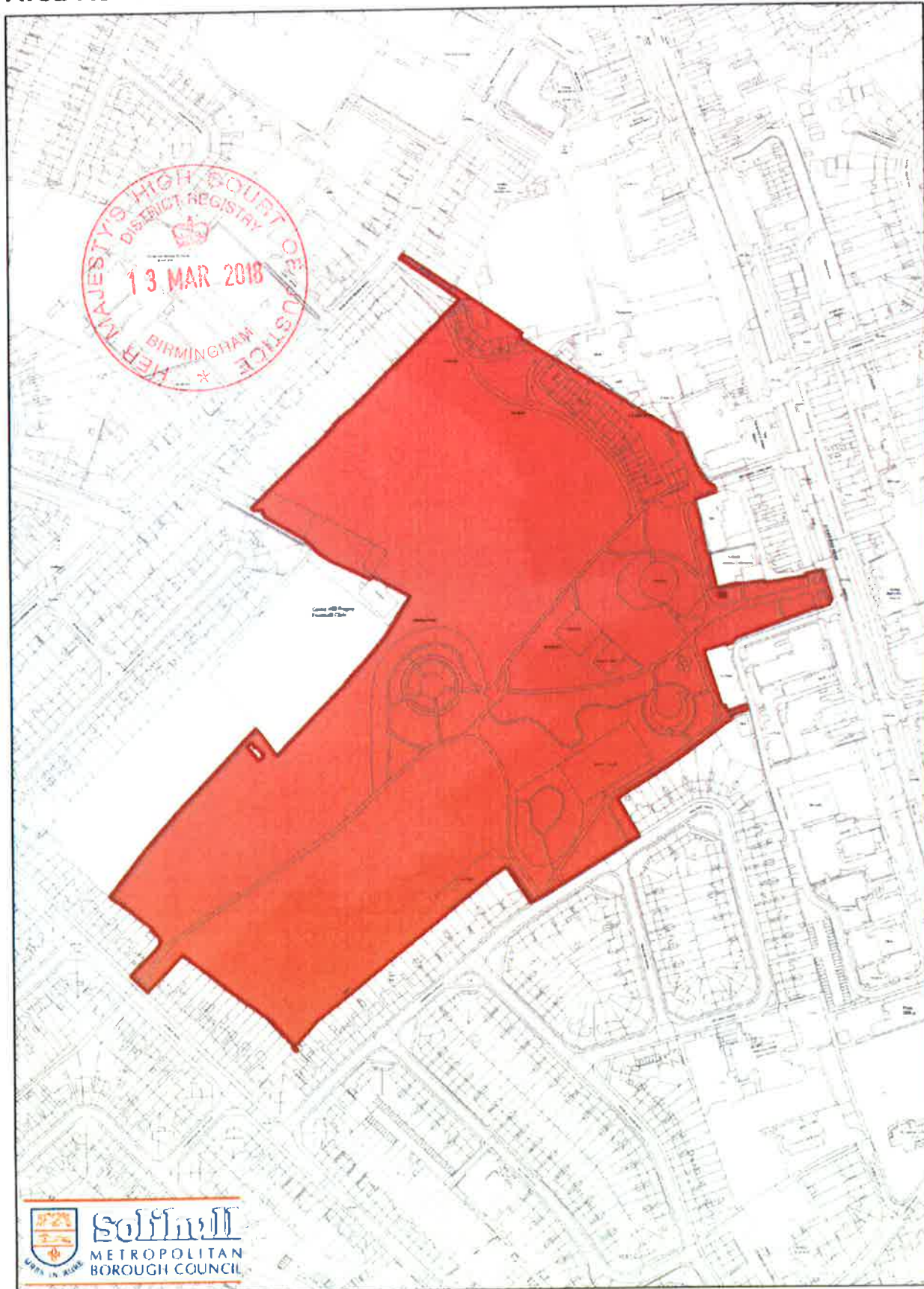
Streetsbrook Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 23

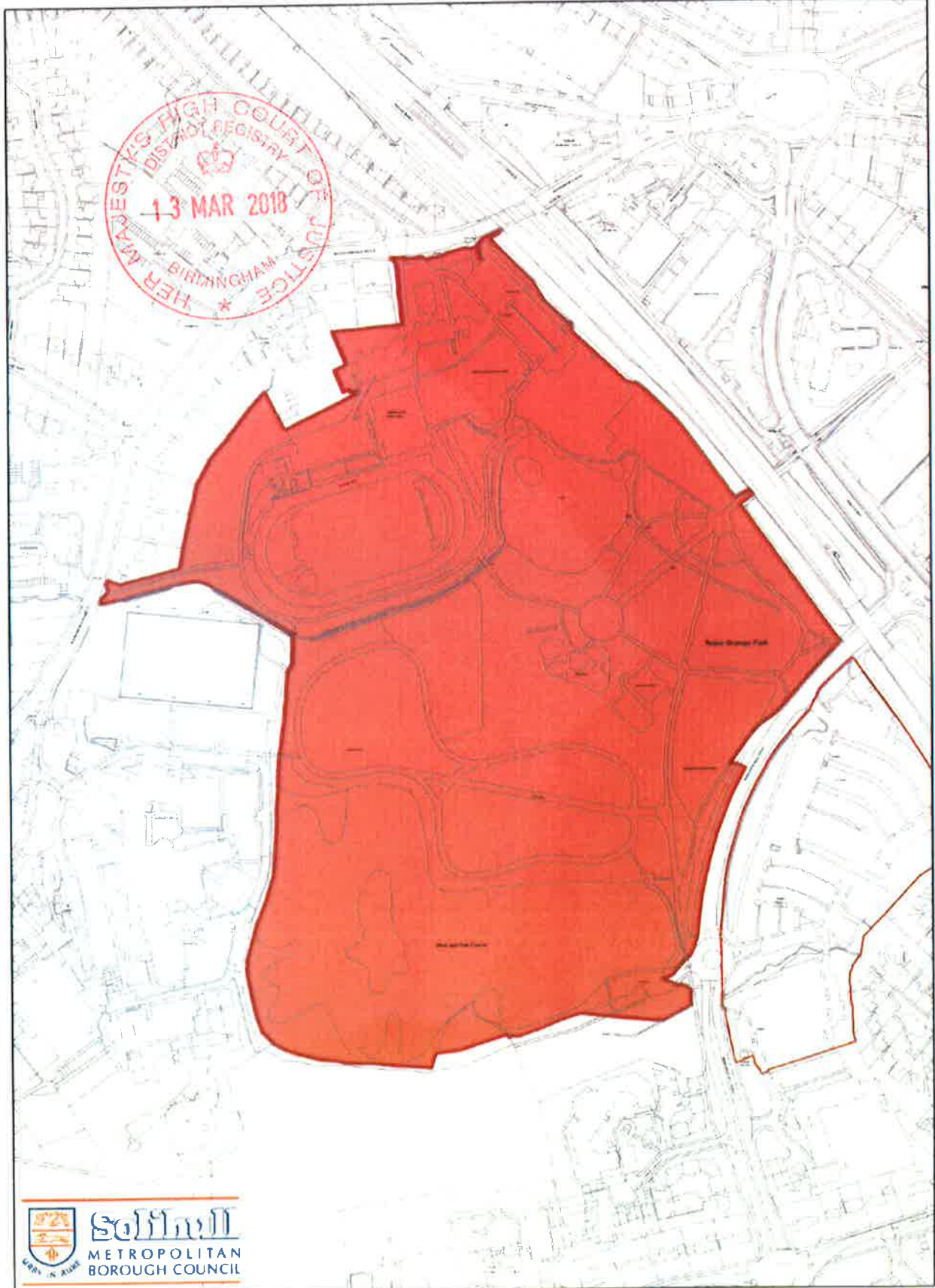
Shirley Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 24

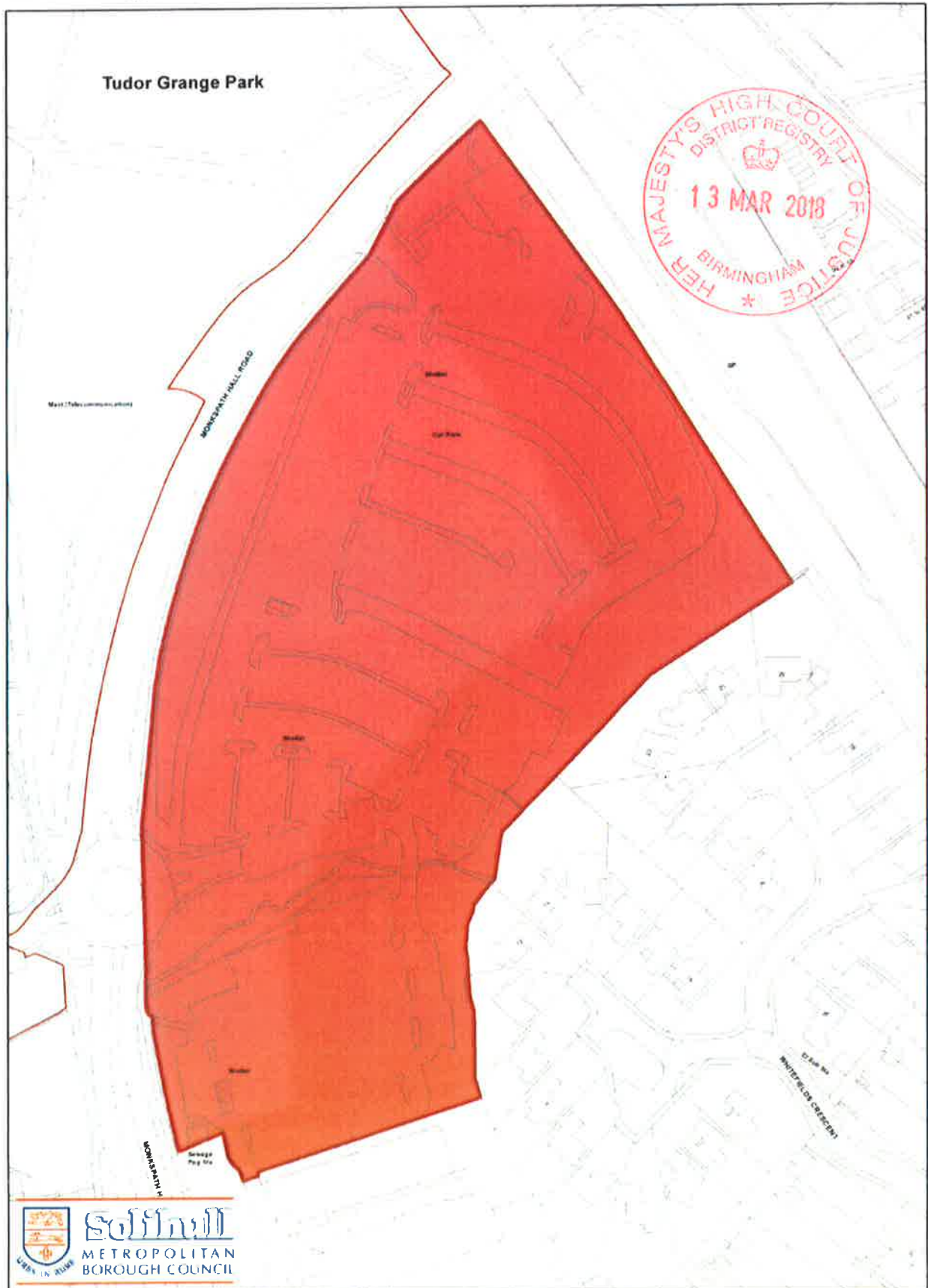
Tudor Grange Park and Leisure Centre



Prohibition of Unauthorised Encampments Order

Area Ref N°: 25

Monkspath Hall Car Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 26

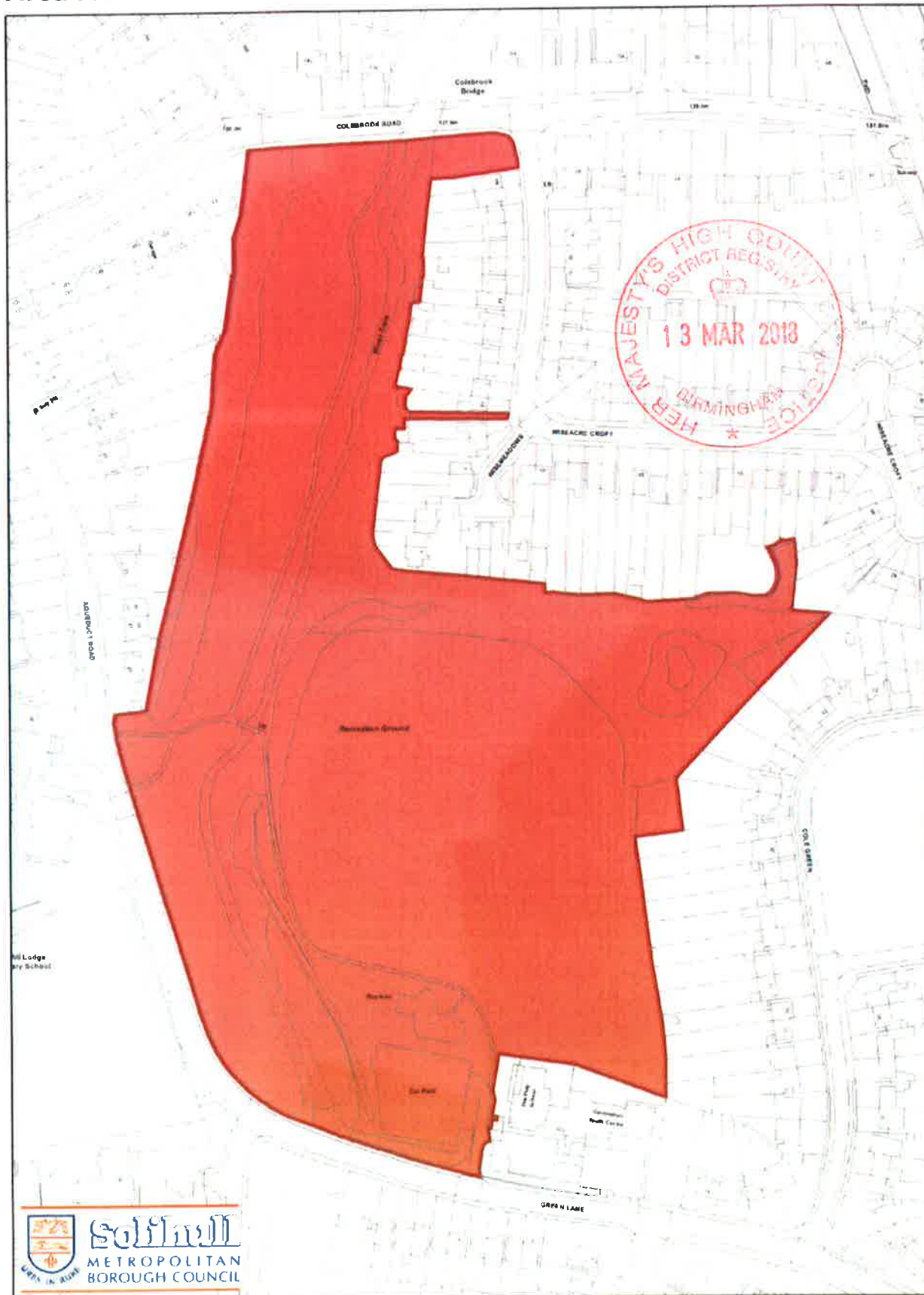
Malvern and Brueton Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 27

Colebrook Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 28

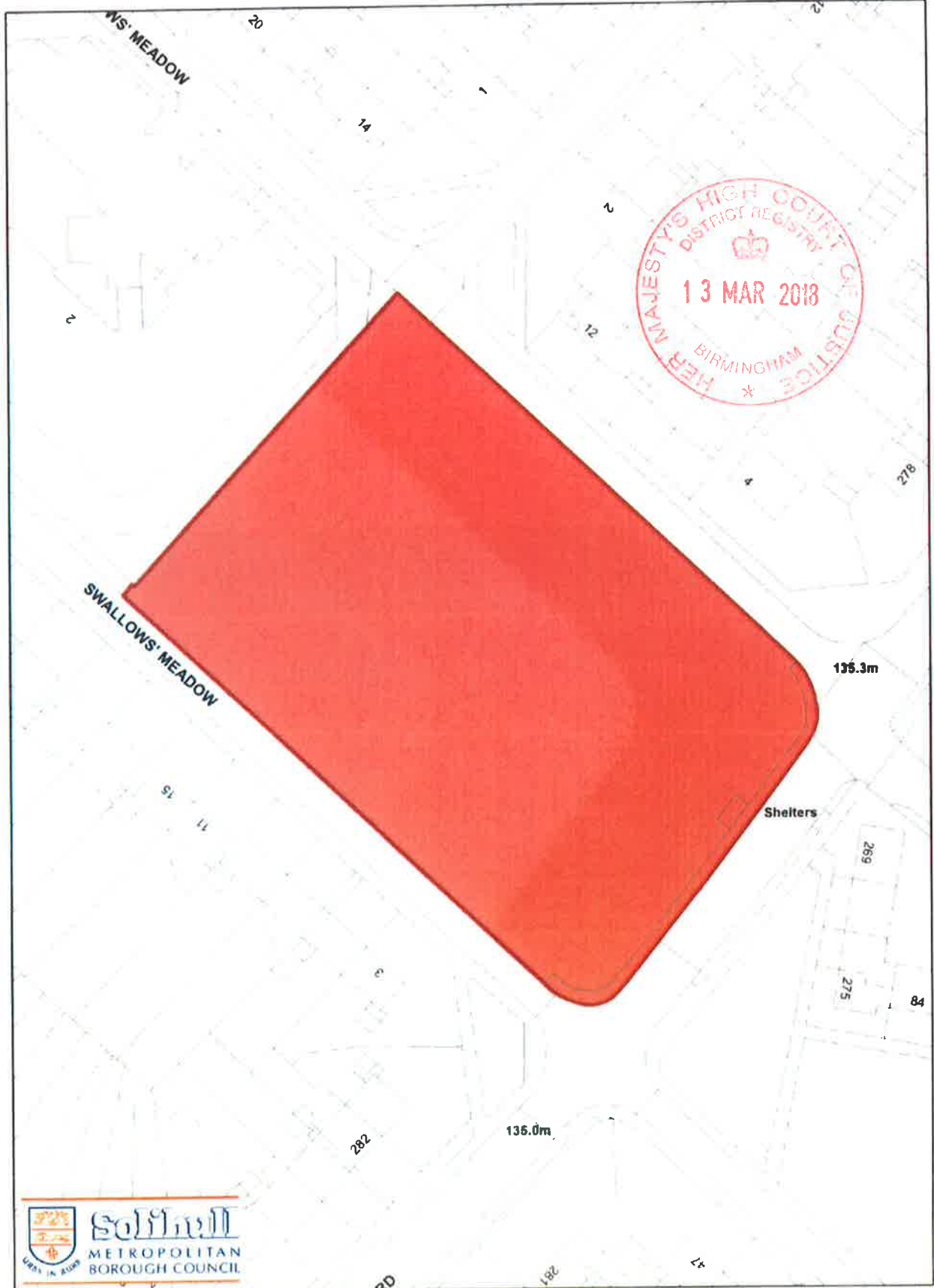
Lavender Hall Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 29

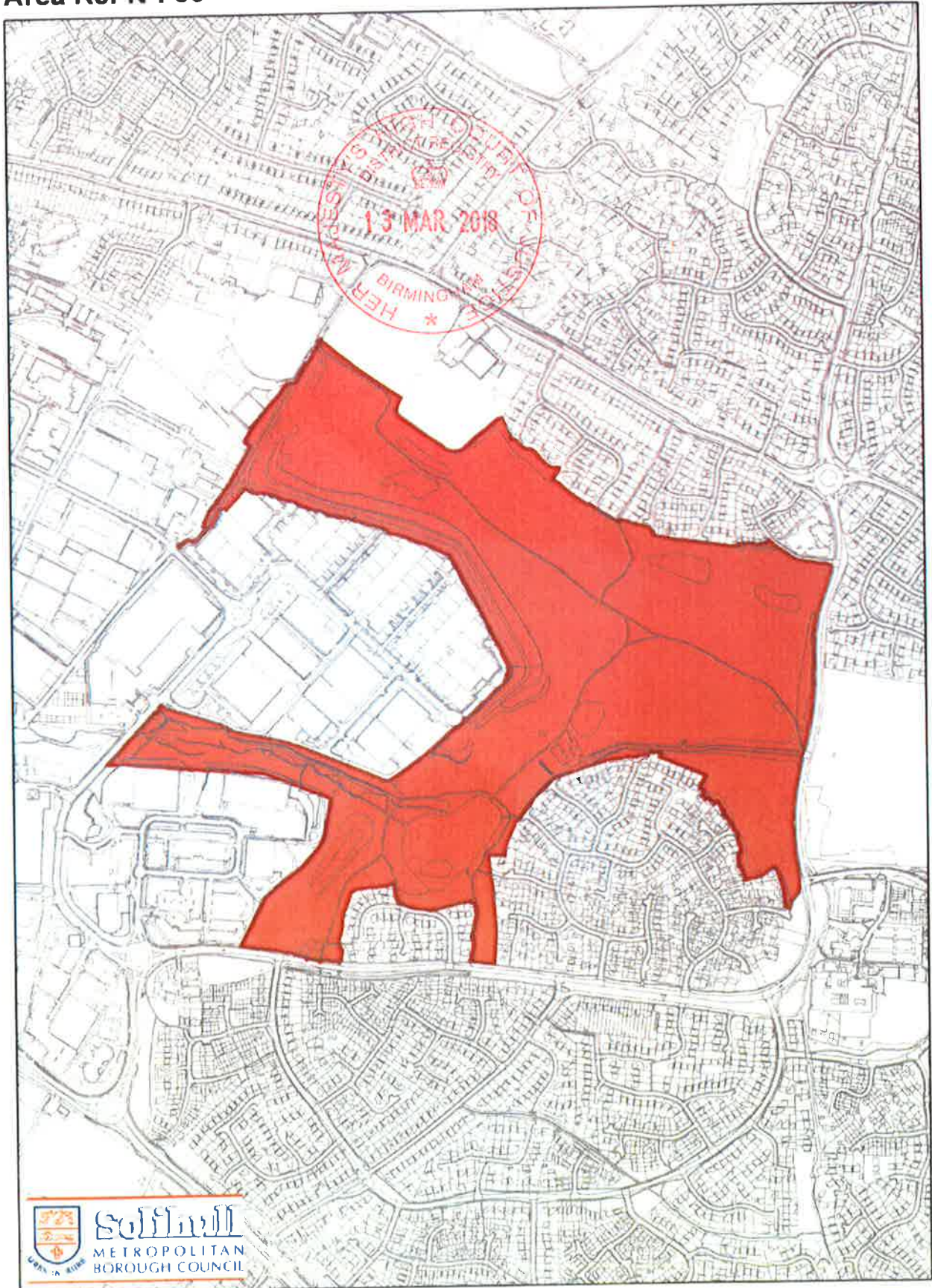
Swallows Meadow



Prohibition of Unauthorised Encampments Order

Area Ref N°: 30

Hillfield Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 31

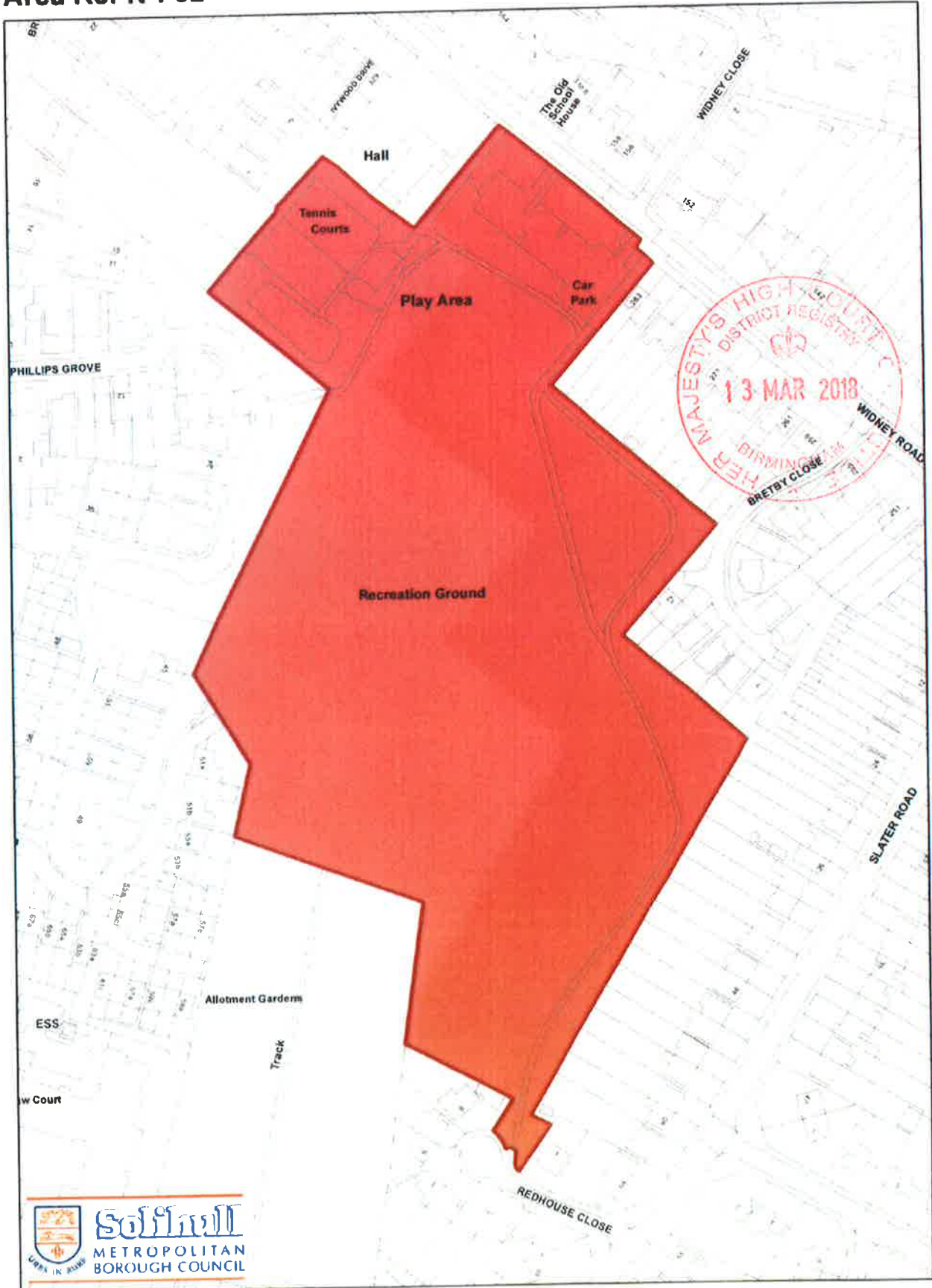
Knowle Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 32

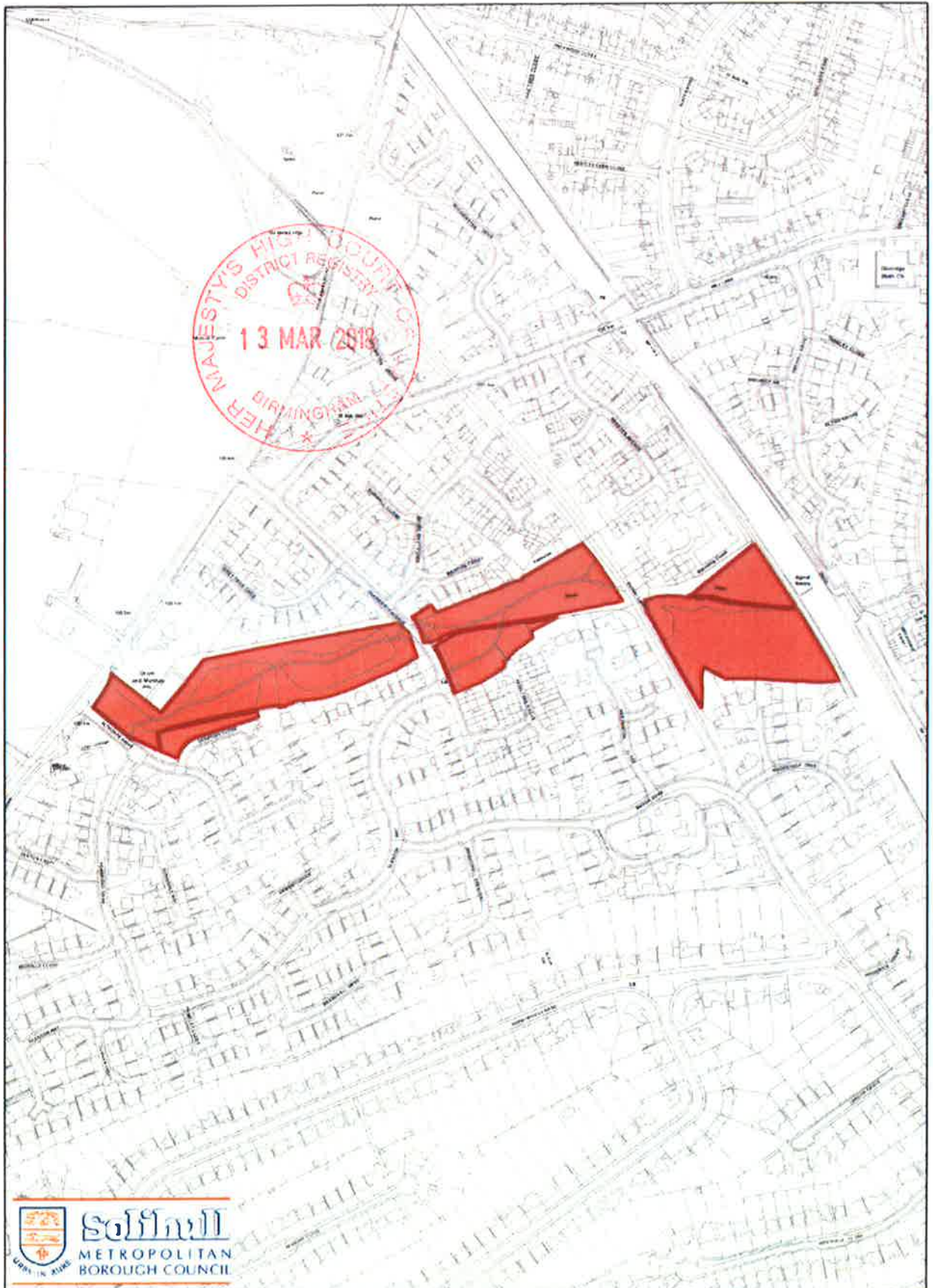
Bentley Heath Recreation Ground



Prohibition of Unauthorised Encampments Order

Area Ref N°: 33

Four Ashes / Conker Lane Open Space



Prohibition of Unauthorised Encampments Order

Area Ref N°: 34

Hanbury Park



Prohibition of Unauthorised Encampments Order

Area Ref N°: 35 Dorridge Park and Dorridge Wood Local Nature Reserve



Barn Lane

