

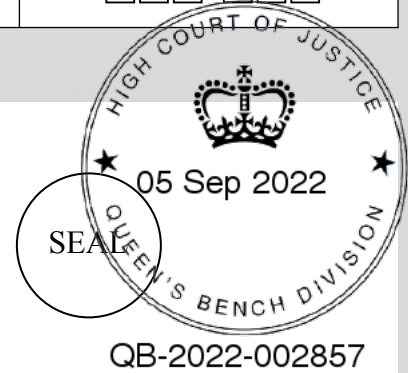


Claim Form (CPR Part 8)

In the HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

	<i>for court use only</i>
Claim No.	
Fee Account No.	PBA0092399
Help with Fees Ref No. (if applicable)	HWF-□□□-□□□

Claimant
SURREY COUNTY COUNCIL,
Woodhatch Place,
11 Cockshot Hill,
Woodhatch,
Reigate,
Surrey
RH2 8EF



Defendant(s)

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY
- (2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM COMMON, SURREY

Does your claim include any issues under the Human Rights Act 1998 Yes No

Details of claim (see also overleaf)

1. The Claimant seeks an interim and final injunction pursuant to Section 222 of the Local Government Act and / or Section 187B of the Town and Country Planning Act 1990

Defendant's name and address

PERSONS UNKNOWN
(who have or may unlawfully camped or deposit waste and fly-tip on Chobham Common, Surrey.)

	£
Court Fee	569.00
Legal representative's costs	
Issue Date	

For further details of the courts www.gov.uk/find-court-tribunal.
 When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number

Details of claim (continued)

2. The Claimant owns Chobham Common, Surrey ("the Common"). The Common is registered under the following Title Nos. Title No. SY676014 (Common land at Chobham), Title No. SY779824 (land on north east side of Windsor Road) and Title No. SY676315 (common land at Chobham Common).
3. On 11 November 2019, an Injunction ("the **2019 Injunction**") was ordered by a Judge of the High Court. The following is a summary of the terms of the 2019 Injunction:
 - (1) Persons Unknown Occupying Land and / or (2) Depositing Waste or Fly-tipping on Land (as were forbidden until midnight on 10 November 2022 from:
 - (i) Setting-up an encampment on Chobham Common written permission from the Local Planning Authority or planning permission granted by a planning inspector;
 - (ii) Occupying any part of Chobham Common for residential purposes (temporary or otherwise) including with caravans, mobile homes, vehicles, and residential paraphernalia without written permission from the Local Planning Authority or planning permission granted by a planning inspector;
 - (iii) Bringing on Chobham Common any vehicle whether for the purposes of disposal of waste and materials or otherwise, other than when driving through the County of Surrey or in compliance with the Parking Orders;
 - (iv) Depositing any personal, domestic or commercial waste and / or fly-tipping on Chobham Common.
4. The 2019 Injunction has proven to be extremely helpful in preventing the unlawful establishment of encampments. It has also prevented the depositing of waste and fly-tipping. The prohibitive nature of the 2019 Injunction has resulted in just one incident of unlawful occupation on the Common since the 2019 Injunction was ordered.
5. The 2019 Injunction order is due to expire on 10 November 2022.
6. By this Claim, the Claimant seeks a fresh Injunction in substantially the same terms as the 2019 Injunction to protect the Common from unlawful occupancy, waste depositing and fly-tipping.
7. By securing a protective injunction over the Common, the Claimant will enjoy protection from unauthorised encampments which in the past have included large groups of Travellers with up to

30-50 people and 20-30 vehicles, mobile homes and caravans. There have also been a number of dogs within the encampment.

8. The witness statements provided by the Claimant in support of the grant of an Injunction demonstrate the disruptive and harmful impact of unauthorised encampments on the Common as well as the health and safety concerns they raise. Harm is also caused to the eco-balance on the Nature Reserve. The risks to health, the enjoyment of the Common and to the environment include:
 - (1) human and animal excrement left on the Common from those establishing the encampments;
 - (2) domestic waste strewn over the Common;
 - (3) fire hazards caused by the use of propane gas cylinders in public spaces on the Common;
 - (4) fly-tipping domestic and commercial waste, including vegetation, waste;
 - (5) driving of vehicles over and across green spaces on the Common.
9. The unauthorised encampments cause considerable disruption to the residents and citizens of Surrey.
10. The fly-tipping causes considerable distress and anxiety and results in parts of the Common used for recreational facilities being un-usable.
11. Further considerable expense is incurred in the cleaning up operations including the removal of untreated human excrement, domestic litter, general waste, gas cylinders and building waste and vegetation waste. The unauthorised encampments also cause considerable expense to be incurred in restoring the sites to a fit, hygienic and safe level for usage by the public. Further costs are incurred in attempting to secure the Common.
12. In the event of the establishment of an encampment, the Council can recover possession by exercising the powers under Section 77 & 78 Criminal Justice and Public Order Act 1994 ("the 1994 Act"). The use of the 1994 Act is a reactionary step because it addresses the problem only after the encampments have been established and after the fly-tipping damage has taken place. Further, reliance upon Sections 77 & 78 of the 1994 Act only leads to the encampments moving from one site to the next and will not deter the Defendants from forming these encampments at other locations within the Common.
13. Accordingly, it is necessary and expedient for the promotion and / or protection of the interest of the users of the Common to prevent further acts of nuisance and trespass and further breaches of planning control to seek an injunction.

14. An injunction will prevent the repeated establishment of unauthorised encampments and the disruption and loss of resources caused by this type of unlawful action.
15. It is necessary to bring these proceedings against the Defendants named on the heading as the Claimant is not aware of the names of any Persons Unknown as any name which is provided are often found to be false names. Further there may be newcomers that the Claimant is not aware of and newcomers who they have no knowledge of but who become a defendant as a result of the activity described in the heading to the Claim Form
16. An injunction is intended to prevent any future unauthorised encampments on the Common being established by the Persons Unknown as described in the heading. An injunction is further intended to prevent the depositing of waste and fly-tipping on the Common being carried out by the Persons Unknown as described in the heading.
17. An injunction against the Defendants will confine the scope of the Order to the Common as identified on the attached Map. This is not blanket coverage as many other areas of land in the Common and in the County of Surrey are not to be the subject of protection.


Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in these Particulars of Claim are true

The Claimant believes that the facts stated in these Particulars of Claim are true. I am authorised by the Claimant to sign this statement

Signature



- Claimant
 Litigation Friend (where claimant is a child or Protected Party)
 Claimant's Legal Representative (as defined by CPR 2.3(1))

Date

Day

1

Month

09

Year

2022

Full Name

Caroline Head

Name of Claimant's legal representative firm

Legal Services, Surrey County Council

If signing on behalf of firm or company give position or office held

Solicitor

**DIRECTOR OF LAW & GOVERNANCE,
Surrey County Council,
1st Floor, Dakota
De Havilland Drive,
Weybridge,
Surrey,
KT13 0YP**

jacqui.hughes@surreycc.gov.uk

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.