



# 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.	
Help with Fees Ref No. (if applicable)	HWF- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Claimant  
**SURREY COUNTY COUNCIL,**  
County Hall,  
Penrhyn Road,  
Kingston-Upon-Thames,  
Surrey  
KT1 2DN



Defendant(s)  
**(1) PERSONS UNKNOWN OCCUPYING LAND  
(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON LAND**

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

**Details of claim (see also overleaf)**

A claim in Trespass and Nuisance  
A claim in breach of Planning Control under Section 187B Town & Country Planning Act 1990  
An injunction to protect the Chobham Common, Chobham, Surrey

Defendant's  
name and  
address

**(1) Persons Unknown  
Occupying Land  
(2) Persons Unknown  
Depositing Waste or Fly-  
Tipping on Land**

	£
<b>Court Fee</b>	528.00
<b>Legal representative's costs</b>	
<b>Issue Date</b>	

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When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number

**Details of claim (continued)**

1. 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)
2. The Claimant, seeks an interim and final injunction pursuant to section 222 of the Local Government Act 1972 and section 187B of the Town and Country Planning Act 1990 on the Common.
3. As explained in the witness statements produced on behalf of the Claimant, there have been a number of incidents of unauthorised encampments and the depositing of waste, including the fly-tipping of commercial waste on the Common. The Borough fears further unauthorised encampments on the Common by Persons Unknown Occupying Land and Persons Unknown Depositing Waste or Fly-tipping on Land.
4. These unauthorised encampments include large groups of Travellers with up to 30-50 people and 20-30 vehicles, mobile homes and caravans. There are also a number of dogs;
5. The unauthorised encampments have been established on various locations on the Common, all of which belong to the Claimant.
6. The witness statements provided by the Claimant demonstrate the disruptive and harmful impact of these unauthorised encampments on the Common as well as the health and safety concerns they raise. The harm this could cause to the eco-balance on the Nature Reserve. The health risks to the residents 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.
7. The unauthorised encampments cause considerable disruption to the residents and citizens of Surrey.
8. The fly-tipping causes considerable distress and anxiety and results in parts of the Common used for recreational facilities being un-usable.
9. 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.
10. 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.
11. Since May 2018, unknown persons have formed at least 9 encampments on the Common.
12. To date, the Claimant and the police have been dealing with repeated encampments through the procedures available under Sections 61, 77 and 78 of the Criminal Justice and Public Order Act 1994. These are reactionary steps addressing the problem after the encampments have been established and after the fly-tipping damage has taken place.
13. As demonstrated by the evidence filed in support of this Claim, these procedures have not acted as a significant enough deterrent and as a result the Claimants have located numerous barriers to prevent access to the Common.

14. Accordingly, for the reasons set out in the witness evidence in support of this Claim, it is necessary and expedient for the promotion and / or protection of the Common and to prevent nuisance and trespass and further breaches of planning control to seek an injunction in the terms of the draft Order attached to this Claim.
15. An injunction will prevent the repeated establishment of unauthorised encampments and the disruption and loss of resources caused by this type of unlawful action on the Common.
16. It is necessary to bring these proceedings against (1) Persons Unknown Occupying Land and (2) Persons Unknown Depositing Waste or Fly-tipping on Land as the identity of the unlawful occupiers is uncertain and in any event such names as are given are often found to be false names.
17. The proposed Order is intended to prevent any future unauthorised encampments on the Common being established by the (1) Persons Unknown Occupying Land and (2) Persons Unknown Depositing Waste or Fly-tipping on Land.
20. The draft Order against (1) Persons Unknown Occupying Land and (2) Persons Unknown Depositing Waste or Fly-tipping on Land has confined the scope of the order to the Common.

**Statement of Truth**

\* (~~I believe~~)(The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full Name DEBORAH CHARLTON

Name of claimant's legal representative's firm SURREY COUNTY COUNCIL LEGAL SERVICES

Signed [Signature] position or office held Principal Solicitor  
 \*Claimant)(Litigation friend)(Claimant's solicitor) (if signing on behalf of firm or company)

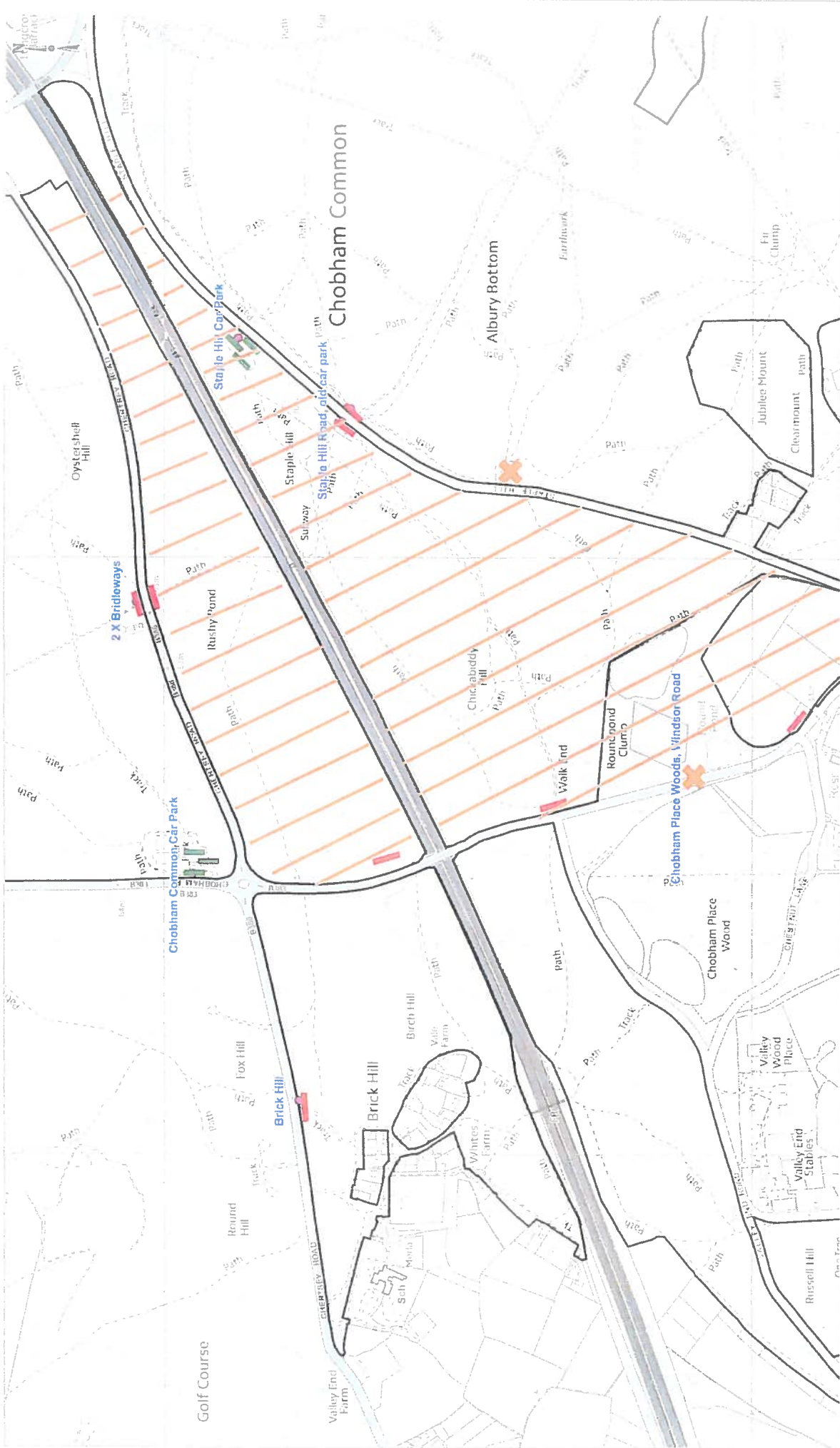
*\*delete as appropriate*

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**Surrey**

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**carmel.briony@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.

# Chobham Common - Concrete Block Locations



Prepared by: Surrey Wildlife Trust  
 Revision: 25/04/19  
 File Ref: C190410CCNRR  
 Scale 1: 6000 (A3)  
 Date: 10/04/19

- Legend**
- Site boundary
  - Concrete block (No Access)
  - Concrete Chicanes (limited access)
  - No concrete block present
  - Footpath
  - Brideway
  - Highway

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